

LICENSING COMMITTEE

Date: Tuesday 14 July 2020
Time: 5.30 pm
Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely.

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email mark.devin@exeter.gov.uk

During the Corona Virus outbreak, Executive Committee meetings will be held by virtual means. To view the meeting: <https://www.facebook.com/exetercitycouncil/live/%E2%80%99>

Membership -

Councillors Owen (Chair), Buswell (Deputy Chair), Begley, Branston, Henson, D, Mitchell, K, Newby, Oliver, Quance, I, Vizard, Warwick, Wood and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 26 May 2020.

(Pages 3 -
8)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for item 5 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs

1 and 2 of Part I of Schedule 12A of the Act.

Part II: Items suggested for discussion with the press and public excluded

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

5 Application for Consent to Street Trade at Multiple Locations

To consider the report of the Service Lead - Environmental Health & Community Safety.

(Pages 9 -
30)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

LICENSING COMMITTEE

26 May 2020

Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Branston, Henson, D, Mitchell, K, Newby, Oliver, Vizard, Warwick, Wood and Wright

Apologies:

Councillor Quance, I

Also present:

Solicitor, Principal Licensing Officer, Licensing Officer (JW), Democratic Services Officer (MD) and Democratic Services Officer (SLS)

5 **Minutes**

The minutes of the meeting held on 4 February 2020 were taken as read, approved and signed by the Chair as correct.

6 **Declarations of Interest**

No declarations of interest were made by Members.

7 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

8 **Application for Consent to Engage in Street Trading at Cofton Road**

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading on Cofton Road, selling a selection of foods including, breakfasts, burgers and jacket potatoes, for a three month period. The Applicants had specified Cofton Road as the only suitable location for trading and had applied for a consent to trade Monday to Saturday between 07:30 and 15:00 hours.

The Applicants had submitted a photograph of the proposed purpose-built food trailer and had registered the business with Environmental Health for food hygiene purposes, which had been inspected in August 2019 receiving a 5 out of 5 rating.

The Applicants were attendance and spoke in support of the application, stating that they were familiar with the Marsh Barton area and had a good understanding on running a catering business. They had a passion for providing healthy food, using local produce and confirmed they had received a five star rating for food hygiene excellence. The food would be served in biodegradable boxes and the Applicants confirmed that the signs on the van, had been removed.

In response to questions from Members and the Legal Advisor, the Applicants responded:-

- The food van had removed all signage and was now a plain white vehicle which would be selling locally sourced produce;
- They were aware that the food trade was currently in low demand because of the coronavirus but were optimistic that the trade would pick up again;
- They would be advertising through various using social media platforms, rather than delivering flyers;
- The type of biodegradable packaging was being finalised, but there would be 10% discount to customers who returned food boxes or cups as an incentive;
- Safety measures during the coronavirus pandemic, would include the use of a set entrance and exit queuing system for customers to ensure they kept two metres apart, payments would be taken through a card machine and hand sanitizer would be provided to customers and staff. There was also the option for delivering food to customer homes;
- They were aware of the increase in dietary requirements for celiac and gluten intolerant customers and dietary requirements for food allergies would be catered for and advertised accordingly;
- They were looking to get permission to leave the van parked onsite or arrive early each day to ensure there was a suitable location to trade from;
- Quotes had been provided from insurance companies for public liability insurance but could only be issued once the street trading licence was granted;

The Principal Licensing Officer explained that the catering van would not be able to remain on a public highway overnight and would need to be taken away each day. The Applicants could contact the Council's Estates team to discuss the option of using vacant Exeter City Council owned land as a possible storage site. It was also explained that providing the business does not change, then the Applicants could speak with the Licensing department about extending the licence beyond three months.

A proposal to add and amend the following conditions were moved, seconded and carried by majority for:-

- Condition E to state - In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee; and

- Condition G - The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

RESOLVED that the application be approved with the following conditions:

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 be included in the consent;
- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of A boards and flags be prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- (f) That, in line with the Council's resolution of 24th April 2018, any cutlery, food/drink containers, and drinking straws used should not be made from single use plastics; and
- (g) The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

9 **Application for Consent to Engage in Street Trading at various locations**

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading at:-

- St Leonards Road, Exeter, EX2 4LS (Location 1, Wednesday's between 17:00 and 21:00 hours);
- Collins Road, Exeter, EX4 5DE (Location 2, Friday's between 17:00 and 21:00 hours);
- Isleworth Road , Exeter, EX4 1QU (Location 3, Tuesday's between 17:00 and 21:00 hours); and
- Prince Charles Road, (This was a proposed site if sites 1-3 were not available for any reason.) (Location 4)

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading, selling Wood fired baked Pizza, desserts and soft drinks and had applied to trade for a six month period and had submitted a photographs of the proposed purpose-built food trailer. A small generator would be used and the Applicants were in the process of registering the business with Exeter City Council Environmental Health Department for food hygiene purposes,

The Applicant was attendance and spoke in support of the application, stating that because they had been unable to operate their wedding catering business during the coronavirus outbreak, the new business had been set up to allow the Applicants to continue using their existing trailer. A business plan had been setup during the lockdown period and having considered the locations originally proposed, the Applicant confirmed that Isleworth Road would not be suitable. St Leonards Road was a wider road and a more favourable location to place the trailer and maintain social distancing. Collins Road had been considered because a fish and chip van had once operated there. The Applicant explained that he had been in correspondence with Environmental Health, who had no issues about the Applicant also operating from his private home address.

The Applicant stated that the business would be selling wood fire pizzas, using locally sourced ingredients and using no single use plastics or condiments.

In response to questions from Members and the Legal Advisor, the applicant responded:-

- That there would be no use of polystyrene and that research into biodegradable packing had been undertaken for food safety products;
- The van would use a petrol generator only when the vehicle was not in use and the windows were open to vent fumes. The van would also use LED lighting on the ceiling and in the fridge unit;
- The school on St Leonards Road had not been approached, but the business would be operating outside of school hours and he would speak to the school;
- The wood burning oven would be used to produce the final products, having prepared the pizza dough and ingredients in a kitchen. The wood used for the oven would be purchased from a local farm and burned at 400 degrees;
- Customers would be informed if any pizzas were unsuitable for persons with gluten intolerance;
- The roads which would be operated from, would be St Leonards Road, Collins Road and Prince Charles Road on the days and times stated in the report;
- To ensure proper social distancing was maintained, there would only be one person near the van at all times, who would also be distanced from the team. The business would also encourage the use of online and telephone ordering for a click and collect system using card payments only. The Applicant would also consider using bikes to deliver pizzas in the immediate area of where they would be operating from.

The Principal Licensing Officer commented when asked about smoke control areas, that in the event that smoke was emitted, it would be a defence for the consent holder to either be using a Defra (Department for Environment Food & Rural Affairs) approved appliance, or a Defra approved fuel source. He commented that there was no issue from the Licensing team in regards to the Applicant using private property to operate from, which Environmental Health had also stated having no issue with.

A proposal to add the following condition was moved, seconded and carried by majority for:-

- Condition G - The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

RESOLVED that the application be approved with the following conditions:

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of an A frame board and flags is prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- (f) That, in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics; and
- (g) The Consent holder shall take all reasonable steps to ensure compliance with Guidelines on Social Distancing published by the Government from time to time.

The meeting commenced at 5.30 pm and closed at 7.20 pm

Chair

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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