

LICENSING SUB-COMMITTEE

Wednesday 28 April 2021

Present:

Councillors Buswell, Quance and Vizard

Also Present:

Legal Advisor, Licensing Officer and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Buswell was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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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 of Part I, Schedule 12A of the Act.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers.

The Legal Advisor set out the procedure for the hearing and the Applicant confirmed that the procedure was understood.

The Licensing Officer, presented the report which advised, that the Applicants were seeking the approval of the Licensing Sub-Committee for a street trading consent applicable to the following designated consented streets in Exeter:-

- Mortimer Court;
- Ide Lane;
- St Leonards Road;
- Collins Road;
- Sweetbriar Lane; and
- De Le Rue Way;

The Applicant had applied for a 12-month licence to trade Monday to Friday, between 16:30 hours and 20:30 hours and on Saturdays between 10.00 hours to 20:30 hours. The Applicant was proposing to sell fish and chips, sausages, cold drinks, mussels, fishcakes, and curry. Supporting documents had been submitted, which included photographs of the proposed food trailer and details of the locations requested.

Members noted that the Applicant had previously had a Street Trading Consent approved in July 2020, and had been trading since that time, with no complaints

received and had achieved a 5 out of 5 rating at their last Environmental Health inspection in September 2020. The Applicant sought to amend their trading locations from the previous application, which had been circulated to Environmental Health and Devon County Highways in line with the Street Trading Policy.

The Applicant was in attendance and spoke in support of the application, stating that they had been trading since 13 July 2020, building a loyal customer base. They had not received any complaints and considered the business to be operating well and confirmed that all rubbish was cleared each day. They were looking to expand the business to include additional consented roads which they felt would be safe for social distancing and the development of the business.

In response to questions from the Members, the Legal Advisor and Licensing Officer, the Applicant explained that there was an existing pizza business operating at Collins Road, which was only open on Fridays, and would not be affected by their business operating at the location.

The Licensing Officer confirmed that there was administrative error for Section 8 of the application, which should read that there had been a previous application.

RESOLVED that the application be approved with the following conditions:

- a) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- b) 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) 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.

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers.

The Legal Advisor set out the procedure for the hearing and the Applicant confirmed that the procedure was understood.

The Licensing Officer, presented the report which advised the Applicants were seeking the approval of the Licensing Sub-Committee for a street trading consent applicable to Queens Crescent Garden.

The Applicant had applied for a 3-month licence to trade Monday to Saturday, between 09.00 hours and 17:00 hours, selling coffee, hot and cold soft drinks, and

cakes. Supporting documents had been submitted, which included photographs of the proposed food trailer and details of the locations requested.

Members noted that the Applicant had achieved a 5 out of 5 rating at their last Environmental Health inspection in August 2020 and that the application had been circulated to Environmental Health and Devon County Highways, in line with the Street Trading Policy.

The Applicant was in attendance and spoke in support of the application, stating that they wished to trade at Queens Crescent Garden using a small trailer, which would be towed to and from their home address daily. The food trailer would be positioned on the off-road grass area, with a roped off cordoned area, to indicate its designated trading area. The trailer would contain a coffee machine and food trays and the area would be dismantled at the end of each trading day, and all litter would be collected. The Applicant highlighted that it had been a difficult period of trade, and hoped to create a safe outdoor eating and drinking area.

In response to questions from the Members, the Legal Advisor and Licensing Officer, the Applicants explained that:-

- the St James' Community had been consulted on the application and showed support for a business in the area, which they considered would support lowering anti-social behaviour issues in the area;
- they had a good knowledge of Covid safety precautions, which would be implemented. Precautions would include taking customers to a table, following the rule of up to six persons, tables being cleaned between use, providing sanitizer to customers and all drinks and food would be brought to customer tables;
- cups would be made of fully recyclable materials and food would be delivered on napkins, which would be disposed off before the tables were cleaned;
- they currently held a strong student customer base and intended to widen the customer base to include residents of the St James' Community to develop a more physical business presence;
- they had applied for three months, due to the changes in the Government Covid roadmap. They felt three months was suitable time period to test their business model;
- they had agreed in principle with the land owners, to use the site, but confirmed that they needed the approval of the Licensing Sub Committee, before any final consent to use the land could be given; and
- the trailer would use a 6Kva, diesel powered silent generator.

RESOLVED that the application be approved for three months with the following conditions, subject to evidence presented to the Licensing Authority to confirm the landowner's permission to use Queens Crescent Garden:

- a) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- b) 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) 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.

(The meeting commenced at 10.00 am and closed at 11.00 am)

Chair