

LICENSING SUB-COMMITTEE

Wednesday 23 August 2023

Present:

Councillors Asvachin, Holland and Snow

Also Present:

Legal Advisor, Apprentice Solicitor, Principal Licensing Officer, Licensing Officer, Senior Licensing Officer and Democratic Services Officer (SLS)

53

APPOINTMENT OF CHAIR

Councillor Asvachin was appointed as Chair for this meeting.

54

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

55

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.

56

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub-Committee Members and Officers.

The Apprentice Solicitor set out the law, policy and procedure for the hearing and the Applicant, who was in attendance, confirmed that the procedure was understood.

The Principal Licensing Officer presented the application which sought the approval of the Licensing Sub-Committee for a street trading consent for Castle Street, Exeter, to sell hot dogs and burgers from a static stall, for a 12 month period. The hours of operation applied for were as follows:

- Monday to Sunday between 09:00 hours and 17:30 hours; and
- To operate during the Christmas shopping season's extended shop opening hours.

Members noted that the Applicant had been trading from his stall in Castle Street for a number of years. The Applicant had submitted a photograph of the food stall which was included in the report papers. Members were informed that the business was registered with Environmental Health at Exeter City Council and had achieved a four out of five rating at its last inspection. The application had received no representations from Exeter City Council's Environmental Health Department, Devon County Highways, Exeter City Council's Corporate Property Department or from Members.

The Applicant was in attendance and spoke in support of the application and

responded to questions from Members and the Apprentice Solicitor. The Applicant stated that he was now able to use more local suppliers and that by diversifying and extending his range he would be able to develop the business.

In response to questions, the Applicant explained the following:-

- he used a local butcher for his food offer;
- he was mindful of litter by offering minimal food wrappings in the form of napkins which were biodegradable. There was a bin adjacent to his stall and other public bins in the vicinity;
- he did not use any ancillary product such as food wrappings or cutlery that was detrimental to the environment;
- he did not offer any vegetarian options due to the current constraints of his stall but that was a future consideration;
- he would only take up the later hours of operation in the extended Christmas shopping period.

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; and
- f) in line with the Council's resolution of 24 April 2018, and any cutlery, food/drink containers, and drinking straws used should not be made from single use plastics.

57

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers to the Applicants present.

The Legal Advisor explained that as there were two applications for one pitch. The applications should be considered at the same time. The Applicants would present their applications one after the other and then the Licensing Sub Committee would retire to determine which application to be granted.

The Legal Advisor set out the law, policy and procedure for the hearing and the Applicants, who were in attendance confirmed that the procedure was understood.

First Application

The Principal Licensing Officer presented the first application which sought the approval of the Licensing Sub-Committee for a street trading consent for Castle Street, Exeter, to sell a range of Indian dishes from a static trailer with an

application to trade for a 12 month period for the following hours with an additional period for food preparation and selling pattern. A proposed rest break was included.

- Monday to Thursday between 11:00 hours to 21:00 hours
- Friday and Saturday between 11.00 hours and 23:00 hours
- Sunday 14:00 hours to 20:00 hours.

The Applicant attended with their business partner who was registered as having a food business with Environmental Health at Exeter City Council and had achieved a five out of five rating at their last inspection.

The Applicant had submitted a photograph of the trailer that would be used, explaining that it was about to undergo some renovation, together with the menu which was included in the report papers. The application had received no representations from Exeter City Council's Environmental Health Department, Devon County Highways, Exeter City Council's Corporate Property Department or from Members.

The Applicant and their business partner spoke in support of the application and responded to questions from the Legal Advisor and Members including:-

- that there was unmet demand for authentic Indian food;
- both vegan and vegetarian food options were included in the menu;
- local butchers, farm shops and food suppliers were used;
- the trailer would be made secure during the break period;
- propane gas, with an additional battery, would be used to supply the energy for cooking and storage;
- bins would be provided and staff would be responsible for ensuring the immediate areas were free from litter, and all utensils will be biodegradable.

RESOLVED that the second application set out in Minute 58 for a street trading consent to sell candy floss at Castle Street be refused, but the Applicant be encouraged to speak to the Licensing Team to discuss alternative sites.

RESOLVED that the first application set out in Minute 57 in respect of Indian Cuisine at Castle Street be approved for 12 months 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 24 April 2018, and 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 to the Applicants present.

The Legal Advisor explained that as there were two applications for one pitch. The applications should be considered at the same time. The Applicants would present their applications one after the other and then the Licensing Sub Committee would retire to determine which application to be granted.

The Legal Advisor set out the law, policy and procedure for the hearing and the Applicants, who were in attendance confirmed that the procedure was understood.

Second Application

The Principal Licensing Officer presented the application which sought the approval of the Licensing Sub-Committee for a street trading consent for Castle Street, Exeter, to sell candy floss from a trike designed for that purpose, with an application to trade for an initial period of three months for the following hours:-

- Monday to Thursday between 09:00 hours to 22:00 hours
- Friday to Sunday between 09.00 hours and 02:00 hours

The application had received no representations from Exeter City Council's Environmental Health Department, Devon County Highways, Exeter City Council's Corporate Property Department or the Members.

The Applicant was in attendance with a friend at the meeting and spoke in support of the application. The Applicant responded to questions from the Legal Advisor and Members including pricing, that there were no other candy floss stalls in Exeter and that the candy floss stick would not be plastic. The Applicant suggested that the candy floss offer at the Castle Street site was likely to prove popular, and provided information on how the trike would include fixed signage with the prices displayed.

RESOLVED that the second application, set out in Minute 58, for a street trading consent to sell candy floss at Castle Street be refused, but the Applicant be encouraged to speak to the Licensing Team to discuss alternative sites.

RESOLVED that the first application, set out in Minute 57, in respect of Indian Cuisine at Castle Street be approved for 12 months with the following conditions:

- g) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- h) 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;
- i) the use of A boards and flags be prohibited;
- j) the consent holder will not conduct fly posting;
- k) 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;

- l) in line with the Council's resolution of 24 April 2018, and any cutlery, food/drink containers, and drinking straws used should not be made from single use plastics.

59

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers. The Apprentice Solicitor set out the law, policy and procedure for the hearing and the Applicant, who was in attendance, confirmed that the procedure was understood.

The Principal Licensing Officer presented the application which sought the approval for a street trading consent for a static van on a site at the junction of Wonford Street and Coronation Road, Exeter, to trade for a 12 month period, within the following hours:-

- Tuesday to Saturday between 08:30 hours and 17:30 hours.

Members noted the Applicant intended to sell restaurant quality food for takeaway. The Applicant had submitted a photograph of the food van which was included in the report papers. Members were informed that the business was a registered food business with Exeter City Council's Environmental Health Department and was awaiting inspection once they were ready to trade.

The application had received no representations from Exeter City Council's Environmental Health Department, Devon County Highways, Exeter City Council's Corporate Property Department or the Members.

In response to questions from the Members, the Apprentice Solicitor and Principal Licensing Officer, the Applicant explained the following:-

- the van had two solar power banks which were rechargeable;
- an expansion of the business may include offering outside catering;
- the parking space was not guaranteed and the van would only be parked on the road during the hours of trading;
- both local and larger food suppliers would be used;
- the food containers would be cardboard and an assurance that any litter from the business around the van would be removed;
- a display of the menu and prices would be illustrated on a board on the van;
- the hours may be reduced in the winter months.

RESOLVED that the application be approved for 12 months with the following conditions:

- m) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- n) 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;
- o) the use of A boards and flags be prohibited;

- p) the consent holder will not conduct fly posting;
- q) 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; and
- r) in line with the Council's resolution of 24 April 2018, and any cutlery, food/drink containers, and drinking straws used should not be made from single use plastics.

60

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers. The Apprentice Solicitor set out the law, policy and procedure for the hearing and the Applicant, who was in attendance, confirmed that the procedure was understood.

The Principal Licensing Officer presented the application which sought the approval for a roving street trading consent for an ice cream van to trade for a three month period initially for the following:-

- Monday to Sunday between 13:00 hours and 19:00 hours.

The Applicant had submitted a photograph of the ice cream van which was included in the report papers. Members were informed that the Applicant intended to sell ice cream and gelato. The Applicant has a food business in Exeter, which was registered with Environmental Health at Exeter City Council and had achieved a five out of five rating at their last inspection. The Applicant confirmed they were looking for a three-month licence initially, to cover the summer season, with a view to making a further application to extend the licence if the operation was successful.

The application had received no representations from Exeter City Council's Environmental Health Department, Devon County Highways, Exeter City Council's Corporate Property Department or the Members.

In response to questions from the Members, the Apprentice Solicitor and the Principal Licensing Officer, the Applicant explained the following:-

- the van had both a fridge and freezer;
- the engine would be running to service the cold storage whilst trading;
- the van had the usual ice cream van ring tone;
- a sample of the flavours of ice-cream and pricing structure was suggested;
- he was also trading in Tiverton.

RESOLVED that the application for a roving street trading consent be approved for three months with the following conditions:-

- s) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- t) 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;
- u) the use of A boards and flags be prohibited;

- v) the consent holder will not conduct fly posting;
- w) 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; and
- x) in line with the Council's resolution of 24 April 2018, and any cutlery, food/drink containers, and drinking straws used should not be made from single use plastics.

61

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Principal Licensing Officer advised that the applicant had been invited to attend the Hearing but was not in attendance to speak in support of the application.

RESOLVED that the Hearing for this matter be deferred until a later date when the Applicant would be able to attend.

(The meeting commenced at 10.00 am and closed at 1.08 pm)

Chair