

LICENSING SUB-COMMITTEE

Thursday 18 March 2021

Present:-

Councillors Owen, Buswell and Wood

Also Present

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

21 **APPOINTMENT OF CHAIR**

Councillor Owen was appointed as Chair for this meeting.

22 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

23 **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.

24 **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 Principal 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 consented streets in Exeter:-

- Alphington Playing Field Car Park (Wednesday trading location);
- St Leonards Road (Thursday trading location);
- Sylvania Drive (Friday trading location); and
- Dunsford Gardens (Saturday trading location).

The Applicant had applied for a 9-month licence to trade between Wednesday's and Saturday's between 16:30 hours and 20:30 hours, selling wood-fired pizza, soft drinks and desserts. The Applicants had submitted supporting information and photographs of the proposed purpose-built food van, which were included in the report papers.

Members noted that in May 2020, the Applicants had previously been approved for a Street Trading Consent 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 July 2019. The Applicant was seeking to amend their trading locations from their previous application, which had also been circulated to Environmental Health and Devon County Highways as per the Street Trading Policy.

No representations had been received from Devon County Highways, however the Principal Licensing Officer highlighted previously agreed key points from the Applicants previous application, that:-

- a trailer could not be left unattended on the public highway and must remain attached to a vehicle at all times;
- dedicated parking for the vehicle could not be authorised and parking locations could not be guaranteed;
- it was prohibited to sell anything from a designated parking place; and
- that it was driver's responsibility to ensure that they park in a safe location that did not obstruct any traffic.

The Applicant was in attendance and spoke in support of the application, stating that they originally applied for a six month licence and following the success of the business were looking to continue selling street food. The business didn't operate between September and March, due to the colder weather, but the previous year had been a success. The Applicant noted that both St Leonards Road and Collins Road had been good locations but they needed to operate slightly off road, from these roads.

The business would be selling wood fire pizzas, using dried locally sourced wood, to reduce emissions. The fridge would be powered by a generator, for 20 minutes each hour, to keep food cool and would be a more environmentally friendly option. Payments would be taken using tablets and handheld devices.

The Applicant referred to the Alphington Playing Field Car Park, which was thought to be owned by the sports club, and permission was pending for approval from their board, to trade. The Dunsford Gardens location would support smaller communities, with limited access to food outlets.

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

- should they be unsuccessful in obtaining permission to trade at Alphington Playing Field Car Park, the alternative option would be to trade at a campsite in Budleigh Salterton;
- there had been no issues with residents, and good relationships had been developed with local communities.

In response to questions from the Licensing Sub-Committee, the Principal Licensing Officer explained that there had been no complaints received about the business and that it had been a successful venture.

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.

25

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 Principal Licensing Officer, presented the report which advised the Applicant was seeking the approval of the Licensing Sub-Committee for a roving street trading consent applicable to designated streets across as detailed in the report submitted to the meeting. The Applicant had applied for a 3-month licence to sell hot and cold food and drinks, cakes and confectionary, trading between Monday and Sunday between 07:30 hours and 16:30 hours, at various locations across the city.

The Applicants had submitted photographs of the proposed purpose-built food van, which were included in the report papers. Members were informed that the Applicants had been registered as a food business with Environmental Health, for several years and was given a 4 out of 5 food hygiene rating at the last inspection. The application had been circulated to Environmental Health and Devon County Highways as per the Street Trading Policy.

The Applicant was in attendance and spoke in support of the application, stating that the business was based at the Buckerell Lodge Hotel having launched a contract catering company in 2020, during the Pandemic, which included marquee hire. The van would supplement the business providing mobile food and drink to the two industrial estates of Marsh Barton and Sowton. The catering van would provide locally sourced products from a local butcher, fishmonger and a bakery and sold at competitive prices. The business was also working with the Exeter City Community Trust to prepare and supply school dinners in school holidays under the Marcus Rashford scheme.

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

- the van comprised of an oven unit located behind the driver's seat, which covered half the length of the van. A refrigeration unit, two storage units and a hand wash facility were also included and were accessible from the moveable van sides;
- the oven could hold up to 100 sausage rolls, jacket potatoes and baguettes with sandwiches and wraps also offered with an emphasis on healthy eating options. It was proposed that customers would be consulted on other food preferences;
- cold drinks would be offered in the first instance with hot drinks to be made available when a boiler was installed;

- research had been undertaken on competition from other similar roving food vehicles and friends and colleagues had also confirmed a view that there was a good market to trade at the two estates;
- the van would be located at each location for 15 minutes, before moving to the next location. They would operate to a fixed route so that customers could anticipate likely arrival times;
- the vehicle battery would power the oven and fridge while the vehicle was mobile, removing the need for a power generator;
- they were fully aware and compliant of social distance requirements. Staff would be wear a face mask at all times, the van would be sanitized between locations and payments only available through contactless payments. Signs would also be provided to advise of the social distance requirements;
- the Prince of Wales Road site outside the squash club had been identified as a potential location, now that the previous food operator was no longer using this site. Trade would also be generated through the student market as well as current contractors operating in the vicinity;
- it was acknowledged that the Well Street location would have parking issues given the level of residents' parking in the area;
- Harrington Lane was added to the application by mistake and would not be required; and
- the oven would be used to keep food warm, rather than cooking food.

In response to questions from the Licensing Sub-Committee, the Principal Licensing Officer explained:-

- A rating of 4 out of 5 was considered to be a good rating, with only minor issues for improvement and was not considered to be a risk. For roving vehicles it would be more difficult to achieve a 5 star rating, but not impossible; and
- Licences for roving vehicles allowed trade in any area that was not prohibited, but vehicles could not cook food under the licence for reasons of odour and noise issues. Should the Applicant look to incorporate this into the business they would need to re-apply for the licence.

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.

(The meeting commenced at 10.00 am and closed at 11.23 am)

Chair