

LICENSING SUB-COMMITTEE

Thursday 9 December 2021

Present:

Councillors Holland, Newby and Wright

Also Present:

Legal Advisor, Licensing Officer and Democratic Services Team Leader

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APPOINTMENT OF CHAIR

Councillor Wright 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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

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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 who was in attendance, 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 at Kings Arms Swing Bridge, Exeter.

The Applicant had applied for a 3 month licence to trade between 08.00 hours and 15:00 hours, between Friday and Sunday's, selling hot beverages and treats using a purpose built tricycle. A copy of the supporting information, photographs of the proposed coffee trike and details of the proposed location had been submitted as part of the application.

Members noted that the application had been circulated to Environmental Health and Devon County Highways in line with the Street Trading Policy.

The Applicant spoke in support of their application, responding to questions from Members and the Legal Advisor. The Applicant was seeking clarification on the landownership and would be assisted by the Licensing Authority to determine who to contact to seek consent for use.

Members welcomed the application and highlighted the need to include a sign on the coffee trike to indicate prices, would be beneficial.

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; and
- g) the consent holder clearly displays a price list of the items for sale.

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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 who was in attendance, 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 at the following consented streets in Exeter:-

- Ide Lane;
- Alphington (layby near Myrtle Close);
- Cowley Bridge Road (layby near Thomas Hall);
- Basepoint Business Centre Car Park;
- Yeoford Way; and
- Marsh Barton.

The Applicants had applied for a 3 month licence to provide a selection of hot foods, burgers and drinks, trading at the following days and times:-

- between 16:30 hours and 21:00 hours on Tuesday's, Wednesday's and Thursday's; and
- between 11:00 hours and 21:00 hours on Friday's and Saturday's.

A copy of the supporting information and photographs of the proposed food van, menu and trading locations had been submitted as part of the application.

Members noted that the application had been circulated to Environmental Health and Devon County Highways in line with the Street Trading Policy.

The Applicant spoke in support of the application and responded to questions from Members and the Legal Advisor. They advised that the trading locations submitted in the application were sample locations and confirmed that as specified in the application the consent applied for was roving and not site specific.

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 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

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GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVERS LICENCE. TO DETERMINE IF THE APPLICANT IS FIT AND PROPER PERSON TO HOLD A TAXI DRIVERS LICENCE.

The Applicant was in attendance and the item was adjourned to enable the Applicant to submit references in support of the application.

RESOLVED that the hearing to determine whether the applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle be deferred to the next Licensing Sub Committee hearing.

(The meeting commenced at 10.00 am and closed at 11.43 am)

Chair