

## **LICENSING SUB-COMMITTEE**

Wednesday 20 March 2024

### **Present:**

Councillors Asvachin, Parkhouse and Vizard

### **Also Present:**

Service Lead Legal Services, Apprentice Solicitor, Principal Licensing Officer, Licensing Officer and Democratic Services Officer

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### **APPOINTMENT OF CHAIR**

Councillor Asvachin 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 1976**

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### **APPLICATION FOR THE DECISION IN PRINCIPLE TO LICENCE A SALOON AS A HACKNEY CARRIAGE**

The Chair introduced the Sub-Committee Members and Officers. The Apprentice Solicitor set out the procedure for the hearing, advising of the requirements under Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 37 of the Town Police Clauses Act 1847.

The Principal Licensing Officer presented the report to the Licensing Sub-Committee, together with the evidence provided by the Applicant in respect of his request in principle to licence a vehicle by way of exception to the Council's taxi policy.

The Applicant, who was in attendance, spoke in support of the application and responded to questions from Members, the Principal Licensing Officer and the Legal Advisors.

**RESOLVED** that approval be given in principle for the Applicant to submit an application to the Council and for delegated authority to be given to the Principal Licensing Officer to determine the application in accordance with the requirements of the Taxi Policy and subject to the following condition:-

- that the vehicle licensed is for the sole use of the applicant and may not be transferred to another proprietor.

**APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING**

The Chair introduced the Licensing Sub Committee Members and Officers.

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

The Licensing Officer, presented the details of the application. The Applicant confirmed that a street trading consent for Roving Consent for a hot and cold food and drink jiffy van was required for operation in Exeter.

The Applicant had applied to trade for a 12 month period for the following:-

- Monday to Friday between 07:30 hours and 14:30 hours only

The Applicant was proposing to sell a range of hot and cold food and cold drinks and had submitted a supporting menu and photographs of the van which were included in the agenda. Details of the original application had been circulated in line with the Street Trading Policy and no representations had been received.

The Applicant, who was in attendance, spoke in support of the application and responded to questions from Members, the Licensing Officer and the Legal Advisors. The Applicant spoke of their well-established mobile food business based locally, with a number of vans and employees. The Applicant advised that the jiffy van used had been trading primarily on trading estates within Exeter and used a range of local produce and suppliers where possible.

**RESOLVED** that the application be approved for Roving Consent for a Jiffy van with a Street Trading Consent 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 should be referred back to the Licensing Committee for consideration;
- f) in line with the Council's resolution of 24 April 2018, any cutlery, food and 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 Applicant had provided two applications and agreed for them to be heard

simultaneously.

The Apprentice Solicitor set out the legislation, the Council's 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 details of both applications. The Applicant confirmed that a street trading consent for Roving Consent for two Jiffy vans was required for operation on two trading estates in Exeter.

The Applicant had applied to trade for a 12 month period for the following:-

- Monday to Sunday between 07.00 hours and 19:00 hours only

The Applicant was proposing to sell a range of hot and cold food and cold drinks. He had submitted a supporting menu and photographs of the van models which were included in the agenda. The business also includes a café which was registered with Environmental Health at Exeter City Council, achieving a five out of five rating at their last inspection. Details of the original application had been circulated in line with the Street Trading Policy and no representations had been received.

The Applicant, who was in attendance, spoke in support of both applications and responded to questions from Members, the Principal Licensing Officer and Legal Advisors. The Applicant advised that the business had been trading primarily on trading estates within Exeter, but also had a van operating in East Devon. Locally sourced produce and suppliers, were used to serve the local community and businesses in the area.

**RESOLVED** that the two applications be approved for Roving Consent for two Jiffy vans, and the registrations were identified for specific use in the designated trading estate for a Street Trading Consent 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 should be referred back to the Licensing Committee for consideration;
- f) in line with the Council's resolution of 24 April 2018, any cutlery, food and drink containers, and drinking straws used should not be made from single use plastics.

(The meeting commenced at 10.00 am and closed at 12.05 pm)

Chair