

LICENSING COMMITTEE

19 September 2017

Present:

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Brimble, Hannan, D Henson, Holland, Mitchell, Keen, Newby, Owen, Pearson and Sills

Apologies:

Councillors Branston and Foale

Also present:

Environmental Health and Licensing Manager, Solicitor and Democratic Services Officer (Committees) (MD)

15 **Minutes**

The minutes of the meeting held on 18 July 2007 were taken as read and signed by the Chair as a correct record.

16 **Declarations of Interest**

No declarations of interest were made by Members.

17 **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 item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

Member's Statement

Cllr Henson stated he considered he should not take part in the application for a Street Trading Consent as he had previously questioned the procedure in respect of this application. Cllr Henson decided to step down in order to ensure that a fair hearing took place and he subsequently left the meeting.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

18 **Application for Street Trading Consent**

The Environmental Health & Licensing Manager presented the report. He explained that Mr P was seeking approval to engage in street trading at a number of locations to sell hot food from a purpose built catering vehicle. He currently held a roving street trading consent which allowed him to trade anywhere in the City. There had been complaints previously received concerned with noise, odour and spillage of waste water in residential areas.

The Environmental Health & Licensing Manager explained that these complaints had all been addressed through the purchase of a new catering van which had incorporated an integrated waste water storage tank and an inverter mechanism to remove the need for a generator. He explained that the Principal Licensing Officer had performed a visit to the Applicant on 10th August 2017 who was satisfied that the van was compliant and would not cause any more complaints.

The Applicant had applied for a new street trading consent to limit his trading to specific locations on particular days of the week. The days, times and trading locations requested were as follows:

- Grace Road Central (Monday to Friday 07:00- 15:00);
- Ide Lane, Alphington (Tuesdays and Fridays 16:00 – 20:00)
- Broadway (Wednesdays 16:00 – 20:00)
- Collins Road / Sylvania Drive (Tuesdays 16:00 – 20:00).

The Environmental Health and Licensing Manager informed Members that Mr P held a 5 out of 5 hygiene rating and that Environmental Health and Licensing had no issues with the application.

Mr P was in attendance and requested a change of trading days on his application for Collins Road / Sylvania Drive to also include Thursdays. He stated that he had been aware of previous problems and had rectified them, including the purchase of a new van and generator, which he had brought to the meeting. He explained he was the sole income provider in his household.

In response to questions from Members, the Environmental Health and Licensing Manager explained:-

- The policy informs that any non-compliance of the licence would mean the applicant would be brought back to full Licensing Committee. There is a planned revision to the policy that would allow future incidents to be dealt with by Licensing Sub Committee, which could be organised at short notice;
- Each application is different concerning the 100m distances for litter, it is not expected Mr P would cause a detrimental impact, but if so it would come back to Licensing Committee;
- Regarding fly posting, a business is culpable for it, regardless of whether they have put it up or not. It would be being referred back to Licensing Committee;
- We have a good relationship with Devon County Highways, who normally respond to requests for representation. The Principal Licensing Officer would have to confirm if any comments were received;
- The photographs in the report were taken by the Principal Licensing Officer when he conducted the site visit. The van was parked where it would be if conducting business at the various locations and there were no parking obstructions observed;
- The Licensing Committee had the power to add conditions to the licence in relation to litter collection;

The Chair supported looking at the terminology of the conditions at a future meeting to maintain consistency. A Member informed Mr P that there were ongoing canvassing for parking restrictions happening in the Pennsylvania which might impact on parking in this location.

Members were given a demonstration of the new van and generator by the Applicant. Mr P left the room for the Licensing Committee to deliberate.

RESOLVED that the application be approved with the following conditions:

- a) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity.
- b) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- c) That 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.
- d) The use of A boards and flags is prohibited;
- e) The consent holder will not conduct fly posting.
- f) The previous licence to be surrendered;
- g) Addition of Thursdays to the days of trading in Collins Road/ Sylvania drive.

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair