

LICENSING COMMITTEE

14 July 2020

Present:

Councillors Buswell, Henson, D, Mitchell, K, Newby, Oliver, Vizard, Warwick, Wood and Wright

Apologies:

Councillors Owen and Branston

Also present:

Legal Advisor, Service Lead - Environmental Health & Community Safety, Principal Licensing Officer, Licensing Officer (DF), Democratic Services Officer and Democratic Services Officer (MD)

10 **Minutes**

The minutes of the meeting held on 26 May 2020 were taken as read, approved and signed by the Chair as correct.

11 **Declarations of Interest**

No declarations of interest were made by Members.

12 **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.

13 **Application for Consent to Street Trade at Multiple Locations**

The Chair introduced the Committee. The Legal Advisor set out the procedure, the Council's Street Trading Policy ('the Policy') and the requirements under the Local Government (Miscellaneous Provisions) Act 1982. Legal Advisor stated that whilst the Policy required the Applicant to obtain landowner consent to trade prior to making an application the Licensing Committee may depart it's from the Policy if it considers there to be good reason to do so. The Applicant at this stage did not wish to proceed with the application to trade at Bridge Road and Betty's Mead Playing Field Car Park and confirmed that approval was being sought at:-

- Ide Lane, Exeter, EX2 8UP;
- Mortimer Court , Exeter, EX2 6NN;
- Newcourt Community Centre Car Park, EX2 7FN;
- Pinhoe Train Station Car Park, EX1 3SY;
- Glasshouse Lane EX2 7BL; and

- St Leonards EX2 4LS.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading at the above locations, selling Fish & Chips, Sausages, Mussels, Scallops, Fishcakes and soft drinks and had applied to trade for a three-month period. The Applicant had submitted maps highlighting the proposed locations and confirmed that Devon County Highways had been notified of the application. The Applicant had also submitted a photograph of the proposed purpose-built food trailer, which when opened would be 13-foot-long by 5 foot in width and contain a small power generator. The Applicants were registered Exeter City Council Environmental Health Department for food hygiene purposes, however the business had yet to be inspected.

The Applicant was attendance and spoke in support of the application, confirming that it was her intention to sell the food using environmentally friendly materials. It was the intention initially to trade for four nights a week but this could increase to five nights, if there was sufficient demand. The Applicant confirmed that there was no longer the intention to trade from the Bridge Road site and Betty's Mead Playing Field Car Park as she had been unable to ascertain the land ownership. She felt that the sale of food would be of value to the community particularly at this time of the Covid-19 pandemic when people would be reluctant to visit restaurants. The Applicant confirmed that she would be using a campsite approved generator in the food trailer.

In response to questions from Members and the Legal Advisor, the Applicant responded: -

- In respect of the Glasshouse Lane site, the food van would be located back from the Glasshouse Lane/Bridge Road junction;
- The request to trade at Bridge Road had been withdrawn as it had not been possible to identify the landowner and, similarly, although she had understood that Betty's Mead Playing Fields Car Park was owned by the City Council this was yet to be confirmed;
- With regard to social distancing, all staff would wear a visor, a Perspex screen would be placed between the customer and the server, social distancing tapes and signs would be used to identify socially distanced areas and hand sanitisers would be provided on the side of the counter and next to the cutlery. Signs reminding customers of the need to socially distance would also be provided;
- In respect of the Station Road Playing Fields Car Park, she advised that the site had not been busy when it was visited and that should it be too busy, she would not trade there. She noted that the barrier was always down and that the red brick, changing room building was situated on the car park adjacent to which the trailer might be located. She acknowledged that she had been misinformed about ownership and that she would seek the permission of the Exeter City Council Estates department for permission to use this site; and
- The campsite approved generator was a generator that was quiet enough to be used on a campsite to avoid any noise related issues.

It was noted that the site referred to as Pinhoe Train Station Car Park is actually Station Road Playing Fields Car Park.

The Legal Advisor and Principal Licensing Officer stated that permission for the use of the following sites had been confirmed: -

- Ide Lane, Exeter, EX2 8UP;
- Glasshouse Lane EX2 7BL; and
- St Leonards EX2 4LS.

and that permissions from the respective landowners were required in respect of the following sites: -

- Mortimer Court, Exeter, EX2 6NN - Exeter City Council Housing;
- Newcourt Community Centre Car Park, EX2 7FN; to be confirmed;
- Station Road Playing Fields Car Park, EX1 3SY – Exeter City Council; and
- Betty's Mead Playing Field Car Park, EX4 8LN – Exeter City Council

The Applicant confirmed that she would seek consent from the City Council to trade from the Betty's Mead Playing Field Car Park if the Licensing Committee would accept this. In response to further questions relating to the Mortimer Court site, the Applicant stated: -

- the car parking space at Mortimer Court was allocated to her and she would seek consent from the City Council Housing Section for its use to trade;
- there were about 10 parking spaces in total and the end space was allocated to the Applicant and not therefore between two other spaces;
- the generator would not be required at this location, as she could use the house electricity supply;
- the majority of the neighbours were aware of the intention to trade at the location and showed support but trading would cease if other neighbours objected.

RESOLVED that: -

(1) the application for a street trading consent at the following sites be approved:

- Ide Lane, Exeter, EX2 8UP on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Glasshouse Lane EX2 7BL on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours; and
- St Leonards, EX2 4LS on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;

(2) subject to the receipt by the Licensing Authority of confirmation of land owners consent, that delegated authority be given to the Principal Licensing Officer, in consultation with the Chair of the Licensing Committee, to grant a street trading consent in respect of the following four sites:-

- Mortimer Court , Exeter, EX2 6NN on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Newcourt Community Centre Car Park on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Station Road Playing Fields Car Park on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours; and
- Betty's Mead Playing Field on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours.

Subject to the following conditions: -

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;

- (b) 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;
- (c) The use of an A frame board and flags is prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health Community Safety in consultation with the Chair of the Licensing Committee; and
- (f) That, 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 Licensing Committee was minded to depart from the Policy requirement for the Applicant to obtain Land owners consent prior to making an application for 4 Sites because it was able to delegate authority to grant the consents subject to land ownership consent being received and it was impressed by the operation and wanted to encourage trading due to the restrictions that had been imposed due to the Corona Virus Pandemic.

The meeting commenced at 5.30 pm and closed at 6.25 pm

Chair