

## LICENSING COMMITTEE

30 November 2020

### Present:

Councillor Keith Owen (Chair)

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

### Apologies:

Councillor Quance

### Also present:

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

### 18 **Declarations of Interest**

No declarations of interest were made by Members.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### 19 **Amendment to Street Trading Policy and Terms of Reference for the Licensing Sub-Committee**

The Service Lead - Environmental Health and Community Safety presented the report which sought approval to amend the Street Trading Policy, for commencement from 1 January 2021. The report would also be presented to Executive on 1 December 2020, to amend the Terms of Reference for the Licensing Sub-Committee for Council approval.

The proposed policy amendment in conjunction with proposed changes to the Council Constitution would delegate authority to the Licensing Sub Committee to determine street trading applications.

**RECOMMENDED** that Council: -

(1) approve the amendment to the Street Trading Policy, to commence from the 1 January 2021, to read as follows: -

- All relevant representations relating to the grant of a consent will be referred to the Licensing Sub-Committee hearing the application, for consideration as part of the determination.

(2) support the proposed amendment to the Council's Constitution Terms of Reference for the Licensing Sub-Committee: -

- To determine whether to grant or refuse a street trading consent.

### 20 **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.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **21 Application for Consent to Street Trade in at Duckes Meadow and Clapperbrook Bridge Car Park**

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the Applicant was seeking approval to engage in street trading at locations Ducks Meadow and Clapperbrook Bridge Car Park, Exeter. The Applicant had applied for a 12-month licence to sell hot drinks, cold drinks, cakes and pastries and had applied for a consent to trade Monday to Saturday between 08:00 and 14:00 hours.

The Applicant had submitted a location map of the area they sought to trade at and photographs of a proposed purpose-built food van. Members noted that Devon County Highways had been notified of the application and that no comments had been received. A food hygiene rating visit had not yet been undertaken. The Estates section of the City Council had made no objection to the occupation of the sites which were on City Council owned land.

The Applicant was in attendance and spoke in support of the application, stating that:-

- because of the Covid pandemic, Spoonbill Café Ltd. were unable to attend events and festivals and had commenced trading at Topsham Rugby Cub which had been well received locally and on social media and, as a result, had identified Ducks Meadow and Clapperbrook Bridge Car Park as additional areas from which to trade;
- both locations benefited from good footfall being popular with walkers, cyclists and dog walkers and the unit would fit well in to the natural environment;
- the van comprised a dual-fuel facility rather than a noisy generator, a fridge to store milk etc., a sink, sanitisers with hot water available for cleaning;
- in respect of the proposed conditions, all litter would be disposed of, there would be no flyposting, use of A boards or single use plastics and local produce would be used;
- liaison would occur with the Environment Agency as necessary regarding any environmental/conservation work identified; and
- the Applicant thanked Members for the opportunity to address the Committee.

In response to questions from Members, the Applicant detailed the precise location of the two sites and advised: -

- a dual-fuel facility was an espresso coffee machine both gas and battery powered with only a limited use of gas to warm the coffee and with the batteries providing the necessary power;
- the company used Fairtrade coffee sourced from South American farms; and

- the practice in respect of social distancing at Topsham Rugby Club had been to advise the public when necessary to maintain their distance. In addition, the coffee etc. was left on a small shelf to avoid direct contact with customers with payment via card and sanitisers available for public use. Both proposed new locations benefitted from wide open spaces.

**RESOLVED** that the application be approved with the following conditions:

- all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 be included in the consent;
- the consent holder will provide a bin for customer use and will ensure that any rubbish in the vicinity (within 100 metres of the business), emanating from the business is cleared away at regular intervals;
- the use of A boards and flags be prohibited;
- the consent holder will not conduct fly posting;
- 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
- 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 5.30 pm and closed at 6.05 pm

Chair