

## REPORT TO LICENSING SUB COMMITTEE

<b>Date of Hearing:</b>	<b>12 June 2025</b>
<b>Report of:</b>	Geraldine Pendlington
<b>Application:</b>	Application for Consent to Engage in Street Trading
<b>Legislation</b>	Local Government (Miscellaneous Provisions) Act 1982
<b>Applicant:</b>	Ionouts Tomatsek

### 1. What is the report about?

1.1 To advise the Licensing Sub-Committee that the above Applicant is seeking approval for a street trading consent for a Static stall in Castle Street as set out in the Application in Appendix A.

1.2 The application has been assessed by a Licensing Officer in accordance with the Assessment Framework as set out in the Council's Street Trading Policy ('the Policy') at Section 18 Appendix – Assessment Framework. The completed Assessment follows the application as set out in Appendix A.

1.3 As more than one application has been received for the same site at Castle Street, this matter will be heard in accordance with the Street Trading Multiple Applications procedure set out in Section 19 – Licensing Sub-Committee Procedure of the Policy.

1.4 The Applicant is proposing to sell a range of Greek food. A picture of the proposed gazebo stall and a site plan of the proposed trading site is attached at Appendix B. The proposed menu and packaging to be used is attached as pictures at Appendix C.

1.5 The Applicant would like to apply for a consent to trade for 12 months, Monday to Sunday between 09:00 and 16:00.

1.6 The Applicant has achieved level 2 food hygiene, holds public liability insurance and is registered as a food business with Exeter City Council.

1.7 A copy of the Council's Policy has been sent to the Applicant prior to this application.

### 2. Are there any Representations?

2.1 The application was circulated to the Devon and Cornwall Police, Devon County Highways, Exeter City Council Estates and Exeter City Councillors, In Exeter, if in the BID area, and traders located in the vicinity as per the Policy. The following comment was received from one Councillor.

*'If you could please ensure that any new food stall has up to date displayed allergy information. As I understand it, it is a legal requirement to ensure that allergy information is known and provided by the staff of any food outlet; it is not mandated that this is written*

*down or that information about any of the 14 allergens present is displayed for easy reference by customers, but this is best practice.'*

Having checked with the Environmental Health team, they have clarified that under Food Information Regulations;

*'Caterers are required to provide consumers with allergen information for both prepacked and unpackaged food. There are 14 allergens which are required to be declared by food law - these include eggs, fish, milk, peanuts etc. A full list is available from the Food Standards Agency at [Allergen guidance for food businesses | Food Standards Agency](#)*

*Prepacked food must have an ingredient list, with allergens emphasised, on the packaging - this includes food which has been packed on the same premises from which it is sold (Prepacked for Direct Sale food).*

*You can provide allergen information for unpackaged foods via a menu, chalkboard etc. or verbally, with a written notice placed in a clearly visible position explaining how your customers can obtain this information'.*

### **3. What are the legal aspects?**

3.1 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area as 'consent streets' for street trading purposes, with exception of a number of streets in the city centre, which are designated 'licenced streets or prohibited streets'.

The power to prescribe standard conditions is contained in Schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, which states:

- When granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.
- Without prejudice to the generality of sub paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent –
  - Obstruction of the street or danger to persons using it; or
  - Nuisance or annoyance (whether to persons using the street or otherwise).
- The Council may, at any time, vary the conditions of a street trading consent.
- Paragraph 7(10) of Schedule 4 of 'The Act' provides that a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

### **4. Policy considerations:**

4.1 Section 1.1.1 of the Council's Policy sets out the policy's purpose and states that the "policy's aim is *to create a street trading environment which complements premises based trading, is sensitive to the needs and amenities of residents, provides diversity of*

*consumer choice, and seeks to enhance the character, and ambience of local environments”.*

4.2 Section 6 sets out the key considerations for Licensing Sub-Committee when assessing an application.

**5. Recommendations:**

5.1 The Service Lead – Environmental Health & Community Safety would recommend that the Licensing Sub-Committee considers the application having regard to current policy and that, if the Licensing Sub-Committee are minded to approve the application, then all of the General conditions contained within Section 15 of the Policy should be included in the consent with the exception to 15.6.2 and 15.4.9 relating to ice cream vans.

**Service Lead – Head of Environment and Waste**

**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-  
None

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