

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 12 June 2018, at the Town Hall, Royal Leamington Spa at 2.00pm,

**Present:** Councillors Gifford, H Grainger and Mrs Hill

**Also Present:** Ms Munir (Council's Solicitor), Mrs Barnes (Senior Committee Services Officer) and Ms Russell (Licensing Enforcement Officer).

Ms Wells (Warwickshire County Council Solicitor) was present, but observing only.

At the start of the meeting the Committee Services Officer advised those present that Agenda Item 4, Street Trading application, was not confidential and would be discussed in the public domain. This had been an error in the printing process.

## 1. **Substitutes**

Councillor H Grainger substituted for Councillor Mrs Cain.

## 2. **Appointment of Chairman**

**Resolved** that Councillor Gifford be appointed as Chairman for the hearing.

## 3. **Declarations of Interest**

There were no declarations of interest.

## 4. **Street Trading application for trading between the hours of 11:00 and 21:00 and alteration of Condition 5**

The Panel considered a report from Health and Community Protection which sought a decision on a street trading application.

The Chairman asked the members of the Panel and the officers present to introduce themselves. The other parties then introduced themselves as:

- Mrs Heer – applicant; and
- Mr Heer – supporting the applicant.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, in order to determine if the application for a street trading consent for the sale of Indian Food from a mobile food unit between the hours of 11:00 and 21:00 across the District. Members were also asked to consider the removal or amendment of condition 5 which stated 'Touring consent holder shall not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time. There is to be no return to any location within two hours of previous trading'.

The report advised Members that anyone who exposed goods for sale within the District needed a street trading consent issued by the Council.

The current Warwick District Council policy permitted trading between the hours of 08:00 hours and 18:00 hours.

Mrs Heer had applied for consent in May 2018 which, if granted, would permit her to trade in all streets in the District. A copy of the application form was attached as appendix 1 to the report. In addition, Mrs Heer had advised that in certain circumstances she would need longer than the '15 minutes' permitted for a touring consent holder to trade from the same location. A list of conditions attached to any standard touring street trading consent issued was attached at appendix 2 to the report.

The Chairman invited the applicant, Mrs Heer, to outline her application. She explained that she had a corporate background in Human Resources, however, she had decided that she wanted a change of career. The extension of the hours would allow her to set up, heat and cook food, serve customers and clear away. She felt that this business proposal required different hours to the regular ice cream van and would be aiming to serve lunch and evening meals and would not be operating early in the morning. She felt this was an exciting venture which she hoped would benefit residents in villages which did not have takeaway facilities. In addition, she hoped this would assist with community cohesion and could support sporting fixtures and community events taking place at village halls and clubs. The aim was to have a roster timetable with the potential of utilising GPS services to allow residents to track their whereabouts.

In response to questions from the Panel, Mr and Mrs Heer advised that:

- Ideally, they would like to have an unlimited timeframe because 15 minutes was too short, however, they were open to suggestions.
- The proposal was not to be parked all day but to have lunchtime and evening slots, such as 19:00 until 21:00.
- The food would take approximately 30 to 40 minutes to heat up.
- Mrs Heer had provided catering for friends and it was part of her culture.
- To begin with, they would like to target rural areas that did not currently have takeaway facilities such as Stoneleigh, Ashow and Baginton.
- After serving, they would clean up and allow the equipment to cool down – they would have specific containers for water waste, disposable containers and all waste would be taken home.
- The energy would be supplied by a generator and gas bottles.

In summation, Mr Heer advised that they had made an investment in the catering van and had obtained the appropriate hygiene licenses. Initially, they would be looking to serve their own community and all the correct courses had been followed.

At 2.25pm, the Chairman asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that, having listened carefully to the applicant and the details of the proposal, the Panel is happy to grant consent in accordance with the application. The standard conditions will apply to the consent with the removal of condition 5 and to allow the hours of trading between 11:00 hours and 21:00 hours.

At 2.32pm, all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

Mr and Mrs Heer left the meeting at 2.35pm.

5. **Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

The full details of Minute Number 6 will be provided in the confidential minutes. A summary is provided as follows:

6. **Application for a Hackney Carriage Private Hire Driver's licence from a person previously licensed with WDC and with undeclared convictions**

The Panel considered a report from Health and Community Protection which asked it to determine an application from a person previously licensed with the Council.

In their application form, the person had failed to declare convictions.

Following consideration of the report and having heard from the individuals present, the Panel

**Resolved** that the individual is not a Fit and Proper Person to hold a Hackney Carriage/Private Hire Drivers' licence and the application should not be allowed to continue.

(The meeting ended at 4.34pm)

CHAIR  
26 November 2018