

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Thursday 7 January 2021, at 2.00pm.

Present: Councillors Luckhurst, Mangat and Syson.

Also Present: Mrs Tuckwell (Civic & Committee Services Manager), Mrs Amphlett (Council's Solicitor), and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Apologies and Substitutes**

Councillor Syson substituted for Councillor Redford.

2. **Appointment of Chairman**

Resolved that Councillor Syson be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest made.

4. **Street trading application to trade outside of the restrictions set out within Warwick District Council's Policy**

The Panel considered a report from Health and Community Protection which asked Members to consider an application for a Street Trading Consent for the sale of pizza from a mobile food unit by Mr Marc Baldrey for Dough and Flow Ltd. The applicant wished to trade outside the hours and restrictions set out within Warwick District Councils Policy.

The Chairman asked the Members of the Panel and officers present to introduce themselves. The applicant then introduced himself as Mr Baldrey.

The Street Trading Policy stated that "*In considering applications for the grant of a street trading consent the following factors should be considered:*

a) Public Safety

Whether the proposed activity represents or could present a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions.

b) Public Order

Whether the proposed activity presents or could present a risk to public order.

c) The Avoidance of Public Nuisance

Whether the proposed activity presents or could present a risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) Local Area Needs

Consideration will be given to the character of the area (eg conservation area)"

The Street Trading Policy also stated that *"The Council generally will only permit street trading between 06:00 and 18:00. Any trading outside these hours will have to be approved by the Licensing and Regulatory Committee. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate."*

Details of the procedure adopted by the Licensing Committee for Panel Hearings had been supplied to the applicant.

Anyone who exposed goods for sale within the District needed a Street Trading Consent issued by the Council. Upon receiving the application, officers referred to the current Street Trading Policy.

The current Policy permitted trading between the hours of 08:00 and 18:00, and any touring consent may only trade in one location for up to 15 minutes.

Mr Baldrey had applied for a Street Trading Consent in order that he might sell Pizza from his mobile unit. The Consent, if granted, would permit him to trade in all streets within the District. However, Mr Baldrey had requested on his application form to trade three days a week, between 16:00 and 21:00 on Thursdays and Friday and 12:00 to 21:00 on Saturdays.

Mr Baldrey had stated in conversations with the Licensing team that he would need longer than the 15 minutes permitted for a touring consent holder to trade from the same location.

Mr Baldrey had also obtained permission from a land owner to trade from a site within Lapworth.

A copy of Mr Baldrey's application form and photographs of the unit were attached as Appendix 1 to the report. A copy of the Council's Street Trading Policy was attached as Appendix 2 to the report.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

In answer to questions from Councillor Luckhurst, Mr Baldrey advised that with regards to the provision of rubbish bins, Mr Baldrey always had two large bins in the trailer. In addition, the locations where he would trade from would usually provide refuse facilities too, such as Lapworth Village Hall, and he did not intend to trade on the street.

In answer to a question from Councillor Syson, the Licensing Enforcement Officer advised that no objections to the application had been received from County Highways or Warwickshire Police, and that a wider public consultation did not take place in the case of street trading consents.

Mr Baldrey advised Members that he was a trained pizza chef and having worked in Italy, he was passionate about delivering a good product, which was why he aimed to create quite a unique offering. His philosophy was to bring real quality to little community pockets, which was even more important during this difficult time as a result of the Coronavirus pandemic. Lapworth was identified as a suitable location, and the hope was to find more such locations to trade from. There was a real opportunity to engage with the community when offering a unique product. His business was not just a van turning up, selling an average product and moving on. There was commitment to the community and a real passion for what Mr Bradley was offering.

In answer to a question from the Council's legal advisor, Mr Baldrey explained that he needed more than 15 minutes at a location and that his business offered a very different product compared to, for example, an ice-cream van. He was aiming to find a location, for example, Lapworth Village Hall, and then trade from that location for a period of time. The 15-minute time frame would not give the local community enough time to come and see what Dough and Flow was all about, and to experience the product.

In answer to questions from Members, Mr Baldrey advised that:

- in a location such as Lapworth Village Hall, where he had been given permission to trade from, the intention was to arrive at 4pm and stay for the evening, until closing at 9pm. This would give the local community the opportunity to come and collect the pizza within that time;
- there were other locations he had in mind where he hoped to trade for in the future; and
- he would never turn up unannounced at a location and wait for people to come to them. Instead, this would be marketed in advance so that the local community was aware of his presence.

The Council's legal advisor clarified that, should the application be granted in its current form, it would give permission for trading anywhere within the District during the times applied for and without the 15-minute limit, should that be removed.

In answer to a question from Councillor Syson, the Licensing Enforcement officer advised that there were two other similar applications that she was aware of, which had been granted. This was also for the reason that for a product like Mr Baldrey's, 15 minutes was not sufficient for taking the order, cooking and selling the pizza. The 15 minutes' slot was not adequate when taking into account the time it took to cook produce the food.

She further reminded Members that the Council had two types of licences: the static consent and the touring consent. Everyone who wanted to trade from the same location could apply for a static consent, which was also restricted in terms of hours of operation. With Mr Baldrey's business model, he did not want to be restricted to that one location, hence why the application was for a touring consent. There was also the option of applying for several static consents for each location Mr Baldrey would wish to trade from, but there was a cost associated with each application. Each Council had its own street trading policy, which meant they were very different across the board.

Mr Baldrey shared with Members that it would not be financially viable for him to turn up somewhere, sell one pizza and move on to the next location. This was the reason why he asked for the 15-minute time limit to be removed.

At 2.22pm, the Chair reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor, the Committee Services Officer and the Civic & Committee Services Manager; the decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

The Panel listened carefully to the report and comments made by the Licensing Officer and your submissions and decided that your consent should be granted as applied for.

For the avoidance of doubt, your consent will enable you to sell pizza from your mobile unit between the hours of 16:00 to 21:00 hours Thursdays and Fridays and 12:00 to 21:00 hours on Saturdays. The Panel were satisfied that in this instance it would be appropriate to grant you a consent, which permits you to trade from the same location for more than 15 minutes, given the nature of the food offering you're going to provide, and the submissions that you made.

In reaching this decision, the Panel were mindful of the confirmation you provided during the hearing that you tend to operate from village hall locations, with prior agreement from those running the halls and that you advertise your offering in advance of the date of trading.

(The meeting ended at 2.22pm)

CHAIRMAN
8 February 2021