

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Tuesday 22 September 2020, at 10.00am.

Present: Councillors Boad, Leigh-Hunt and Redford.

Also Present: Mr Edwards (Committee Services Officer), Mrs Tuckwell (Civic & Committee Services Manager, observing only), Mr Howarth (Council's Solicitor), and Mrs Rose (Licensing Team Leader).

1. **Apologies and Substitutes**

Councillor Leigh-Hunt substituted for Councillor Murphy and Councillor Redford substituted for Councillor A Dearing.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a Street Trading Consent to trade outside the hours set out in Warwick District Council's Street Trading Policy**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a Street Trading Consent for a trailer selling hot food to trade outside the permitted hours set out in the policy.

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

Warwick District Council designated every street within the District as a Consent Street. Any person who wished to expose goods for sale anywhere the public had free access, needed to apply for a Street Trading Consent.

The Council's Policy permitted trading between the hours of 06:00 and 18:00. However, any trading outside these hours had to be approved by the Council's Licensing and Regulatory Committee.

Mr Marshall submitted an application for a Street Trading Consent to sell hot food. The consent would permit him to trade from a fixed pitch on Bird Road, Warwick, Warwickshire, CV34 6TB.

The hours applied for were shown in the table below:

	Trading hours
Monday	No trade
Tuesday to Friday	10:00 to 22:00
Saturday and Sunday	17:00 to 22:00

A copy of Mr Marshall's application form and photographs of the trailer was attached as appendix 1 to the report.

A site map and a satellite photograph of the immediate area was attached as appendix 2 to the report.

A copy of the conditions attached to a Street Trading Consent were attached as appendix 3 to the report.

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

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

The Chairman invited the applicant, Mr Marshall, to present his application. Mr Marshall advised Members that his trailer would help the local community, and the proposed extra hours of trade would mean that he could provide a service to the community for a longer period.

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

- Hand sanitation would be provided for customers and staff would have access to two hand sanitisers within the trailer.
- Staff would have access to hot water so that they could regularly wash their hands.
- Mr Marshall would place a sign on the site asking customers to maintain social distancing in line with government guidelines.
- The delivery driver would wear a mask and would drop off any deliveries on customers' doorsteps in order to keep a distance from them, and would take card payments only.
- It was expected that the majority of orders would be placed by telephone or ordered online and delivered. However, for those customers who wished to pick up their order from the trailer, designated time slots would be put in place.
- As the location was on an industrial site, Mr Marshall explained that the intention was to serve mainly to the workers from the industrial site during the day, and in the evening, to become more of a takeaway and delivery service to the wider community. He stated that one of the benefits of the location of the trailer was that it could capture the industrial worker audience during the day, and in the evening, it would be away from a residential area, and would therefore provide little or no disturbance to residents.

- Mr Marshall had not operated from the site before, but had previously worked in a similar business in Stratford-upon-Avon. He had been due to launch on the site a matter of weeks before the Covid-19 pandemic.
- All staff members cooking food had at least a level 2 Food Hygiene Certificate.
- The trailer was not connected to water supply and Mr Marshall had to bring the water to the trailer and then take the water waste, which was collected in an open bucket. Mr Marshall found the water disposal to be the most difficult part of the arrangements, and there was no waste water tank in the vehicle.
- The trailer would have hot water which was heated by a boiler, powered by a petrol powered generator, which powered the electricity in the trailer. Any water waste would be collected in a bucket, and disposed of by Mr Marshall at his home address which was not far from the application site.
- He would try to bring adequate water containers which would hopefully last throughout the day, but this was something he would have to work out once starting to operate.
- If, for example, he ran out of water at 8pm, Mr Marshall would need to quickly go home and re-fill the containers. He would then take back home any water waste and dispose of it that way. He reassured Members that he would not dispose of the water down the drain in the road.
- The generator did create noise, and would be on for the majority of the day. However, one of the reasons Mr Marshall chose the location away from a residential area, was to minimise any noise disturbance.
- Mr Marshall explained that there were two adequate bins within the trailer, and one bin for customers to use. All rubbish would be taken either at Mr Marshall's home address in the first instance or straight to the recycling centre. This would be disposed of as commercial waste.
- Mr Marshall had asked Warwickshire County Highways for permission to park his trailer on the site, and was advised to make the application to Warwick District Council Licensing department.

Mr Marshall enquired about placing stickers on the floor indicating the recommended social distancing guidance. The Council's Legal Officer clarified that as the site was on a public highway, Mr Marshall would need to contact Warwickshire County Highways, which he agreed to do.

The Licensing Team Leader clarified that the application was involved in a consultation exercise in which Warwickshire County Highways were consulted, and there had been no objections.

Mr Marshall was satisfied and he did not wish to make closing remarks, and thanked the Panel for hearing his application.

At 10.22am, the Chairman 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.

Having considered the report from Health and Community Protection and the representations from the applicant, the Panel resolved to grant the street trading consent, in accordance with the report and the application, and subject to the general conditions as set out in Appendix 3 to the report, and a condition that the applicant only operated the business in strict accordance with the Covid-19 Risk Assessment submitted by the applicant, dated September 2020.

Whilst the Panel had concerns about the waste management and hygiene arrangements for the business, and in particular the disposal of water waste, the Panel noted that the general conditions required that adequate arrangements were put in place for this. The Panel, however, requested that inspections were carried out by the relevant teams within Health and Community Protection at the earliest opportunity, to ensure that adequate arrangements were put in place, and that the conditions of the consent were being complied with.

(The meeting ended at 10.22am)

CHAIRMAN
14 October 2020