

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Thursday 25 July 2019, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors C Gifford, Illingworth and Redford

**Also Present:** Mrs Amphlett (Council's Solicitor), Mrs Tuckwell (Committee Services Officer) and Miss Daud (Licensing Enforcement Officer).

## 1. **Appointment of Chairman**

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

## 2. **Declarations of Interest**

There were no declarations of interest.

## 3. **Application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for Little Red Trailer Co. Ltd, 10 Crimsote Square, Hatton Park, Warwickshire, CV31 1RB**

The Panel considered a report from Health and Community Protection asking Members to consider an application for a street trading consent for the sale of food from a static food unit. The application was for an annual consent for trading to take place outside of permitted hours, on Fridays, Saturdays and Sundays.

The Chairman asked the members of the Panel and the officers present to introduce themselves. At the request of the Chairman, the applicant, Mr Sangha, introduced himself.

The Council's Solicitor explained the procedure for the hearing.

The Chairman asked Mr Sangha if he had received a copy of the agenda for the meeting. Mr Sangha explained that he had not received a copy in the post. The Committee Services Officer confirmed that a copy of the agenda had been posted to the address provided by Mr Sangha to the Licensing team. A copy of the agenda for the meeting was then given to Mr Sangha and the Chairman allowed time for Mr Sangha to read through the papers. Mr Sangha stated that he read the papers and was satisfied for the meeting to proceed.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it and to decide whether to accept the application and issue the street trading consent or refuse the application.

Mr Sangha submitted an application for an annual street trading consent on 18 June 2019. The proposed dates for which Mr Sangha wished to supply hot food had also been provided and attached as Appendix 1 to the report. Alongside his application, Mr Sangha had included supporting documents which were attached as Appendix 2 to the report.

Mr Sangha was informed by the Licensing Team that in accordance with the current scheme of delegation, Officers would be unable to determine the application due to the request for extended operating hours.

Photographs of where the proposed food trailer would be located were attached as Appendix 3 to the report.

List of conditions attached to any static street trading consent issued were attached as Appendix 4 to the report.

A copy of the Warwick District Council's street trading policy was attached as Appendix 5 to the report.

A copy of the application was sent to Warwickshire Police and Warwickshire Highways and Environmental Health, who had not made any representations.

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 states 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."*

Anyone who exposed goods for sale within the District needed a street trading consent issued by the Council.

On 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.

Mr Sangha had applied for a street trading consent in order to sell hot food. If granted, the consent would permit him to trade from a fixed pitch at Crimscote Square, Hatton Park, Warwickshire CV31 1RB. A copy of the application form was attached as Appendix 1.

The hours applied for were shown in the table below:

	Trading hours
Friday	15:00 to 22:00
Saturday	09:00 to 22:00
Sunday	09:00 to 22:00

Members were advised by the Licensing Officer of a correction in Section 2.7 in the report, to replace "standard 8:00 to 18:00 hours" with "standard 6:00 to 18:00 hours" in line with the policy.

The Chairman clarified that the application was presented to Members because the hours applied for were outside the delegated authority for officers.

In response to questions from Panel Members, Mr Sangha advised that:

- The letter from AC Lloyd referred to "community events" because he had organised these events in the past to bring the community together, such as parties or displaying football games.
- The shop at the site belonged to Mr Sangha and after running it for ten years, he had passed it on to his father whilst Mr Sangha was focusing more on the food trailer.
- The Sunday breakfast would not be a weekly provision and would be put on for the community when there were events on.
- People in the community were supportive and Mr Sangha had a good relationship with the neighbours. It was his practice to talk to the residents nearby and distribute leaflets informing them of upcoming events and providing his contact details, for them to be able to raise any concerns with him directly.
- If there was to be a complaint about one of his events, Mr Sangha stated he would stop the event immediately.
- Mr Sangha was registered with the food authorities, Environmental Health and as soon as he would start trading, there would also be an inspection.
- The sports games would be displayed on a large screen which would be brought outside at the time of the event. The local community were extremely supportive, respectful and understanding of these events and even helped Mr Sangha to clear at 10pm.
- Mr Sangha had previously applied for temporary street trading consents for the days when he ran the events. He had provided barbecues and burgers at his events in the past.
- The refuse was emptied weekly and there was a contract in place with Fortress refuse collectors. Mr Sangha would be using the same bins as the shop, which was also owned by him.
- 8am or 9am would be suitable for the Sunday breakfast.
- Noise would be contained prior to opening the trailer as Mr Sangha would keep the trailer shut and only open once everything was set up.
- The vehicle owner was Mrs Dhillan, his partner. She funded everything and the business The Little Red Trailer was registered under her name. She also had a hygiene certificate in place and Mr Sangha would be the manager of the trailer.
- The trailer would be located in front of the shop. There was not a generator and Mr Sangha would be using electricity from the shop.

- The area was residential and there were houses and apartments in close proximity to the site where the trailer would be located.
- Mr Sangha had run two football events this year. People came to watch the football and had departed by 10pm.
- No alcohol provision was connected with the street trading consent application.
- In terms of the events, they had already missed about half of the ones submitted to the Licensing Team. However, the food provision would be weekly.
- Whilst he was not intending to trade every day, every week, under all the hours applied for, Mr Sangha applied for extended hours so that he would be covered when he did want to run an event.
- Mr Sangha confirmed he would like to trade from 8am on a Sunday, and anticipated he'd finish clearing by 1pm. His application did state 10pm as end time, but this was in case he wanted to run an event in the evening instead of the breakfast club in the morning.
- In the last two years, there was only one person who complained, and "she complains about everything".
- Not only were local residents aware of Mr Sangha's intention to provide food on a regular basis, but indeed he got the idea from them as people asked him to do so.
- Mr Sangha was convinced that the relationship with the shop would continue long term, and he had a memorandum of understanding in place with his father. The memorandum also covered Mr Sangha's access to electricity provision from the shop and not from a generator.
- Mr Sangha knew his customers for over ten years from when he was running the shop. If it came down to him having to use a generator, he'd rather stop trading as he would not want to be a nuisance for local residents.
- There was no seating area outside the street trader – it was solely a takeaway business. However, he went to a parish council where the option to place some benches outside was supported, and AC Lloyd also were enthusiastic of this idea. Mr Sangha had 50 chairs which were donated to him and the gazebo would also be a temporary.
- There was a maximum of 200-250 people who would attend, with no more than 70 customers at any given time. This would be on a very good day.
- If the business was successful, Mr Sangha would be looking to recruit a member of staff long term.
- In the food industry, the cooking utensils were used all the time and he would anticipate little need for washing up due to the nature of his business. However, there were two basins provided in the trailer, with hot and cold water: one for handwashing and one for cooking utensils.
- Mr Sangha and his father were unable to convert the shop in a restaurant as it wasn't big enough and they were also told by the parish council that they could not do so.

The Chairman pointed out that the interested parties were consulted and they did not make any comments. If they had an objection, they would communicate it at this stage.

It was clarified by the Council's Solicitor that the alcohol point raised was not something relevant for the application.

When asked by the Chairman, the applicant confirmed he understood Members' concerns for the site not to involve the use of a generator and the noise which might disturb local residents on a Sunday, should consent be granted.

At 10.48am, 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

The panel listened to your submissions and those of the licensing officer and have carefully considered the points you raised. The panel are minded to grant your consent subject to an amendment, as they have concerns that your proposed trading hours on a Sunday extend beyond usual Sunday hours in consents by four hours. The panel are of the view that given the potential for nuisance to be caused at these later hours to local residents, who are in close proximity to your trailer, it is reasonably necessary to limit the trading to the usual time of 6pm on a Sunday.

The panel also require a condition to be attached to your consent. They discussed with you during the meeting the potential for a condition relating to the power supply to your trailer. The panel impose a condition on your consent, which requires that your power source comes from electrical mains and not a generator. This is considered reasonably necessary to prevent noise nuisance for the local residents.

The panel have followed the hours that you set out in your application (rather than the earlier hours you mentioned during the hearing), subject to an amendment for Sunday evenings.

Therefore, they grant your consent for trading on the hours 3pm – 10pm on a Friday, 9am – 10pm on a Saturday and 9am – 6pm on a Sunday, and subject to the condition to use an electrical mains power supply.

The panel understood your reasons for applying for longer hours but are mindful that if you propose to have special events which extend beyond these hours, you will be able to apply for a day consent for those occasional events. The panel also wished to remind you that a general condition of your consent requires you to provide and maintain adequate refuse receptacles for litter, which you must dispose of.

Please be aware also that the Council may review your consent and if deemed necessary, for instance as a result of failure to comply with conditions or the receiving of justified complaints, it may be revoked at any time.

If you wish to appeal the decision of the panel you may do so only by judicial review. Details of the panel's decision will be forwarded to you in writing.

At 11.34am, all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

(The meeting ended at 11.36am)

CHAIRMAN