

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Thursday 24 November 2022, at 10am.

Present: Councillors C Gifford, Illingworth and Roberts.

Also Present: Patricia Tuckwell (Civic & Committee Services Manager), Sue Mullins (Council's Solicitor) and Rachael Russell (Licensing Team Leader).

1. Apologies and Substitutes

There were no apologies for absence made.

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 made.

4. Mobile Street Trading Consent holder wishes to trade outside of the restrictions set out within Warwick District Council's Street Trading Policy

The Panel considered a report from Health and Community Protection which brought forward a renewal application for a Street Trading Consent to trade outside the hours and restrictions set out within Warwick District Council's Street Trading Policy.

The Chairman asked Members of the Panel to introduce themselves. The applicant then introduced himself as Mr Hayer.

At the Chairman's request, the Licensing Team Leader introduced the report.

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

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 which permitted trading between the hours of 06:00 and 18:00.

Mr Hayer originally applied for a Street Trading Consent in 2021. He was required to attend a Licensing and Regulatory Panel as he requested to trade from Wednesday to Saturday, from 17:00 to 21:00. On that occasion, the Licensing and Regulatory Panel granted the consent as requested. The consent was issued for twelve months, and a copy of the decision was attached at Appendix 3 to the report.

Mr Hayer had applied to renew his Street Trading Consent in order that he might continue to sell hot food from his mobile unit known as Kebab Shack, located outside Khalsa Leamington Hockey Club, 10 Wise Street, Royal Leamington Spa. A Street Trading Consent was issued for twelve months. A copy of the application form along with supporting documents was attached at Appendix 1 to the report. A copy of the Council's Street Trading Policy was attached at Appendix 2 to the report.

On his application form, Mr Hayer had requested consent to trade from 06:00 to 23:00 Monday to Sunday. This was outside of the hours set out in Warwick District Council's Street Trading Consent Policy and therefore, the Licensing and Regulatory Panel needed to decide if these hours should be approved.

The Licensing team had received no complaints regarding this Street Trading Consent.

The Chairman invited the applicant to introduce the application. Mr Hayer advised that his business was quite new, and he was still trying to establish what hours would suit him best to make a good profit. He was wanting to try lunch time and evening hours, and based on how the business would perform, to then decide when to open.

In response to questions from the Panel, Mr Hayer advised that:

- the business was started the year prior, but he did not really start trading until April time, and he had only been opening on Fridays and Saturdays so far due to him also having another job;
- if facing the Kebab Shack from the car park, the area on the left was derelict, the boxing gym was in the corner of that plot and the hockey club was on the right-hand side;
- the location of the Kebab Shack was at the back of the car park, and the land belonged to the hockey club;
- there was no road behind the Kebab Shack, but there was an alleyway which was overgrown and not in use;
- with him playing hockey, he was able to negotiate a cheap rent at the current location;
- he was focussing his efforts in attracting customers through Uber Eats, and the main customers were deliveries;
- currently, customers were ordering around 8pm towards 9pm, which was why the application brought forward was for a later closing time, so that the Uber Eats clientele could be built up more. The club was also closing at 11pm on Fridays and Saturdays, hoping to pick up more customers from there too. Once Uber Eats was more established, Mr Hayer would try using other platforms such as Just Eat;
- he was now starting to see more customers from Kelsey's, following Mr Hayer introducing himself and giving out some menus, but he was not getting many passers-by;
- it was only the staff at Kelsey's that were using the Kebab Shack at the moment, and Mr Hayer was focussing his efforts to attract business via Uber Eats and Just Eat;
- those picking up the food were doing so mostly by car, but if using Deliveroo in the future, those would be by bicycle;
- at the moment, he was going inside the Khalsa Club 30 minutes before the closing time to take any final food orders. Mr Hayer intended to do the same should his licence be extended until 11pm;

- the trailer was of a substantial size which he had built himself from scratch, and closing down took a bit of time due to the fryers etc. needing to cool down; and
- there were not many residential neighbours, but further behind there were some student flats.

In answer to a question from the Licensing Team Leader, Mr Hayer clarified that roughly 60% of his business came via apps, and about 40% from Khalsa and a few other clients. With his application being from 6am, he had not yet planned if and how he would deliver breakfast, but he would definitely not be open from 6am to 11pm. Ideally, he would prefer to work at lunch time, but would want to experiment for five or six months and find out what would be most profitable.

In answer to a question from Councillor Illingworth, the Licensing Team Leader clarified that Mr Hayer was applying for static consent for trading within the car park, and the car park was considered the area of trading. In theory, he could bring the trailer at the front of the car park, within the red boundary of the application. Mr Hayer clarified that this was not a possibility due to the car park being used by the club on a regular basis.

Mr Hayer did not have anything to add when given the opportunity to make a final statement.

At 10.20am, the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Civic & Committee Services Manager to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. 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** as set out in the agenda. This was because no evidence was presented that the renewal of the consent, with extended days/hours of operation, would cause a public safety issue, public order issue or public nuisance. The Panel was also satisfied that there were no local area needs that required consideration.

(The meeting ended at 10.40am)

CHAIRMAN
20 February 2023