

REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 29 January 2013, at the Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Pratt (Chairman); Councillors Davies, Mrs Gallagher, Gill, Mrs Goode, Illingworth, MacKay, Shilton and Weed.

35. **SUBSTITUTES**

Councillor Davies acted as substitute for Councillor Mrs Higgins.

36. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

37. **APPLICATION FOR A STREET TRADING CONSENT WHEN OBJECTIONS HAD BEEN RECEIVED**

The Committee considered a report from the Licensing Services Manager which outlined a Street Trading Application where objections had been received and therefore sought determination of the application by the Committee.

The application had been submitted by Mr T Duman for a Street Trading Consent in the Market Square, Warwick to permit the sale of hot food, including kebabs and burgers seven days a week between 18:00 and 00:00 each day.

The Licensing Services Manager highlighted to the Committee that if permitted the applicant would also be required to seek a late night refreshment licence under the Licensing Act 2003 for trading between 23:00 and 00:00.

Mr Duman attended the hearing along with his representative. They responded to questions from the Committee explaining that Mr Duman was keen to offer an alternative food provision late in Warwick Town Centre which in his opinion would not conflict with that provided by local outlets. He explained that he had two other vans outside the District, which he worked with his wife and son. Both he and his wife held food safety certificates. If the Committee were minded to approve the applicant was happy to work with the Committee to provide a suitable vehicle, and revised hours and days to reflect local events.

Both the Town Council and Town Centre Development Manager had objected to the application. Both attended the Committee to outline their objections as set out in the agenda.

The Solicitor for the Council reminded the Committee of key parts of the Street Trading Policy regarding safety and operating hours.

Having considered the relevant information it was proposed, duly seconded and

RESOLVED that the application be refused on the basis that it is contrary to the Street Trading Policy in that:

- (1) the proposed site or pitch would obstruct either pedestrian access and places pedestrians in danger when in use for street trading purposes;
- (2) the application was for hours outside those generally permitted (08:00 to 18:00); and
- (3) the application would not be able to operate on Saturday because the policy prohibits operation on days that a market is in operation for this location.

Having heard representations they felt the applicant had not demonstrated grounds for departing from the Policy.

In addition the Committee felt that the type of vehicle proposed to be used by the applicant was of an appearance that was harmful to the visual amenity of the conservation area.

38. **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 the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

| Minute No. | Para Nos. | Reason |
|------------|-----------|---|
| 39 | 1 | Information relating to any individual |
| 39 | 2 | Information which is likely to reveal the identity of an individual |

39. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER FROM A PERSON WITH UNDECLARED CONVICTIONS**

The Committee considered a report from Licensing Services regarding an application for Hackney Carriage/Private Hire Driver from a person with undeclared convictions.

The full minute for this item would be contained within the separate confidential minute.

(The meeting ended at 3.48pm)