



Agenda Item 4

Licensing and Regulatory Panel
26 October 2021

Title: Street Trading application to trade outside of the restrictions set out within Warwick District Council's Policy.

Lead Officer: Rachael Russell

Portfolio Holder: Judy Falp

Public report

Wards of the District directly affected: Kenilworth Park Hill

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	29/09/2021	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	30/09/2021	Graham Leach

1. Summary

- 1.1 Members are asked to consider a renewal application for a Street Trading Consent for a mobile food unit by Mr James Queenan. The applicant wishes to trade outside the hours and restrictions set out within Warwick District Councils Policy.

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the Street Trading Consent for Jimmy's Food should be granted and, if so, whether the consent should be subject to any additional conditions.

The following options are available to members:

Option 1 – Grant the consent as requested;

Option 2 – Grant the consent with amended hours and/or added conditions, or;

Option 3 – Refuse the consent.

3. Details for Consideration

- 3.1 The Street Trading Policy states 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)"

- 3.2 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."*

- 3.3 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.
- 3.4 Anyone who exposes goods for sale within the District needs a Street Trading Consent issued by the Council. Upon receiving the application officers referred to the current Street Trading Policy which permits trading between the hours of 08:00 and 18:00.
- 3.5 A new Street Trading Policy has been approved for six week public consultation, which is due to start shortly. The draft policy proposes trading hours of 06:00 to 20:00. Limited weight can be added to this Policy as it is at an early stage of adoption but the Panel need to be mindful of this when deciding on the application.
- 3.6 Mr Queenan submitted his street trading consent renewal application in order that he may continue to sell hot food from his mobile unit known as Jimmy's Food located outside Unit 13, Princes Drive Industrial Estate, Coventry Road, Kenilworth, CV8 2FD.
- 3.7 Mr Queenan has requested on his application form to trade from Monday to Saturday from 07:30 to 21:00. This is outside of the hours set out in Warwick District Council's Street Trading Consent Policy and therefore, the Licensing and Regulatory Committee need to decide if these hours should be approved. Mr Queenan's current hours of trading are 07:00 to 15:00 Monday to Saturday.
- 3.8 Mr Queenan has obtained permission from the land owner to trade from Unit 13, Princes Drive Industrial Estate, Coventry Road, Kenilworth, CV8 2FD and has provided the Licensing Authority all relevant documents for his application.
- 3.9 A copy of the application form is attached as appendix 1. Supporting documents which are attached as appendix 2. A copy of the Council's Street Trading Policy is attached as appendix 3.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
- 4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities - The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

4.2.2. **Internal impacts of the proposal(s)**

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.