



Agenda Item 3

Licensing and Regulatory Panel
7 January 2021

Title: Street Trading application to trade outside of the restrictions set out within Warwick District Council's Policy.
Lead Officer: Emma Dudgeon
Portfolio Holder: Judy Falp
Public report

Wards of the District directly affected: All wards

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	10.12.2020	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	10.12.2020	Graham Leach

1. Summary

- 1.1 Members are asked to consider an application for a Street Trading Consent for the sale of pizza from a mobile food unit by Mr Marc Baldrey. 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 Dough and Flow 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.
- 3.3 The current Policy permits trading between the hours of 08:00 and 18:00 and any touring consent may only trade in one location for up to 15 minutes.
- 3.4 Mr Baldrey has applied for a Street Trading Consent in order that he may sell Pizza from his mobile unit. The Consent, if granted will permit him to trade in all streets within the District. However, Mr Baldrey has requested on his application form to trade three days a week between 16:00 and 21:00 on Thursdays and Friday and 12:00 to 21:00 on Saturdays.
- 3.5 Mr Baldrey has also stated in conversations with the Licensing team that he will need longer than the 15 minutes permitted for a touring consent holder to trade from the same location.
- 3.6 Mr Baldrey has also obtained permission from a land owner to trade from a site within Lapworth.
- 3.8 A copy of Mr Baldrey's application form and photographs of the unit are attached as appendix 1. A copy of the Council's Street Trading Policy is attached as appendix 2.

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.