

Licensing & Regulatory Panel

Minutes of the additional Licensing & Regulatory Panel held in Saltisford One, Warwick on Thursday 21 March 2024 at 10.00am.

Present: Councillors Dray, Gorman and Syson.

Also Present: Mia Matthews (Committee Services Officer); Alaa Cronin (Council's Solicitor); Lewis Apaya (Licensing Administration Apprentice) – observing only and Emma Morgan (Licensing Enforcement Officer).

1. Appointment of Chairman

Resolved that Councillor Dray be appointed as Chairman for the hearing.

2. Substitutes

There were no substitutes.

3. Declarations of Interest

There were no declarations of interest made.

4. An application for a new Street Trading Consent

The Panel considered a report from Safer Communities, Leisure and Environment which brought forward a new application for a Street Trading Consent to trade outside the hours and restrictions set out within Warwick District Council's Street Trading Policy.

Anyone who exposes goods for sale within the District needed a Street Trading Consent issued by the Council.

CJ's Events Limited had applied for a Street Trading Consent to trade from The Pump Room Gardens on Saturday 11 May 2024 at a Eurovision Screening event from 10.00am to 12.00am. The application was for a group trader consent for up to 75 stalls. However, only the hot food and drink stall would be trading after 6:00pm. The application, a plan of the site and list of traders were attached as Appendix 1 to the report.

Upon receiving the application officers referred to the current Street Trading Consent Policy which permitted trading between the hours of 6.00am and 6.00pm. As the application was to trade beyond these hours the application had been referred to the Licensing and Regulatory Panel for a decision.

The applicant had received permission from the Landowner (Warwick District Council) to use the site and had also obtained a Temporary Event Notice issued under the Licensing Act 2003 to serve alcohol at the event with no objection received by either Warwickshire Police or Environmental Health for the Temporary Event Notice.

The event had also been through Warwick District Councils Safety Advisory Group.

The Council's Street Trading Consent Policy (2016) stated (at page 3) that:

"In considering applications for the grant or renewal 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 misbehavior, particularly in residential areas.

d) Local Area Needs

Consideration will be given to the character of the area (e.g. conservation area)"

The Street Trading Consent Policy also stated (at page 5) that:

"Before a street trading consent is granted or renewed the Licensing Team will consult with the following agencies as considered appropriate:

- Police
- Highways Department
- Environmental Health

The Council shall consider any representation made in writing to the Authority in respect of any application. The applicant will be provided with a copy of any representation received and given an opportunity to comment before a final decision is taken."

The consultation period ended on 21 March 2024.

Details of the procedure adopted by the Licensing Committee for Panel Hearings had been supplied to the applicant. The procedure was explained fully by the Council's Solicitor at the commencement of the hearing.

The Chairman introduced the Panel and officers present. The applicant introduced himself as Mr Walker, Events Organiser at CJ's Events.

At the Chairman's request, the Licensing Enforcement Officer introduced the report and confirmed that no objections had been received.

Mr Walker was invited to give a statement. Mr Walker explained that:

- CJs Events were experienced at organising events, including food festivals, across the District;
- Warwick was an inclusive and diverse District and they would like to hold an event that reflected this;
- the event would be family orientated between the hours of 10.00am - 6.00pm. There would be arts and craft stalls, fair rides, and a market. These would close at 6.00pm in order to minimise noise levels;

- From 8.00pm to 12.00am the screening would start, and 27 food traders would remain. These were traders that CJs Events had worked with before and they knew to be respectful of the area;
- the Event should be cleared up completely by 1.00am;
- letters to any residents or businesses within a two-mile area would be issued informing them of the schedule for the event and including a phone number for the duty manager onsite should any issues arise; and
- CJs Events were working with Environmental Health regarding sound levels and decibel recorders would be situated around the site to record level of sound.

In response to questions from the Panel, the applicant explained that:

- work with Environmental Health was ongoing, so the exact decibels expected were not yet known. However, the system could go up to 105 decibels;
- from 11.00pm the sound would be reduced;
- the screen would be positioned to face away from residential properties;
- the traders would be expected to take all rubbish away with them. Bins from Fortress had been procured and would be collected on Monday;
- during the day the bins would be separated across the whole site, then after 6.00pm they would be moved closer to the food stalls; and
- the event would be fully staffed, and litter picks would be done during the event to ensure the site was clean. CJs Events understood the importance of keeping the Town clean and ensured they left the Town tidy following any food festival events.

The Licensing Enforcement Officer stated the event required Street Trading Consent as the event was free, if there had been a charge implemented they would not require this. They also needed to apply for consent due to requesting to trade beyond the usual hours.

The Chairman asked the applicant if there he wished to make a closing statement and Mr Walker confirmed he had nothing further to add.

At 10.18am, the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer 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 the same day, followed by a written notice with a full decision within seven days.

Resolved that the consent be granted.

The Licencing Panel received a report from Warwick District Council's Licensing Department in respect of an application from CJ's Events Limited for a Multiple Trader/Special Event Street Trading Consent for up to 75 stalls to trade from The Pump Room Gardens, Leamington Spa on Saturday 11 May 2024 at a Eurovision Screening event from 10:00 hours to 00:00 hours.

In reaching a decision the Panel considered the written report, the Licensing Officer's presentation of the report and the oral representations made at the meeting by the Event Manager, Mr Walker who attended on behalf of CJ's

Events Limited. The Panel also had sight of a Noise Management Plan which was submitted by the applicant to the Council's Environmental Health department (though not appended to the Licensing Officer's report) and considered the Council's "Street Trading Consent Policy" dated 2016 as well as the provisions of Schedule 4 Local Government (Miscellaneous Provisions Act) 1982.

The Panel was concerned that the event could lead to public nuisance particularly noise nuisance and increased littering. However, it gave significant weight to the fact that no representations were received from any of those consulted on the application, including the Police and Environmental Health. It was also noted that CJ's Events Limited were in on-going discussion with the Council's Environmental Health department to ensure that appropriate noise management levels are implemented at the event.

Accordingly, the Panel considered that, at the time of their decision, there were no relevant grounds on which to refuse the applications. In the circumstances, the Panel resolved to grant the Street Trading Consent. A copy of this Record of Decision will be served on all relevant parties.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 there is no statutory right of appeal against this decision. An aggrieved applicant may apply to the High Court for a judicial review to challenge any errors in the administrative process. Alternatively, applicants have recourse to the Council's complaints procedure.

Cllr Dray (Chair);
Cllr Syson; and
Cllr Gorman

(The meeting ended at 10.26am)

CHAIRMAN
13 May 2024