

A Licensing & Regulatory Panel will be held remotely on Thursday 16 July at **10.00am**, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership: Councillors Boad, A Dearing and Murphy

Substitute Member: Councillor Evans substituting for Councillor A Dearing

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application to vary a Street Trading Consent to trade outside the hours set out in Warwick District Council's Street Trading Policy**

To consider a report from Heath & Community Protection **(Pages 1 to 9)**

Published Monday 6 July 2020


General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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Enquiries about specific reports: Please contact the officer named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

 Licensing & Regulatory Panel 16th July 2020		Agenda Item No. 3
Title	Application to vary a Street Trading Consent to trade outside the hours set out in Warwick District Council's Street Trading Policy.	
For further information about this report please contact	Rachael Russell 01926 456738 Rachael.russell@warwickdc.gov.uk	
District Ward the Application is in	District wide	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A as original application was within ST policy hours.	
Background Papers	WDC Street Trading Consent Policy Local Government (Miscellaneous Provisions) Act 1982	

Officer/Councillor Approval		
Officer Approval	Date	Name
Democratic Services Manager & Deputy Monitoring Officer	6/7/2020	Graham Leach
Head of Service	01/07/2020	Marianne Rolfe
Consultation & Community Engagement		
The application was duly consulted upon with the relevant responsible authorities		

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid application to vary a current Street Trading Consent for an ice cream van to trade outside the permitted hours set out in the policy.

2. Options Available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the application to vary the current Street Trading Consent for Mr Edward Bowen, should be granted and, if so, whether the licence should be subject to any additional conditions.

The following options are available to Members:

Option 1 - Grant the variation as requested;

Option 2 - Grant the variation with amended hours and/or added conditions, or;

Option 3 - Refuse the variation.

3. **Details for Consideration**

- 3.1 Warwick District Council have designated every street within the District as a Consent Street. Any person who wishes to expose goods for sale anywhere the public have free access must apply for a Street Trading Consent.
- 3.2 The Council's Policy permits trading between the hours of 06:00 and 18:00. However, any trading outside these hours may be approved by the Council's Licensing and Regulatory Committee.
- 3.3 Mr Edward Bowen has submitted an application to vary his current Street Trading Consent. Mr Bowen wishes to amend his consent to trade from 12:00 to 18:00 and instead trade from 12:00 to 20:00 in his ice cream van. If granted this consent would allow Mr Bowen to trade throughout the District during these hours only.
- 3.4 Mr Bowen's application to vary his consent and photograph of the ice cream van is attached as appendix 1.
- 3.5 A copy of Mr Bowen's current Street Trading consent conditions are attached as appendix 2.
- 3.6 Details of the procedure adopted by the Licensing & Regulatory 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.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

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.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District Council are as close to zero as possible by 2030 Area has well looked after public spaces All communities have	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels

	access to decent open space Improved air quality Low levels of crime and ASB	
Impacts of Proposal		
The street trading policy recognises that Street trading can provide people with a flexible way of working and helps to meet the demands of the public where and when that demand arises. Warwick District Council recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the district, some of whom are unable to travel to centralised shopping centres.	None	The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None



VARIATION OF STREET TRADING CONSENT

Data protection: We will use the information supplied by you and/or obtained on your behalf for the purpose of licensing and enforcement. This information may be used internally and shared with other bodies administering public funds to prevent and detect crime and fraud and to apprehend offenders. Information held about you will not be released to other third parties unless it is shown that they are entitled to the information by law.

The application process will not commence until all relevant documents have been received and this form is completed fully and correctly.

THIS FORM WILL BE RETURNED IF YOU DO NOT ANSWER ALL QUESTIONS.

Consent Holder details

Permit number : WDCSTC0181

Name : EDWARD BOWEN

Address : [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Vehicle Registration: P99 EDD

Trading Name: EDDIES ICES LTD

Please specify the proposed variation (Include any plans, maps or photographs as required)

I would like to vary my trading hours from:
12.00 to 18.00.
to.

12.00 to 20.00 Monday to Sunday.

Due to the COVID 19 regulations i.e. social distancing contactless payment etc this has slowed my trading time down considerably. Also during the hot weather I am receiving more requests from members of the public to call at their street. Consequently I am finding it difficult to cover the area by 6pm each evening. I am therefore requesting an extension to my trading hours to 8pm each evening.

You must submit the following with this application

Plans or maps (if requesting a change in trading location)	N/A
Photographs (if requesting a change in trading vehicle/mobile unit)	N/A
Permission from land owner (if requesting a change in trading location to private land)	N/A
Current Fee	£60

I declare that I have checked the information given on this form and that to the best of my knowledge and belief it is correct.

I declare that all the information given is true to the best of my knowledge. If any information is subsequently found to be untrue or incomplete, any consent granted may be suspended pending a full investigation of the matter.

By signing this form, I agree to be bound by all regulations and conditions applicable to street trading consents whilst using the vehicle licensed by Warwick District Council.

Anyone who knowingly makes a false declaration is liable to prosecution.

Applicants signature: _____

Print name: EDWARD BOWEN

Date signed: 3/6/2020

Appendix 2.



Appendix 3

General Conditions

Definitions:

Street Trading – the selling or exposing or offering for sale any article (including a living thing) in a street

Street

- a) any road, footway, beach or other area to which the public have access without payment; and
- b) a service area as defined in section 329 of the Highways Act 1980

The Council – Warwick District Council

Authorised Officer – an Officer employed by Warwick District Council and authorised by the Head of Service (Health and Community Protection) in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

Consent Details

1. A copy of the consent must be displayed prominently on the unit at the street trading site.
2. The consent holder shall not sell any type of food, goods or merchandise other than those specified in the consent.
3. The consent holder shall not trade outside the time and days permitted by the consent.
4. The consent holder shall not trade within the consent area other than at the location permitted by the consent.
5. Touring consent holders shall not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time. There is to be no return to any location within 2 hours of previous trading.
6. The consent is personal to the consent holder and shall not be assigned or transferred to another person or company without the appropriate notification of such transfer. (See application for consent transfer.)
7. The consent holder shall produce the consent if required to do so by a police officer or authorised officer at the time.
8. The consent may be revoked by the council at any time for non-compliance with conditions, or surrendered by the consent holder at any time.
9. The Consent Holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site in order to remain in control of trading for the majority of trading hours.
10. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

General Conduct

11. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.
12. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.
13. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

14. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity. Noise from equipment must not be persistently audible in nearby residences.
15. The consent holder shall not trade from a vehicle parked in the lay-by outside the Royal Pump Rooms, the Parade, Leamington Spa, or in the entrance to the park opposite.
16. Applicants who wish to operate within the district **must** obtain a Basic Disclosure Certificate from Disclosure Scotland. A DBS check will have to be completed every year, or more frequently, at the discretion of the Council

Protection of Young People

17. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery or within a designated conservation area. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
18. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

Noise Nuisance

19. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

Visual Appearance

20. Any vehicle/stall/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council. A high standard of presentation and appearance will be expected.

Health & Safety

21. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.
22. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.
23. The consent holder shall at all times maintain a valid third party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.
24. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

Advertisements / Signage

25. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

Waste Management

26. The consent holder shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.
27. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

28. When street trading includes the provision of food, the Food Business Operator (FBO) must ensure that any van/barrow/vehicle or stall is sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests. Any food handler must keep a high degree of personal cleanliness, shall wear suitable protective clothing and have received suitable hygiene training. In addition the FBO shall ensure that:-

- a) appropriate facilities are available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities)
- b) surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable, corrosion-resistant and non toxic materials, unless the food business can satisfy the Authorised Officer that other materials used are appropriate.
- c) adequate provision is to be made for the cleaning and, where necessary, disinfecting, of working utensils and equipment
- d) an adequate supply of hot and/or cold potable water to be available
- e) where foodstuffs are cleaned as part of the business operation, adequate provision is to be made for this to be undertaken hygienically
- f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) are to be available
- g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions are to be available
- h) foodstuffs are to be so placed as to avoid the risk of contamination so far as is reasonably practicable

Furthermore, the consent holder must put in place, implement and maintain a permanent procedure based on the HACCP principles.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.