

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 4 June 2019, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Heath, Sanghera and Syson

Also Present: Mr Howarth (Council's Solicitor), Mrs Tuckwell (Committee Services Officer), Ms Daud (Licensing Enforcement Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Apologies and Substitutes**

Councillor Sanghera substituted for Councillor Jacques.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

There were no declarations of interest made.

4. **Application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for 10 Crimscote Square, Hatton Park, Warwickshire, CV31 1RB**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for 10 Crimscote Square, Hatton Park, Warwickshire, CV31 1RB.

The Chairman asked the Members of the Panel and the officers present to introduce themselves. Mr Sangha, the applicant, introduced himself.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Enforcement Officer outlined the report, appendices and addendums and asked the Panel to consider all the information contained within them in order to determine if the application for a street trading consent should be approved and, if so, whether the licence should be subject to any conditions.

Mr Sangha submitted an application for an annual street trading consent on 3 April 2019. Alongside his application, Mr Sangha had included supporting documents which were attached as Appendix 2 to the report.

Mr Sangha was informed by the Licensing Team that in accordance with the current scheme of delegation, Officers would be unable to determine the application due to the request for extended operating hours.

A list of conditions attached to any static street trading consent issued was attached as Appendix 3 to the report.

A copy of the Warwick District Council's street trading policy was attached as Appendix 4 to the report.

The Street Trading Policy stated 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 (e.g. conservation area)".

The Street Trading Policy also stated 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."*

Anyone who exposed goods for sale within the District needed a street trading consent issued by the Council.

On receiving the application, officers referred to the current Street Trading Policy.

The current Policy permitted trading between 08:00 hours and 18:00 hours.

Mr Sangha had applied for a street trading consent in order to sell hot food. The consent, if granted, would permit him to trade from a fixed pitch at Crimscote Square, Hatton Park, Warwickshire CV31 1RB. A copy of the application form and permission to use the land was attached as Appendix 1 to the report.

The hours applied for were as follows:

T	Trading hours
h Friday	16:00 to 21:00
r Saturday	08:00 to 22:00
e Sunday	08:00 to 22:00

addendums circulated prior to the meeting provided photographs of the site and a letter of consent from the land owners.

Members were informed by the Licensing Enforcement Officer that the day before the hearing, Mr Sangha requested that after discussion with his business partners, he would like to amend the trading hours requested to Monday – Sunday, 12:00 – 22:30.

The Council's Solicitor advised Members that the applicant informed the Licensing Team of this change at a late stage, less than 24 hours before the hearing. The difficulty was that under the policy, the Council had to consult with the Police, Environmental Health and Highways, and there was a requirement for a 14-day consultation period. As a result, the Council's Solicitor informed Members that the options available to them were to:

- a) continue the hearing in spite of not consulting with the responsible bodies on the amended opening hours, but this would place the Council at significant risk if the decision was challenged;
- b) adjourn the meeting until that time when a proper consultation would have taken place; or
- c) for Mr Sangha to withdraw his application and submit a new application with the hours he required.

The Council's Solicitor advised Mr Sangha that if he chose not to withdraw the application and Members decided to adjourn the meeting, it was a requirement that the same Members of the Panel, Legal Officer and Committee Services Officer were present at the reconvened hearing. This might therefore cause a delay in the meeting taking place due to the need for all parties to be available.

Mr Sangha emphasised that he had been trading at that location for a long time and he had not received any complaints. He was now applying for a Monday to Sunday licence although he was only planning to trade a few days a week. If granted, the licence would give him flexibility to trade on such days when sporting events or other events were taking place. In the past, Mr Sangha applied for one-day trading consents, but an annual licence would save him a significant amount of time and money.

Mr Sangha informed the Panel that he would like to withdraw his application.

Members asked Mr Sangha that, should he decide to submit a new application, to include a management structure with his new application, showing how the business would operate.

In response, Mr Sangha advised Members that he had three events already planned, and that there were several upcoming football games.

The Council's Solicitor advised Mr Sangha to carefully consider the days when he would like to trade and based on that, to decide if he would like to make an annual application or not. The applicant was reminded that should he submit a new application and then amend his trading hours again, a new consultation would need to take place.

(The meeting ended at 10.16am)

CHAIRMAN