

Licensing & Regulatory Panel

Tuesday 18 October 2016

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Tuesday 18 October 2016 at 2.00pm.

Membership: Councillors Mrs Gallagher, Murphy J.P. and Weed

Emergency Procedure

At the beginning of the meeting the emergency procedure for the Town Hall will be announced.

Agenda

1. **Appointment of Chair**

To appoint a Chair for 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 entered on the form to be circulated with the attendance sheet and declared 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. **Consideration of a Street Trading Application**

To consider a report from Health & Community Protection **(Item 3/Page 1)**

4. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para No.	Reason
5	1	Information relating to any individual
5	2	Information which is likely to reveal the identity of an individual

5. **Application for a hackney carriage/private hire drivers badge**

To consider a report from Health & Community Protection **(Item 5/Page 1)**
(Not for publication)

Published Monday 10 October 2016

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

Telephone: 01926 456114


E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officers named in the reports.

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

 Licensing and Regulatory Panel 18th October 2016		Agenda Item No. 3
Title	Street Trading Application for trading between the hours of 11:00am and 20:30pm	
For further information about this report please contact	Kathleen Rose Licensing and Support Team Leader Tel: 01926 456703 Email: Kathleen.rose@warwickdc.gov.uk	
Wards of the District directly affected		
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?	Yes/No If yes state why	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No
Equality Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	04.10.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	04.10.2016	Moira-Ann Grainger
Consultation & Community Engagement		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 Members are asked to consider an application for a street trading consent for the sale of Fish and Chips from a mobile food unit between the hours of 11:00am and 20:30pm across the District.

2. **Recommendation**

- 2.1 That the committee decide whether to accept the application and issue the street trading consent or refuse the application.

3. **Reasons for the Recommendation**

- 3.1 Anyone who exposes goods for sale within the District needs a street trading consent issued by the Council.
- 3.2 On receiving the application Officers referred to the current Street Trading Policy.
- 3.3 The current Policy permits trading between the hours of 08:00am and 18:00pm.
- 3.4 Mr Richard Ackland of [REDACTED] has applied for a street trading consent in order that he may sell Fish and Chips. The consent, if granted would permit him to trade in all streets in the District. However, Mr Ackland has requested on his application form to trade between 11:00am and 20:30pm.
- 3.5 In accordance with the Policy any application that falls outside of the standard framework must be determined by a panel of committee members.

4. **Policy Framework**

- 4.1 **Fit for the Future** – 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.
- 4.2 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.

5. **Budgetary Framework**

- 5.1 No impact.

6. Risks

- 6.1 There is no statutory right of appeal in respect of a refusal of a street trading consent, other than by means of a judicial review of the administrative action in reaching the decision.

7. Alternative Option(s) considered

- 7.1 Mr Acklands application is accepted and he is permitted to trade for the hours requested.
- 7.2 Mr Acklands application is accepted but he is restricted to trading within the standard 08:00 to 18:00 hours.
- 7.3 Mr Acklands application is refused.

8. Background

- 8.1 Mr Ackland submitted his application to the Licensing Team on 5th September 2016.
- 8.2 The application was complete and accompanied by the correct fee.
- 8.3 Mr Ackland was in contact with the Licensing Team before he made his application and was made aware 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.
- 8.4 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)"

- 8.5 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 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."*