

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Thursday 16 September 2021, at 10.00am.

Present: Councillors Cullinan, Norris and Syson.

Also Present: Mr Leach (Democratic Services Manager & Deputy Monitoring Officer), Ms Vale (Committee Services Officer, observing only), Mrs Gutteridge (Council's Solicitor), and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

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

2. **Declarations of Interest**

There were no declarations of interest made.

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

The Panel considered a report from Health and Community Protection which sought a decision on an application for a Street Trading Consent for a mobile food unit selling hot food to trade outside the permitted hours set out in the Street Trading Policy.

The Chairman asked the members of the Panel and officers present to introduce themselves. The applicant then introduced himself as Mr Singh Hayer. The applicant's wife also introduced herself as Mrs Hayer.

Warwick District Council had designated every street within the District as a Consent Street. Any person who wished to expose goods for sale anywhere the public had free access, needed to apply for a Street Trading Consent.

The Council's Policy permitted trading between the hours of 06:00 and 18:00. However, any trading outside these hours had to be approved by a Licensing and Regulatory Panel.

Mr Singh Hayer submitted an application for a Street Trading Consent to sell hot food. The consent would permit him to trade from a fixed pitch on 10 Wise Street, Leamington Spa, Warwickshire, CV31 3AP.

The hours applied for were as follows:

| | Trading hours |
|---------------------|----------------|
| Monday & Tuesday | No trade |
| Tuesday to Saturday | 17:00 to 21:00 |
| Sunday | No trade |

A copy of Mr Singh Hayer's application form along with supporting documents was attached as appendix 1 to the report.

A copy of the Street Trading Policy was attached as appendix 2 to the report.

Details of the procedure adopted by the Licensing Committee for Panel Hearings had been supplied to the applicant.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

The Chairman invited the applicant, Mr Singh Hayer, to present his application. Mr Singh Hayer expressed that his mobile food unit would provide food that was fresh and handmade by himself targeted at the early-evening market.

In answer to questions from Members, Mr Singh Hayer advised that:

- the location of the mobile food unit was in an industrial area that was mainly businesses. A large portion of the surrounding area had been demolished. The closest domestic dwelling was some student accommodation but that was a fair distance away from the proposed location;
- the 'Kebab Shack' would be a takeaway service therefore littering in the immediate area should be minimal because customers would not be staying in the vicinity to eat;
- the car park in which the mobile food unit was located would have extra lights in the winter and the unit itself had lights. This would be an appropriate amount of light that would not cause nuisance.

In response to a question from the Democratic Services Manager & Deputy Monitoring Officer, the Licensing Enforcement Officer confirmed that the proposed Street Trading Consent Policy, which was out for consultation, proposed to permit trading between 06:00 and 20:00. The Council's solicitor advised that this information was irrelevant because the application was until 21:00 so, if the proposed policy was adopted, the applicant would only have needed to apply for 1 extra hour.

In response to a question from Councillor Cullinan, the Council's solicitor advised that there would be no need for the applicant to apply again once the new policy was adopted as a Street Trading Licence was valid for one year.

In response to a question from Councillor Syson, the Licensing Enforcement Officer advised that there were no objections raised by statutory authorities when this application was in the consultation period.

At 10.13am, the Chairman reminded those present of the procedure as follows: everyone except the Committee Services Officer; the Members of the Panel, the Legal Advisor would be asked to leave the room and the meeting would be adjourned for deliberation. The decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days. A summary of the decision will be posted on the Council's website.

At this point all parties except the Panel, the Solicitor and Committee Services Officers left the room.

Resolved that the application be granted as set out in the agenda. This was because no evidence was presented that the consent would cause a public safety, public order or public nuisance. The Panel also felt that the local need was demonstrated by the applicant.

(The meeting ended at 10.15am)

CHAIRMAN
27 September 2021