

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Thursday 16 July 2020, at 10.00am.

Present: Councillors Boad, Evans and Murphy

Also Present: Mr Edwards (Committee Services Officer), Mrs Tuckwell (Civic & Committee Services Manager), Mrs Amphlett (Council's Solicitor), Ms Russell (Licensing Enforcement Officer)

1. **Apologies and Substitutes**

Councillor Evans was substituting for Councillor Dearing.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

There were no declarations of interest.

The Chairman, Members of the Panel and officers introduced themselves.

4. **Application to vary 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 to vary a current Street Trading Consent for an ice cream van to trade outside the permitted hours set out in the policy.

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

Warwick District Council 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 may have been approved by the Council's Licensing and Regulatory Committee.

Mr Edward Bowen submitted an application to vary his current Street Trading Consent. Mr Bowen wished 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.

Mr Bowen's application to vary his consent and a photograph of the ice cream were attached as Appendix 1 to the report. A copy of Mr Bowen's current Street Trading Consent conditions was attached as Appendix 2 to the report.

Details of the procedure adopted by the Licensing and Regulatory Committee for Panel Hearings were supplied to the applicant.

In his statement, Mr Bowen advised Members that since resuming trading after lockdown, he was receiving a higher number of requests from many streets and this was the main reason why he was applying for extended hours of trading. In addition, Mr Bowen was taking a lot more card payments and this was slowing down his trading.

In answer to questions from Members, Mr Bowen advised that:

- He was trading on housing estates across the District.
- There were no other ice cream vans trading in the same location in Kenilworth where Mr Bowen was trading, so he would not be gaining an advantage by extending his trading hours, but the change would help him do his round.
- Mr Bowen was aware that ice cream vans were legally allowed to sound their chimes no later than 19:00, and Mr Bowen would not be sounding his chime after 19:00.

Mr Bowen was satisfied and he did not wish to make any closing remarks.

At 10.11am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor, the Committee Services Officer and the Civic & Committee Services Manager; 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.

Resolved that the application be granted.

The Panel listened carefully to the Licensing officer's report and the reasons Mr Bowen provided for his application to extend trading hours from 12:00 – 18:00 to 12:00 – 20:00. They also heard during the hearing that Mr Bowen was aware of the rules around the use of the chimes on his van, which can only legally be used until 7pm.

The Panel noted that in the current Covid-19 climate there were requirements for PPE equipment to be used, and they trusted that Mr Bowen would adhere

to any such requirements placed upon him as a trader and purveyor of good items.

(The meeting ended at 10.11am)

CHAIRMAN

14 October 2020