

# LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Tuesday, 13th July 2010

**PRESENT** : Cllrs. Durrant, Gillespie (Chair), Tracey, Gill, Field, Brown, Dee, Taylor, Beeley and Dallimore

## **Officers in Attendance**

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Julie Wells, Group Manager, Regeneration Services, Facilities and Support

Steve Isaac, Solicitor

Amanda Tarren, Democratic Services Officer

**APOLOGIES** : Cllrs. C. Witts, Noakes and Porter

## **ELECTION OF ACTING CHAIR**

Councillor Tracey proposed and Councillor Dee seconded that Councillor Gillespie be elected as the Acting Chair, in the absence of the Chair.

## **9. DECLARATIONS OF INTEREST**

## **10. MINUTES**

The minutes of the meeting held on 15 June 2010 were approved as a correct record.

## **11. PUBLIC QUESTION TIME (15 MINUTES)**

There were no questions from the public.

## **12. PETITIONS AND DEPUTATIONS (10 MINUTES)**

There were no petitions or deputations.

## **13. STREET TRADING APPEAL STAPP38 - MR STEVENS**

### **Officer's Report**

The Group Manager Regeneration Services, Facilities and Support outlined the report recommending to refuse street trading consent, for the addition of freshly cooked doughnuts to an existing unit. The reasons for refusal would include:

- The product is not compatible with the prime retail location
- Associated cooking odours
- There were ten retail outlets in the city centre selling doughnuts, therefore the product did not enhance or add vitality to the area.

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**Appellant's Questions**

Mr Stevens asked the Group Manager if there were any other retailers in the city centre selling hot, fresh doughnuts. She replied that there were none to her knowledge. Mr Stevens asked if there were any retailers in Eastgate Street selling doughnuts. She replied there were not.

**Members' Questions**

Members queried if similar applications to sell hot doughnuts had been refused, and the Group Manager confirmed this was correct. Mr Stevens had previously sold hot doughnuts on his stall, and Members queried why the Street Trading Policy had not been enforced previously. The Group Manager confirmed that the Street Trading policy had not been introduced at that time. The Group Manager confirmed that they had received no complaints regarding the product when sold previously.

**Appellant Case**

Mr Stevens expressed the view that the offensive cooking odour referred to in the officers report was an individual point of view. He felt that there was overwhelming support from the public in his favour. He felt that the product would add vitality to the area, as no other retailer in the centre sold hot fresh doughnuts. He had received no complaints. He confirmed that they did not use hot fat during cooking and that the oil was drained on a daily basis, to reduce cooking odours. He explained that he was a member of the Showmen's Guild, and as such they had strict guidelines regarding not operating on other member's pitches. Therefore he could not accept the council's offer to sell hot doughnuts from Gloucester Park. He had tried to sell the equipment used to make the hot doughnuts, without any success, and this was a financial liability for him. He did not feel that the sale of the product was

**Officer summary**

The Group Manager summarised her report, and reasons to recommend refusal of the application, as follows:

- Incompatibility of the product in a prime retail location, due to associated cooking odours.
- It was considered that the product did not enhance the area or add vitality, due to other retailers selling a similar product in the area.

**Appellant Summary**

Mr Stevens felt that the impact of the officer decision had a large financial impact on both his family and his business. He felt that the product did comply with the council's street trading policy.

**Members' Discussion**

Members discussed the points highlighted by the officer and appellant.

**Appeal Decision**

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A vote was taken to uphold the officer's recommendation.

Members voted to allow permission for the appellant to sell hot fresh doughnuts from his stall, for the following reasons:

- The product enhanced the local area.
- It was a unique product to the area.
- The cooking odour was subjective.

The appeal was allowed.

**14. STREET TRADING POLICY UPDATE**

The Group Manager Regeneration Services, Facilities and Support, outlined the report updating Members on improvements in the City, following the introduction of the Street Trading Policy in 2009.

Significant progress had been made through the policy, which included the removal of low-grade market stalls; no street traders in arrears; the easier maintenance of gate streets and street cleaning; and ensuring that the city centre was not overcome by street traders. All the improvements made had aided the regeneration of the City. It was noted that there were several areas which could not be regulated by the City Council, such as pedlars.

**15. DATE OF NEXT MEETING**

Tuesday 17 August 2010 at 18.30 hours.

**Time of commencement: 18:45 hours**

**Time of conclusion: 20:25 hours**

**Chair**