

LICENSING SUB-COMMITTEE - STREET TRADING

30th August 2019

Present: Councillors Johnson, Stafford and Udall

Officers:

Emma Rhodes	–	Technical Officer (Licensing), Worcestershire Regulatory Services
Clare Flanagan	–	Principal Solicitor
Ellen Meachen	–	Democratic and Electoral Services Assistant

1 Election of Chairman

RESOLVED: That Councillor Udall be appointed Chairman.

COUNCILLOR UDALL IN THE CHAIR.

2 Declarations of Interest

None.

3 Application for a Mobile Street Trading Licence

The Sub-Committee has considered an application for a Street Trading Licence made by Mr Cosmin-Nicolae Turlica for a Mobile Street Trading Licence in Worcester City Centre to operate Monday to Sunday from 10.00am – 7.00pm, selling ice cream and lemonade.

At the start of the hearing, the Chairman made the following statement:

“Presentations to this Sub-Committee are not given under oath. However, I would like to remind all parties that the highest standards are expected and any deviation from these high standards could possibly influence any decision of the Sub-Committee.”

All parties at the hearing introduced themselves. Mr Turlica chose not to have any representation. Mr Turlica stated he was satisfied with the proposed procedure.

The Legal Services representative summarised the matter for consideration. The matter had been referred to the Sub-Committee for determination by Worcestershire Regulatory Services as representations had been received from existing Worcester City street trading licence holders, Mr and Mrs Bright and Mr Connelly, both objecting to the grant of the licence.

The Technical Officer (Licensing) presented the report on behalf of Worcestershire Regulatory Services, setting out the background to the application, as detailed in the agenda report.

All parties were given the opportunity to ask questions of the Technical Officer (Licensing) regarding the report.

Mr Turlica was given the opportunity to make representations in support of his application. Mr Turlica expressed his wish to be able to sell ice-cream to the public and offer the Worcester community the right to choose different products from different traders. Mr Turlica confirmed to the Sub-Committee that he would abide by the terms of the licence.

Mr Stuart Wright of Harrison Clark Rickerbys Solicitors spoke on behalf of Mr Connelly. Mr Wright asked Mr Turlica about trading prior to having received his street trading licence. The Technical Officer (Licensing) was able to confirm that licensing officers had approached Mr Turlica and requested he cease trading as a licence had not yet been granted. The incident was taken as a misunderstanding by Mr Turlica and that he was fully compliant with officer instructions, consequently no further issues of unlicensed trading have been reported.

Mr Wright questioned the Technical Officer (Licensing) about complaints received regarding street trading. The Technical Officer (Licensing) responded that complaints have been received by the Licensing Authority, although the Officer was unaware of the exact figure. A number of complaints had been received regarding South Quay and Riverside locations and that the focus of the complaints had been about traders not moving on. The Chair asked if it was known who had made the complaints. The Technical Officer (Licensing) informed the Sub-Committee that the majority of these complaints were from existing street traders.

Mr Wright referred to section 4.3 of the report regarding reasons the council may refuse an application. Mr Wright asked the Technical Officer (Licensing) what constitutes "enough traders". The Technical Officer (Licensing) responded that for a mobile street trading licence there should not be an issue of too many traders as long as licence holders abide by the conditions of licence; there is no limit on the number of traders.

Mr Connelly was invited to make representations, Mr Wright spoke on his behalf.

Mr Wright explained that Mr Connelly was objecting to the grant of the mobile street trading licence on three grounds: there is not enough space, that there are already enough traders and that the applicant is unsuitable to hold a licence.

Mr Wright stated that Mr Turlica had been caught trading before receiving a licence. Mr Wright asked Members to consider this in their decision and be aware of the applicants approach to trading.

Mr Wright referred again to complaints received by the Licensing Authority and suggested that this implied an inharmonious relationship between existing traders. Mr Wright understood that there was currently no limit for mobile street traders.

Mr Wright asked Members to consider restricting the licence, if it is to be granted, to exclude Worcester high street. Mr Connelly explained to the Sub-Committee that he had traded on the high street for ten years and that it is a complicated area to trade in. Mr Connelly went on to explain the difficulties presented by

trading in the high street and that he had built up a good working relationship with the business in the area.

All parties were given the opportunity to ask Mr Connelly questions.

All parties were given the opportunity to make a final statement. Mr Turlica asked Members to give him the opportunity to trade.

The Legal representative offered the following legal advice to Members when considering their decision:

- Members should be mindful of the legislation which requires a licence to be granted unless they consider that the application ought to be refused on one or more of the grounds specified in the legislation namely The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4, Paragraph 3(6)
- Members must consider each application on its own merits.

All parties, with the exception of Members of the Sub-Committee, the Legal representative and the representative of Democratic Services then withdrew to enable the Sub-Committee to consider its decision.

All parties were then recalled and the Chairman gave the decision of the Sub-Committee.

RESOLVED: That the application is granted on the terms as applied for.

The reasons for the Sub-Committee's decision are as follows:

- Members noted that no representations had been had been made by any of the consultees and that the two objections received had been made by existing street traders.
- Members noted the Officer's report that, of the complaints made to WRS regarding street trading in Worcester, the majority had been received from two existing traders.
- Members were not persuaded that any of the grounds to refuse the Application applied in this instance.
- The Licence is granted subject to the Council's Standard Conditions: in this regard, the Sub-Committee advised the Applicant that he should be fully conversant with these conditions prior to trading, recommending that WRS officers offer assistance in this regard, and on an on-going basis.

Duration of the meeting: 11.00 am to 11.55 am

Chairman at the meeting on
30th August 2019

