

LICENSING AND REGISTRATION SUB COMMITTEE

Monday 21 January 2013

COUNCILLORS PRESENT: Councillors Cook, Coulter, Gotch and Royce.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Samantha Howell (Licensing Officer), Dawn Cox (Team Leader - Environmental Development) and Lyndsey Key (Environmental Health Officer)

25. APOLOGIES FOR ABSENCE

None

26. DECLARATIONS OF INTEREST

None

27. PROCEDURE TO BE FOLLOWED

Resolved to note the procedure.

28. BREACH OF STREET TRADING CONSENT CONDITIONS

The Head of Environmental Development submitted a report (previously circulated, now appended).

The Sub Committee was reminded that it had previously resolved that in the interests of public safety, an inspection of Mr and Mrs Karrouchi's business would take place before the end of November 2012. Should any breaches of condition be found, the matter would be reported forthwith to the Licensing and Registration Sub Committee for further consideration and determination.

It was as a result of the inspection made on 14th November 2012, where Mr and Mrs Karrouchi's business was found to be in breach of conditions 6, 13, 17 and 18 of their street trading consent, that this matter had returned to the Sub Committee.

Samantha Howell (Licensing Officer) presented the report to the Sub Committee and Lindsay Key (Environmental Health Officer) explained the inspections that she had made of Mr and Mrs Karrouchi's business.

The Chair, Councillor Colin Cook, clarified that the Sub Committee would only consider the information that was before it and that it would not be taking into account any reports that had been in the press.

Mr and Mrs Karrouchi attended the meeting and presented their case.

The Licensing Officers, Mr and Mrs Karrouchi, and the press representative withdrew whilst the Sub Committee considered the information before it.

The Sub Committee took into account all evidence before it, both written and oral. It gave careful consideration to the representations made by the consent holders and those made by the licensing and environmental health officers.

The Sub Committee was satisfied that the evidence showed there had been breaches of conditions 6, 13, 17 and 18 of consent no. 12/01255/STREET in relation to:

- a failure to produce the Premises Licence
- a failure to keep proper food hygiene records
- a failure to keep the required fire safety equipment
- a failure of the consent holder to act as principal operator
- the use of an operator unauthorised by the Head of Environmental Development

The breaches of condition were also contrary to objective a) *Public Safety* of the Council's Street Trading Policy.

The Sub Committee was particularly concerned by the apparent falsifying of fridge temperature records which had serious food safety implications.

The Sub Committee was mindful of the enforcement history of the operator and the similar complaints and breaches of condition which had resulted in previous appearances before it.

It appeared to the Sub Committee that the Council had taken steps to assist the consent holder in remedying problems and improving standards but that progress was far too slow. The Sub Committee had no faith in the consent holder's ability to operate to the standards required.

Consequently there were substantial risks to public safety and the Sub Committee felt it would be negligent if it allowed the consent holder to continue to operate.

In the interests of ensuring public safety the Sub Committee RESOLVED that:

- 1. Street trading consent no. 12/01255/STREET is revoked with immediate effect.**

29. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 29th October 2012.

30. MATTERS EXEMPT FROM PUBLICATION

Resolved that all items would be taken in public, with the exception of the deliberations of the Sub Committee which would be taken in private as per paragraph 24 of the hearing procedures.

It is still open to the Sub Committee to resolve to move into private session should the evidence presented during the meeting be likely to require it.

The meeting started at 5.00 pm and ended at 6.35 pm