

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

FRIDAY, 15TH OCTOBER 2010 AT 10.00 A.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), S. P. Shannon,
Mrs. M. A. Sherrey JP and L. J. Turner

Officers: Mrs. V. Brown, Ms. S. Garratt and Ms. P. Ross

Also in attendance: Mr. A. Brocklehurst (Representative for the Applicant's), Mrs. S. Gill (Business Manager, Haybridge High School and Sixth Form), Mr. G. Mela (Representing Mr. T. J. Hammond, Headteacher, Hagley Catholic High School), Councillor C. R. Scurrall (Ward Member for Hagley),

15/10 **APOLOGIES**

Apologies for absence were received from Councillors Miss D. H. Campbell JP and D. Hancox.

16/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

17/10 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant and other parties present.

The Chairman invited the other parties present to identify themselves, so that the applicant was able to satisfy himself that no person who may be in a position to influence the Sub-Committee remained in the room when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman reminded all parties present of the procedure to be followed during the Hearing.

18/10 **APPLICATION FOR A STREET TRADING CONSENT - BIAGIO CALLEIA, BRAKE LANE, HAGLEY**

The Sub-Committee was asked to consider an application for a Street Trading Consent in respect of Biagio Calleia to trade from a mobile ice cream van stopping outside the school in Brake Lane and on a set route incorporating the following streets in Hagley:-

- Meadowcroft
- Cavendish Drive
- Milestone Drive
- Willow Close
- The Greenway

The Licensing Manager outlined the details of the application, together with the reasons why the application had been brought before the Sub-Committee, detailing the Council's Street Trading Consent Policy. The Licensing Manager informed those present that Members of the Sub-Committee had carried out a Site Visit prior to the Hearing to Brake Lane during the trading hours as requested on the application.

The Licensing Manager confirmed that the Police had been consulted on the application and that no response had been received.

At the invitation of the Chairman, the Applicant's representative put forward the case for the Applicant. He explained that the Applicant had traded in the area for the past 10 years and that the Applicant had received regular invites to attend school fetes and events within the area. The Applicant's representative referred to the Council's Street Trading Consent Policy with particular reference to the 'Criteria for Street Trading Consents' and the factors the Council had to consider when determining an application.

At the invitation of the Chairman the Interested Parties who had given notice of their intention to attend the Hearing made representations on the grounds of the location of the van which caused a nuisance to other road users, parking on double yellow lines, parking in a position that caused a hazard to other road users, unhealthy snacks being sold to school children and litter.

The Sub-Committee then adjourned to consider its decision. Upon its return and having had regard to:

- The Council's criteria for Street Trading Consents as set out in the Street Trading Consent Policy
- The application and representation made on behalf of the Applicant
- The relevant representations made by the consultees
- The relevant representations made in writing by the consultees

RESOLVED that the application for a Street Trading Consent to trade from a mobile ice cream van be granted as follows:

Actual Trading Hours

- Monday to Friday 13:30pm – 16:30pm

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

- The Sub-Committee was satisfied that the application met the criteria in the Street Trading Consent Policy;

- The Sub-Committee noted that the Applicant had traded in Brake Lane for 10 years;
- The Sub-Committee noted the representations raised by the consultees in relation to the healthy eating concerns but this consideration did not form part of the criteria for the purpose of considering the application;
- The Sub-Committee noted the observations raised by the Council's Development Control Engineer and also the consultees in relation to the location of the ice cream van and the Sub-Committee felt such concerns could be addressed by imposing a condition to which the Applicant had agreed; and
- The Sub-Committee also noted the concerns with regard to the amount of litter and the Applicant's willingness to provide litter bins.

The Sub-Committee decided to attach the following additional conditions:-

- The Applicant to only trade in Brake Lane from the lay by situated outside 1 The Brake; and
- Whilst trading in Brake Lane the Applicant to provide litter bins situated next to the ice cream van.

19/10

APPLICATION FOR A STREET TRADING CONSENT - MICHAEL CALLEIA, PARK ROAD, HAGLEY

The Sub-Committee was asked to consider an application for a Street Trading Consent in respect of Michael Calleia to trade from a mobile ice cream van outside the school in Park Lane and on a set route incorporating the following streets in Hagley:-

- Winds Point
- Eton Walk
- Long Compton Drive
- Worcester Road

The Licensing Manager outlined the details of the application, together with the reasons why the application had been brought before the Sub-Committee, detailing the Council's Street Trading Consent Policy. The Licensing Manager informed those present that Members of the Sub-Committee had carried out a Site Visit prior to the Hearing to Park Lane during the trading hours as requested on the application.

At the invitation of the Chairman, the Applicant's representative put forward the case for the Applicant. He explained that the Applicant had traded in the area for the past 10 years. The Applicant's representative referred to the Council's Street Trading Consent Policy with particular reference to the 'Criteria for Street Trading Consents' and the factors the Council had to consider when determining an application. The Applicant's representative highlighted that the Applicant had not been made aware of any substantial risk to public safety or substantial risk of nuisance to the public from noise, smell or litter.

The Sub-Committee then adjourned to consider its decision. Upon its return and having had regard to:

- The Council's criteria for Street Trading Consents as set out in the Street Trading Consent Policy
- The application and representation made on behalf of the Applicant
- The relevant representations made in writing by the consultees

RESOLVED that the application for a Street Trading Consent to trade from a mobile ice cream van be granted as follows:

Actual Trading Hours

- Monday to Friday 14:00pm – 16:30pm

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

- The Sub-Committee was satisfied that the application met the criteria for the Street Trading Consent Policy;
- The Sub-Committee noted that the Applicant had traded in Park Lane for 10 years; and
- The Sub-Committee had noted the observation raised by the Council's Development Control Engineer and the Sub-Committee felt that the concern would be addressed by imposing a condition.

The Sub-Committee decided to attach the following additional condition:-

- In relation to trading in Park Road the Applicant may only do so from the service road outside 14 Park Road.

The meeting closed at 12.41 p.m.

Chairman