

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE A

THURSDAY, 18TH JULY 2013 AT 10.05 A.M.

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton and S. P. Shannon

Observers: Councillor J. S. Brogan and Mr. R. J. Deeming

Officers: Mrs. V. Brown, Mr. S. Alom and Mrs. P. Ross

1/13 **APOLOGIES**

No apologies for absence were received.

2/13 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3/13 **APPLICATIONS FOR A STREET TRADING CONSENT, A491 SANDY LANE (M5 JUNCTION 4):-**

The Sub-Committee was asked to consider two applications for a Street Trading Consent in respect of Mr. Colin O’Coy and Mr. Vincent Richards to provide hot and cold food and drinks, as detailed on their applications, from a mobile unit sited at A491 Sandy Lane, (M5 Junction 4), Bromsgrove.

Members were informed that Mr. O’Coy had not received written notification advising him of the Licensing Sub-Committee meeting date or a copy of the agenda and report to be presented to Sub-Committee Members. Mr. O’Coy had been provided with a copy of the agenda and report prior to the meeting commencing and was happy for the meeting to continue.

Prior to the meeting commencing, Mr. Richards had emailed a presentation in support of his application to the Technical Officer (Licensing), Worcestershire Regulatory Services (WRS). All Committee Members and Mr. O’Coy had received a copy of his presentation prior to the meeting commencing.

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present.

The Council’s Legal Advisor informed all those present as to why both applications had been brought before the Sub-Committee. The Council’s Street Trading – Policy Statement, stated that ‘Where more than one trader

applied for Consent to trade from an approved site, the applications would be referred to the Council's Licensing Sub-Committee.

The Council's Legal Advisor advised Members to consider, if needed, some flexibility with regard to the ten minutes allocated to each applicant to present their case.

The Chairman informed all those present that she had carried out an unannounced Site Visit to the proposed trading site prior to the meeting.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) outlined the details of the applications, together with the reasons why the applications had been brought before the Sub-Committee. In doing so he reiterated the Council's Legal Advisor, that as stated in the Council's Street Trading – Policy Statement, 'Where more than one trader applied for Consent to trade from an approved site, the applications would be referred to the Council's Licensing Sub-Committee. The Technical Officer informed Members that an objection had been received from Worcestershire Regulatory Services, Environmental Health, to Mr. O'Coy's application, as detailed at Appendix 2 to the report.

At the invitation of the Chairman, Mr. O'Coy spoke on behalf of his application. Mr. O'Coy provided the Committee with his employment history and the reasons he wanted to trade in the Bromsgrove District. Mr. O'Coy explained that he did not have previous experience in the catering trade, but had held a Street Trading Consent for a layby at the top of Battlefield Hill, Kidderminster Road, Bromsgrove. Unfortunately he only traded at the site for approximately four months as the site was not profitable enough to sustain a business, so he had ceased trading and had returned to his previous job, building work. He informed Members that he held a Level 2 Food Hygiene Certificate.

Mr. O'Coy responded to Members' questions and in doing so explained that the vehicle used to tow the catering trailer would be parked at the proposed trading site when trading. In response to the objection received from WRS, Environmental Health, Mr. O'Coy informed the Committee that as required there were hand washing facilities in the trailer, but should he need to use toilet facilities he would leave the proposed trading site to use the toilet facilities at his partner's home a short distance away. If the Committee felt it was necessary to provide toilet facilities at the proposed trading site Mr. O'Coy was prepared to provide a port-a-loo, but was concerned that the port-a-loo could be prone to vandalism left unattended in the evening.

Mr. O'Coy further informed Members that the catering trailer would be stored either at his home address or his partner's home address when not in use. Mr. O'Coy would be the only person working at the proposed trading site.

The Technical Officer (Licensing), WRS clarified that, with regard to the objection raised by WRS, Environmental Health to Mr O'Coy's application, there was no legislation or legal requirement to provide toilet facilities at Street Trading sites, only a requirement to provide separate hand washing facilities for anyone handling and preparing food.

At the invitation of the Chairman, Mr. Richards spoke in favour of his application and in doing so drew Members' attention to the presentation slides he had provided prior to the meeting. Mr. Richards was an established chef with over 25 years of experience in the food industry. He had been the owner of The Wildmoor Oak, Catshill, Bromsgrove since 2007. Mr. Richards' presentation also included his strong commitment to supporting Community Ventures. Mr. Richards had applied to trade at the proposed trading site as it was the nearest street trading site to The Wildmoor Oak and he was hoping to drive business between The Wildmoor Oak and the proposed trading site. In response to Members' questions Mr. Richards informed the Committee that the catering trailer would be stored at The Wildmoor Oak when not in use.

In response to Members' questions, Mr. Richards clarified that he would initially work at the catering trailer. He would then do a couple of shifts and step away leaving three chefs to run the catering trailer, with a maximum of two chefs on site at any one time. One vehicle would be used to tow the catering trailer. With regard to toilet facilities Mr. Richards informed the Committee that toilet facilities were available at The Wildmoor Oak a short distance away.

Mr. Richards had looked at other street traders and was looking to provide something different to the usual roadside catering food offered, adding a Caribbean twist to the menu using a variety of fresh produce. Once established he would look to extend the menu to include Black Country specialities.

In response to the Chairman, Mr. Richards informed the Committee the Sub-Committee that he had only applied to trade Monday to Friday as he attended specific events some weekends. The Technical Officer (Licensing), WRS highlighted that if Mr. Richards' application was successful he would need to reapply should he wish to trade at the proposed site at weekends as his current application was to trade from Monday to Friday only.

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

- The report presented by the Technical Officer (Licensing)
- The Council's Street Trading - Policy Statement
- The application and representations made by Mr O'Coy and Mr Richards.
- The representation received from the objector.

RESOLVED:

- (a) that the application for a Street Trading Consent submitted by Mr. O'Coy for the sale of hot and cold food, drink and snacks from a mobile unit sited at A491 Sandy Lane, (M5 Junction 4), Bromsgrove, be granted; and

- (b) that the application for a Street Trading Consent submitted by Mr. Richards for the sale of hot and cold food, drink and snacks from a mobile unit sited at A491 Sandy Lane, (M5 Junction 4), Bromsgrove, be refused.

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

- Having considered both applications Members found both to be very comprehensive and persuasive.
- Furthermore Members felt both applicants would be able to offer a good service to the travelling public and had the site allowed for both to trade, Members would have considered allowing both to trade from the same site. However the location, size and layout of the site did not make this possible.
- Members had had significant regard to the needs of the travelling public and the type of service being offered by each applicant.
- Mr. Richards offered a very varied and diverse menu which would be available at varying times during the trading hours applied for Monday to Friday.
- Mr. Richards had worked within the catering profession for many years and had an established local business which included trading at events at weekends.
- Mr. O'Coy offered a more basic although more traditional menu with trading hours Monday to Saturday. He had less catering experience having only traded for a short period at a location that did not sustain a business. Members did not consider that this placed Mr. O'Coy at a disadvantage as he had acquired the necessary food hygiene certificate.
- Members had considered that the type of menu offered by Mr. O'Coy together with the trading hours which included Saturdays, and decided that Mr. O'Coy's application satisfied the needs of the travelling public.

The Chairman reported that both Applicants and those parties who had made representation would be notified of the decision in writing.

The meeting closed at 12.13 p.m.

Chairman