

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

FRIDAY, 21ST JULY 2017, AT 11:05 A.M.

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

Officers: Mrs. V. Brown, Mrs. A. May and Mrs. P. Ross

1/17 **APOLOGIES**

An apology for absence was received from the Reserve Member, Councillor H. J. Jones.

2/17 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3/17 **APPLICATION FOR A STREET TRADING CONSENT, LAYBY, SOUTHBOUND A491, DY9 9UG**

Prior to the commencement of the Hearing the Sub-Committee and the Council's Legal Advisor were informed that the applicant had not received the Supplementary Agenda Papers published on 12th July 2017, which detailed an additional representation received during the consultation period in respect of the applicant's Street Trading Consent application.

Members were also informed that those residents who had submitted representations were not in attendance. In light of all of this information, the Sub-Committee agreed that the Hearing would commence once the applicant had had time to read the Supplementary Agenda Papers and felt that he was in a position to present his case.

The Hearing commenced at 11:05 a.m.

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

The Chairman asked the applicant if he had been made aware that he could be represented by a legal representative at his own expense during the Hearing. The applicant confirmed that he had been made aware and was happy for the Hearing to continue.

The Sub-Committee considered an application for street trading consent to sell hot and cold food and drinks from a layby on the A491 Southbound, DY9 9UG.

It was confirmed that all three Members of the Sub-Committee and the Council's Legal Advisor had conducted a site visit, an unannounced visit to the site for which the application had been submitted.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) outlined the details of the application, together with the reasons why the application had been brought before the Sub-Committee. It was confirmed that the Responsible Authorities had been consulted with and that no representations had been received. Members were further informed that three representations had been received from local residents, as detailed at Appendix 2 to the report and the Supplementary Agenda Pack published on 12th July 2017.

At the invitation of the Chairman, the applicant, Mr. J. Riley then put forward his case in support of the application.

Mr. Riley provided the Sub-Committee with additional background information, namely a detailed printed document which addressed all of the concerns raised by local residents. The document also provided details of the quiet running suitcase generator that would be used in the catering van, the opening hours of other venues in the vicinity that offered food and drink (The Holly Bush Inn, Five Spice Restaurant and The Bell) and photographs of the layby.

Mr. Riley then proceeded to go through the document in order to highlight to the Sub-Committee that he had considered and addressed the concerns as raised by local residents in respect of his Street Trading Consent application as follows:-

- Residential Area
- Traffic Volume
- Footpaths
- Litter
- Opening times of other food and drink venues in the vicinity
- Signage
- Toilets
- Parked Vehicles

Mr. Riley informed the Sub-Committee that he had secured a waste disposal licence from Bromsgrove District Council, so that waste would be collected and disposed of correctly. The catering van had been fully refurbished to an excellent standard and he had fitted the quietest generator that was currently available on the market. As stated earlier by the Technical Officer (Licensing), WRS, no representations had been received from Worcestershire County Council, Highways Department with regard to road safety.

His business would invest money back into the local area, as he intended to source and use local produce.

Mr. Riley further informed the Sub-Committee that the only signage, other than the discreet signage on the catering van, would be an 'A' board with menu details on.

Mr. Riley responded to a number of questions from the Members of the Sub-Committee and in doing so stated that if the Sub-Committee felt that it was necessary for him to provide toilet facilities at the proposed trading site that he would be prepared to provide a port-a-loo.

The Council's Legal Advisor informed Members that they should consider all of the information and evidence as presented during the course of the Hearing and the written representations received from local residents. She would remind Members that no representations had been received from any of the responsible authorities.

The Sub-Committee then adjourned to consider its decision. Upon its return it was

RESOLVED that the application for a Street Trading Consent be granted.

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

Having had regard to:

- The report presented by the Technical Officer (Licensing), Worcestershire Regulatory Services (WRS).
- The Council's Street Trading Policy.
- The written application, oral representations and additional written information and photographs provided at the Hearing by Mr. Riley.
- The written objections and photographs from Sara Jordan, Dr Sylvia Gill and Mr. A. S. & P. J. Baker;
- The site visit conducted by all Sub-Committee Members.

The Sub-Committee decided to allow Mr. Riley's application to proceed and the Street Trading Consent to be granted.

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

- The Sub-Committee noted the objections received from Sara Jordan, Dr Sylvia Gill and Mr. A. S. & P. J. Baker which included amongst others, concerns regarding litter, road safety, smells and noise.

- The Sub-Committee was not able to consider issues raised which fell outside of their licensing remit i.e. fly tipping, or highways maintenance but it should be noted that other agencies or departments would be able to investigate these matters should complaints be received.
- The Sub-Committee was impressed with the presentation given at the Hearing by Mr. Riley, who had clearly had regard to the objections raised and had taken steps to address their concerns.
- In relation to the suggestion that litter would increase Mr. Riley had obtained a waste disposal licence and would put in place a managed plan to ensure the correct disposal of any waste emanating from his business.
- The Sub-Committee noted the concerns with regard to road safety but did not consider that there was sufficient evidence to prevent them from allowing the application to continue. The Sub-Committee considered it of significance that there had not been any objection received from Worcestershire County Council, Highways Department who would be best placed to comment in the event the application posed a risk to road safety.
- The Sub-Committee had conducted a site visit and noted the proximity of the houses. The Sub-Committee did not consider that the noise and smells emanating from the van would be likely to cause a nuisance.
- The Sub-Committee also noted the steps taken by Mr Riley with regards to the level of noise from the unit and specifically the installation of a quiet generator which had a noise reducing muffler, casing and acoustic panelling which greatly reduced the operational noise.
- In all the circumstances the Sub-Committee considered it appropriate to grant the Street Trading Consent, subject to completion of the application process.

The following legal advice was given:

- The Sub-Committee should have regard to all the evidence provided and decide what weight to give to the representations received.
- Regard should be given to the Council's Street Trading Policy and the criteria for considering the application.
- The Sub-Committee should identify those matters which fall within the licensing remit and disregard any which are the responsibility of other departments or agencies.

- The Sub-Committee should determine each application on its own merit.

There was no right of appeal against the decision of the Licensing Sub-Committee.

4/17

LOCAL GOVERNMENT ACT 1972

“**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, being as set out below, and that it is in the public interest to do so:-

<u>Minute No</u>	<u>Paragraphs</u>
5/17	1, 2 and 3
6/17	1, 2 and 3
7/17	1, 2 and 3 “

5/17

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE - REVIEW

Members were provided with a brief verbal update as to why this agenda item had been withdrawn.

6/17

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE - REVIEW

The Sub-Committee considered matters in relation to a holder of a combined Hackney Carriage and Private Hire Vehicle driver's licence in light of information received by officers from Worcestershire Regulatory Services.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS), outlined the details of the matter, together with the reasons why this had been brought before a Hearing of the Sub-Committee.

At the invitation of the Chairman, the driver and his representative put forward his case and answered a number of questions from Members of the Sub-Committee and the Council's Legal Advisor.

The Sub-Committee then adjourned to consider its decision. Upon its return it was

RESOLVED that the Hackney Carriage and Private Hire Vehicle driver note the requirement placed upon him by the Sub-Committee and once completed attend a future meeting of the Licensing Sub-Committee.

7/17

HACKNEY CARRIAGE VEHICLE - APPLICATION

The Sub-Committee considered an application for the grant of a licence to use a vehicle as a Hackney Carriage that falls outside of the Council's Hackney Carriage and Private Hire Handbook which restricts vehicles in the District with tinted windows that conceal the identity of passengers inside the vehicle.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) outlined the details of the application together with the reasons why the application had been brought before the Sub-Committee, detailing the Council's Hackney Carriage and Private Hire Handbook.

At the invitation of the Chairman, the applicant put forward his case in support of his application and answered a number of questions from Members of the Sub-Committee and the Council's Legal Advisor.

Sub-Committee Members inspected the vehicle on two separate occasions, in two different locations to determine the level of tint on the windows of the vehicle.

The Sub-Committee then adjourned to consider its decision, upon its return it was:

RESOLVED that the application be granted.

The meeting closed at 3.00 p.m.

Chairman