

BROMSGROVE DISTRICT COUNCIL

**VIRTUAL MEETING OF THE
LICENSING (MISCELLANEOUS) SUB-COMMITTEE B**

TUESDAY 8TH DECEMBER 2020, AT 6.30 P.M.

PRESENT: Councillors S. J. Baxter, A. D. Kriss and M. Thompson

Officers: Mrs. V. Brown, Mr. R. Keyte (observing) Mrs. A. May and
Mrs. P. Ross

8/20 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor M. Thompson be appointed Chairman of the Sub-Committee for the meeting.

9/20 **APOLOGIES**

No apologies for absence were received.

It was noted that Councillor A. D. Kriss was in attendance as a Member of the Sub-Committee.

10/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11/20 **APPLICATION FOR A STREET TRADING CONSENT - THE CAR PARK
AT BROMSGROVE RUGBY FOOTBALL CLUB, FINSTALL ROAD,
BROMSGROVE, WORCESTERSHIRE, B60 3DH**

The Chairman welcomed all participants to the virtual meeting and in doing so, checked that Members of the Sub-Committee, officers and the Applicant were all present.

It was noted that Mrs. K. Prust was in attendance on behalf of the applicant Mr. I. Prust.

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

Councillor A. D. Kriss, confirmed that he had carried out an unannounced Site Visit to the proposed trading site. Councillors S. J. Baxter and M. Thompson both stated that they were familiar with the area.

The Sub-Committee then considered an application for a street trading consent to sell hot and cold food and drinks from a unit sited on the car park at Bromsgrove Rugby Football Club, Finstall Road, Bromsgrove, Worcestershire, B60 3DH.

The Technical Officer, 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 a representation had been received from Finstall Parish Council, as detailed at Appendix 2 to the report; and representations from residents and property owners adjacent to the proposed trading site, as detailed at Appendix 3 to the report.

At the invitation of the Chairman, Mrs. Prust, the applicant's representative was asked to put forward the case in support of the application.

Mrs. Prust informed Members that she was part owner of the pizza business, which was a family run company that had been running for 7 years; primarily attending weddings, events, and festivals. However, they had looked at ways to diversify, as all of their bookings had been cancelled due to the Covid-19 pandemic; so, they had attended 'pop up' events in and around Bromsgrove and the surrounding areas and also supplied homemade pizza kits. The Foodie Friday's at Bromsgrove Rugby Football Club was one of the 'pop up' events they had attended.

In response to questions from Sub-Committee Members, Mrs., Prust explained that they did not trade on match days or at the beer festival held at Bromsgrove Rugby Football Club, so that was not their customer base. Largely customers did come from the rugby club, but they also advertised. Customers could pre-order pizzas to be collected from them at the rugby club at an agreed time. The actual rugby club was closed due to Covid-19 restrictions.

Mrs. Prust also clarified that the unit they used was moved away from their trading site, only the pizza oven and canopy were left parked right by the wall at the back of the clubhouse, they did not park on the front car park so did not take up any parking spaces.

In response to further questions from Sub-Committee Members, Mrs. Prust highlighted that they held a trade waste agreement with Bromsgrove District Council. They were very conscientious and absolutely ensured that there was no litter left at the trading site before they left the site. It was instilled in all of their staff to check the site for any litter.

In summing up Mrs. Prust reiterated that they ran a well-established business and lived in the Bromsgrove area and that they had very high standards.

At the invitation of the Chairman, the Council's Legal Advisor drew Members' attention to page 28 of the main agenda report the 'Key Considerations. Members were further advised that even though those who had submitted representations had not attended the virtual meeting it did not detract from their objections.

Members should be mindful of only those matters which fell within the Street Trading Policy.

One of the representations received referred to over parking during match days and the beer festival at the club. Members should note that the Street Trading Consent proposed trading hours were each Friday 4pm to 8pm. Mrs. Prust had also highlighted that they did not trade at the site on match days or when the beer festival was held,

Members should consider any impact on road safety or putting pedestrians in danger when leaving or entering the site in order to use this particular street trading unit; and to determine if the unit would have any impact on parking. The concerns raised with regards to over parking on match days and during the beer festival were not related to the siting of this unit as highlighted by Mrs. Prust, as they did not trade on match days or at the beer festival.

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.

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 and oral representations provided at the Hearing by Mrs. K. Prust, the applicant's representative.
- The written objection from Finstall Parish Council, as detailed on page 15 of the main agenda report.
- The written objection from a residential neighbour, as detailed on pages 16 to 18, of the main agenda report.

The Sub-Committee decided to allow Mr. Prust's application to proceed.

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

- The Sub-Committee noted the representations made on behalf of the applicant and specifically that the street trading consent was required only for Friday nights between the hours of 4pm – 8pm and that the business did not intend to operate on match nights or at the beer festival.
- The Sub-Committee noted that this was an experienced business operator and was satisfied that Mr. Prust had a responsible approach to matters such as waste arising from the business activity.
- In considering the objections received from Finstall Parish Council and the residential neighbour, with regards to their concerns over increased car parking congestion, Members noted that there had not been any objection from the responsible authorities in particular Highways whose primary concern would be around road safety.
- Members considered the proposed location of the street trading unit and were of the view that there was adequate dedicated car parking available within the site.
- Members did not consider that granting this application would have a significant effect on road safety either from the siting of the trading activity itself or from customers visiting or leaving the site as the location of the unit was within the grounds of the Rugby Club and not on the highway.

The following legal advice was given:

- The Sub-Committee should have regard to all of 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 granting a Street Trading Consent, as detailed at 3.7.2 on page 10 of the policy.
- 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.

The meeting closed at 7.00 p.m.

Chairman