

# Minutes

## Licensing Committee

30th July 2008



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	T McArdle	Apologies
J C Collar	Yes	A M Meyer	Apologies
J G J Elliott	Apologies	Mrs R O'Shea	Apologies
J H G Finbow	Yes	Mrs J A Pell	Yes
Mrs S A Howell	Yes	D E A Rice	Apologies
P J Hughes	Yes (from 7.35pm)	A F Shelton	Yes
E R Lynch	Yes	F Swallow	Apologies
M Lynch	Yes		

### 15 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

### 16 **MINUTES**

DECISION: That the minutes of the meeting of the Licensing Committee held on 2nd July 2008 be approved as a correct record and signed by the Chairman.

### 17 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

### 18 **STREET TRADING CONSENT – EASTWAYS, WITHAM**

INFORMATION: Consideration was given to an application for a street trading consent submitted by Mr Tuncay Karakus. Mr Karakus wished to sell hot and cold food and drinks from a trailer parked at Eastways, Eastways Industrial Estate, Witham. Mr Karakus wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 7.00am and 6.00pm.

Mr Karakus attended the meeting and he was represented by Mr David Dadds of Palmers Solicitors, Basildon who presented the application and answered questions put to him by Members.

At the commencement of this item the Chairman stated that the map attached to the Agenda at Appendix 2 was incorrect and that a correct version of Appendix 2 had been circulated to Members and to the applicant and his representative at the meeting. The applicant's representative confirmed that the revised Appendix 2 correctly showed the proposed location of his client's trailer on the eastern side of Eastways adjacent to Waterside Business Park. This map showed also the location

of other traders who had been granted consent to trade in the area. Members were advised that no objections had been submitted to the Council in respect of the application by Mr Karakus during the consultation period. However, it was reported that the Council's Street Trading Policy stipulated that if a new applicant wished to trade in a location where an existing trader already held a consent to trade in the same commodity the application had to be presented to the Licensing Committee for determination. It was on this basis that the application was being considered by the Committee. The permitted distance between traders in a specific location was not defined in the Policy.

In presenting this application and answering questions put by Members, Mr Dadds stated that Mr Karakus had lived in Britain for 13 years and that for 7 years he had worked at a Wimpy Bar and for the last 6 years he had run his own business. Mr Dadds stated that the Council's Street Trading Policy did not define what a 'specific location' was and he hoped that he would be able to persuade the Committee that his client's site was not close to other similar traders and that the application should be granted. Mr Dadds stated that it was the Council's policy to seek the views of local traders selling similar commodities to an applicant within a 500m radius of the proposed site. He concluded that the fact that no-one had been consulted indicated that the proposed site was not within such a radius. Mr Dadds stated that the Council had already allowed other similar traders to operate at the same distances apart, that his client's trailer would be from existing traders. Mr Dadds referred to the location of similar traders in the vicinity. He considered that his client's site was at a sufficient distance from these and that there was plenty of scope at Eastways Industrial Estate to accommodate an additional trader. Mr Dadds stated that there were new buildings in the area and that people working at these premises would require refreshments nearby, particularly if they only had short lunch breaks. Mr Dadds stated that Mr Karakus would adhere to all of the conditions set out in the Council's Street Trading Policy including its Appendix, he would ensure that all requirements were met, that he traded only during the permitted hours, and that the site was kept clean, causing no public nuisance, or litter problems. Mr Dadds circulated a photograph at the meeting of his client's trailer, which he considered looked very professional.

At 7.35pm, during the consideration of the application, Councillor P J Hughes arrived at the meeting and he took his seat at the table. At this point, Mr Dadds requested that, as Councillor Hughes had not been present from the start of this item and it was a quasi-judicial matter, he should not take part in the discussion, or the determination of the application. Councillor Hughes and the Committee agreed to this request and Councillor Hughes retired to the public seats. Councillor Hughes withdrew from the meeting also when the Committee retired to make its decision and he did not take part in this process.

At the conclusion of the discussion Mrs E Wisbey, the Council's Governance Lawyer, provided legal advice stating that any street trading consent granted would be valid for a period of 12 months and that, if necessary, it could be suspended or revoked during that time. Mrs Wisbey drew attention to the Council's Street Trading Policy, a copy of which was attached to the Agenda.

Mr Karakus, Mr Dadds and Councillor Hughes left the meeting whilst the Committee made its decision. Mr Karakus, Mr Dadds and Councillor Hughes were then invited back to the meeting and the following decision was announced by the Chairman.

**DECISION:** That the application submitted by Mr Karakus for a street trading

consent to sell hot and cold food and drinks from a trailer parked at Eastways, Eastways Industrial Estate, Witham be granted for Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 7.00am and 6.00pm, subject to the Council's Street Trading and Collections Policy and the standard conditions relating to street trading, and to the applicant voluntarily agreeing to label his packaging with a personal logo. The Chairman indicated that the Council took the issue of litter very seriously and that if litter with such a logo was subsequently to be found in the locality, the Council would consider taking the appropriate action against Mr Karakus.

The meeting closed at 7.52pm.

M J BANTHORPE  
(Chairman)