

Minutes

Licensing Committee

12th December 2018



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Apologies	H Johnson	Apologies
M Banthorpe (Chairman)	Yes	Mrs J Pell	Yes
P Barlow	Apologies	B Rose	Apologies
J Baugh (Vice-Chairman)	Yes	Mrs L Walters	Yes
J Elliott	Apologies	Mrs S Wilson	Apologies
J Goodman	Apologies	Vacancy	
A Hensman	Yes		

17 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

18 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 12th September 2018 be approved as a correct record and signed by the Chairman.

19 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made during Question Time.

Mr J Rogers, the applicant, accompanied by his wife, attended the meeting and he made a statement and answered questions put to him by Members of the Committee during the consideration of Item 5 – ‘Application for a Street Trading Consent – The Swiss Bell Car Park, Mountbatten Road, Braintree’.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

20 **APPLICATION FOR A STREET TRADING CONSENT – THE SWISS BELL CAR PARK, MOUNTBATTEN ROAD, BRAINTREE**

INFORMATION: Consideration was given to an application made by Mr Jerry Rogers, trading as Five Star Kebabs, for a Street Trading Consent to sell hot food (vegetarian, wraps, kebabs, burgers, salads) and drinks from a site at The Swiss

Bell Car Park, Mountbatten Road, Braintree. The site was on private land, but the land owner had given Mr Rogers permission to use it. Mr Rogers had stated in the application that he wished to trade on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays between the hours of 3.30pm and 12.00 midnight and on Fridays and Saturdays between the hours of 3.30pm and 1.00am. However, at the meeting Mr Rogers indicated that he wished to change the application by amending the trading days and hours to Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 3.30pm and 11.00pm.

Following consultation, the Council had received an objection to the application from Braintree District Council's Environmental Health Department. The objection related to the proposed location and trading hours which were not considered to be appropriate. The objection stated that the proposed street trading site was in a residential area, that the proposal was likely to cause noise disturbance to local residents due to the hours of operation requested and that it would attract people to the area late at night. The objection was attached at Appendix 2 to the Agenda report and it was considered by Members of the Licensing Committee. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Members of the Committee were advised that there was no right of appeal against a refusal to issue a Consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

Mr Rogers attended the meeting accompanied by his wife and he spoke in support of his application and he answered questions put to him by Members of the Committee. Prior to the start of the meeting Mr Rogers presented a petition which had been signed by people who supported the application. The petition was circulated to Members of the Licensing Committee. Mr Rogers stated that he would ensure that any litter was cleared from the site and that he would consider installing a filtration system should there be problem with odours emanating from the street trading unit.

Mr Rogers was advised that if the application was approved, he would be required to locate the street trading unit as near as possible to the site indicated on the plan attached to the application and that he could not move it to another part of the car park. Mr Rogers was also advised that he could not rely on CCTV equipment recently installed at the neighbouring Co-Op store as a means of managing any anti-social behaviour at the site as such equipment was subject to strict control and access to view recordings was restricted.

In discussing the application, Members of the Committee were reminded that Braintree District Council's Street Trading Policy stated that each application for the grant or renewal of a Street Trading Consent would be considered on its merits and that the Council could impose reasonable conditions to prevent the

obstruction of a street or danger to persons using it; or to prevent nuisance or annoyance. Standard conditions would also be imposed.

DECISION: That the application submitted by Mr Jerry Rogers, trading as Five Star Kebabs, for a Street Trading Consent to sell hot food and drinks from a site at The Swiss Bell Car Park, Mountbatten Road, Braintree on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 3.30pm and 11.00pm, as amended at the meeting, be granted subject to a specific condition requiring the installation of an appropriate odour extraction system with a controlled filter to the street trading unit, which shall be approved by the Council before the Street Trading Consent takes effect.

Mr Rogers was advised that he would not be able to trade until an odour extraction system and filter had been installed and approved. Furthermore, Mr Rogers was advised that the Street Trading Consent once granted would expire after a period of 12 months unless revoked beforehand and that the Committee's decision to grant the Consent did not bind the Council to approve any future applications. Mr Rogers was advised that he would be responsible for obtaining any other consents which he may require in order to operate as a street trader.

The meeting closed at 7.47pm.

Councillor M Banthorpe
(Chairman)