

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 19 DECEMBER
2017

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Patricia Ellis (Chairman)	Cllr Peter Isherwood
Cllr Bob Upton (Vice-Chairman)	Cllr Anna James
Cllr Maurice Byham	Cllr Carole King
Cllr Patricia Ellis	Cllr Robert Knowles
Cllr Michael Goodridge	Cllr Libby Piper
Cllr Simon Inchbald	Cllr Bob Upton
Cllr Peter Isherwood	

Apologies

Cllr John Fraser and Cllr Tony Gordon-Smith

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 1.)

Apologies for absence were received from Councillors Tony Gordon-Smith and John Fraser.

17. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest received.

18. APPLICATION FOR STREET TRADING CONSENT - HIGH STREET, CRANLEIGH
(Agenda item 3.)

The Committee considered an application from Mr Andrey Andreev, who was present at the meeting, to continue to trade as a 'Kebab Burger Van'. The applicant wanted to continue to operate in Cranleigh High Street (outside 41 High Street - The Post Office) with trading 7 days a week between 1730hrs and 2300hrs at this location. The Committee was reminded that an application for a street trading licence from Mr Andreev had been considered and agreed on 19 June 2017 subject to it being on a temporary basis for a period of 6months. His consent would expire on 30 December 2017.

The Committee was advised that officers had consulted with Cranleigh Parish Council, Cranleigh Borough Councillors, Cranleigh Chamber of Commerce, Waverley Borough Council's Planning Department, Surrey Police, Surrey Fire and Rescue Service, Surrey County Council Highways Authority and other relevant consultees as part of the consultation period. As a result one objection had been received to the application at the time of writing the report and a further objection had been submitted by Cranleigh Parish Council since the agenda was published, the details of which were read out at the meeting.

The Committee noted that matters which had been highlighted as concerns included increased littering, concerns of anti-social behaviour and noise nuisance

(Public Order and Public Nuisance), it was not in-keeping with the local area and that there was sufficient current provision within the local area already.

The Committee had some concerns regarding this application. They asked Mr Andreev about litter that had allegedly been found around the van. He confirmed that before he left in the evening he always checked around the van for rubbish. Most people did not stay to eat but took their food away with them. Some photographs were shared with the Committee showing evidence of takeaway litter in the High Street location, however councillors did not feel that they could attribute that rubbish to the kebab van because of its location in the High Street, particularly because there were other takeaway providers in the area.

The Committee asked about the opening times for the kebab van because he had not always been in operation at the times his licence allowed for and members sought reasons for why the hours should be extended, as per the application. Mr Andreev advised that he wanted to extend his time to 11pm because a lot of his business came around this time on some evenings and he wanted the flexibility to be able to serve them.

The Committee withdrew to consider the application. Following the Committee's deliberation the meeting resumed. During the deliberations, the Council's legal advisor was asked to advise the Sub-Committee on legislation regarding Street Trading and application of Conditions.

The Committee resolved to GRANT the application in principle, as although complaints had been received, it was difficult to substantiate these without direct evidence. Therefore, there were standard conditions to be applied to the licence and the hours requested were to be amended because of the reasons noted below.

The Committee considered the hours requested by the applicant of 5.30pm-11pm. It was noted at the meeting that the applicant would amend this to start at 6pm so as to run in parallel with the potential new opening and closing hours of the Post Office.

However, the Committee unanimously agreed that considering the concerns raised and the Post Office hours not being confirmed, the hours as they currently stood should remain. In addition, with regard to the proposed extension of hours of operation to 11pm, this aspect of the application was rejected on the basis that it was felt that there was a substantial risk of nuisance to the public from noise in what was a predominantly residential area, in line with the Street Trading Policy. Therefore, to confirm, the hours of operation agreed were 7-10pm Monday to Friday and Saturday and Sunday 5.30-10pm as was currently in place.

Mr Andrey had answered the Committee's questions and although he did not have complaints against his kebab van, it was noted that at this location there had been complaints, specifically regarding litter. However, it was difficult to attribute this directly to the applicant's establishment. The Committee though would like to have received assurance from the applicant that he would have picked up any if not all litter in a 10 metre vicinity of the van, therefore, Condition 11 was amended to include the word "all" in front of the word Litter in the last line. Members requested the applicant to adhere strictly to this condition in future.

The meeting commenced at 1.30pm and concluded at 3.19pm

Chairman