

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 10 JUNE 2024

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING -
<DATE>

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

Present

Cllr Jacque Keen
Cllr Maxine Gale

Cllr Michael Goodridge

19. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Michael Goodridge was elected as Chair for the purpose of this meeting.

20. DISCLOSURE OF INTERESTS (Agenda item 2.)

Cllr Maxine Gale advised she was a parish councillor for Witley and Milford which would be discussed as part of the application for Howe and Co Fish and Chips. She advised she was not pre-disposed and had an open mind for the application.

21. APPLICATION FOR A STREET TRADING CONSENT - LAY-BY SOUTH OF JUNCTION WITH ELMBRIDGE ROAD, A281 HORSHAM ROAD, CRANLEIGH (Agenda item 3.)

The Committee considered carefully the application and supporting information together with the street trading policy, committee report, and comments received both in support and the objection received.

With regards to the concern raised (objection by Surrey County Council - Highways authority on the grounds of public safety) the Committee carefully took account of the street trading policy considerations and in particular the paragraphs relating to public safety and nuisance. Further, local observations/knowledge were considered relevant to the appropriate weight to be attributed to the comments received. The Committee considered the application as applied for on its merits.

The Committee was satisfied that the standard consent conditions satisfactorily covered the concerns raised and that no additional conditions were necessary in the circumstances. The Committee determined that the application fell within the scope of the policy and made a finding that the application did not represent a substantial risk to the public in terms of public safety. The Committee noted that the applicant had successfully traded from the site for a significant period without any concerns of safety and or nuisance being raised to the Council.

The Committee therefore agreed to GRANT street trading consent for a period of a year with standard conditions (as applied for) and felt that no further conditions were necessary or proportionate in the circumstances.

22. APPLICATION FOR (INTINERANT) STREET TRADING CONSENT - ELSTEAD, CRAMHURST, WITLEY, CHIDDINGFOLD, DUNSFOLD, OCKFORD RIDGE, AARONS HILL, BRAMLEY, WONERSH, SHAMLEY GREEN AND EWHURST (Agenda item 4.)

The Committee considered carefully the application and supporting information together with the street trading policy, committee report, and comments received both in support and the objection received.

With regards to the objections raised, and the comments made, the Committee carefully took account of the street trading policy considerations and in particular the paragraphs relating to public safety and nuisance. Further, local observations/knowledge were considered relevant to the appropriate weight to be attributed to the comments received. During discussion, on the Dunsold part of the application, the franchise manager agreed to remove site 3 from the application as set out on the annexed plan.

The Committee was satisfied that the standard consent conditions (including in relation to litter) satisfactorily covered the concerns raised in most areas applied for however it was felt that a bespoke condition would be appropriate in addition to the standard condition that no nuisance or annoyance be caused to those in proximity of the chosen site(s). The Committee determined that on the whole the application fell within the scope of the policy and made a finding that much of the application did not represent a substantial risk to the public or risk of nuisance to the public.

The Committee did however have concerns regarding the applications in Chiddingfold and Ewhurst where the comments made did raise concern regarding risks to the public or risk of nuisance to the public and regard was had to the character of the neighbourhood which was of a predominantly residential and rural area.

The Committee therefore agreed to GRANT street trading consent for a period of a year with standard conditions (as applied for) for Elstead, Witley, Dunsfold (sites 1&2 only), Ockford Ridge, Bramley, Wonersh and Shamley Green with the inclusion of the condition of a condition that the vehicle used for trading must only remain stationary at each location for a maximum of 20 minutes for sales to be made. In addition, a condition that no trading take place outside residential properties after 21.00 hrs. It was felt that no further conditions were necessary or proportionate.

With regards to Chiddingfold and Ewhurst the Committee resolved to REFUSE street trading consent for those elements of the application on public nuisance and safety grounds as set out in 2.3.2 and 2.3.3 of the Street Trading Policy 2021 on the basis of likely nuisance and obstruction in these areas.

The Committee noted that both Chiddingfold and Ewhurst appeared to welcome the possible service on the whole but it was felt that a single site may be considered more appropriate in those rural areas.

23. LEGAL ADVICE (Agenda item 5.)

Legal advice was sought during deliberations.

The meeting commenced at 11.00 am and concluded at 12.41 pm

Chairman