

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 1 JUNE 2021

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 14
JUNE 2021

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

Present

Cllr Roger Blishen
Cllr Robert Knowles

Cllr Ruth Reed

28. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Robert Knowles was nominated and agreed to act as Chairman for this meeting.

29. STREET TRADING CONSENT ON THREE SITES - VAPORETTO (Agenda item 2.)

The Committee agreed to consider all three applications together and then retire to make their decision.

The applicant attended the meeting in person and gave the Committee a background to his business and an explanation around the issues that have been raised by the objectors and the measures he has put in place to address them.

The Committee then questioned the applicant about the issues raised and actions carried out, the objectors attending via Zoom were then asked to make their case and Elizabeth Bance, Environmental Health Officer was asked to make comment.

The applicant was invited to give a closing statement and the Committee retired to consider their decision at 11.06 am.

The Committee returned to deliver their decisions on the three applications at 11.39 am.

29.1 LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - MILFORD HEATH ROAD, MILFORD (Agenda item 2.1)

The Committee agreed to **GRANT** the application for a Street Trading Consent subject to the 20 x Standard Consent Conditions set out in Annexe B of the agenda item, the Pool of Conditions set out in Annexe C and the addition of 2 appendices to condition 11:

- That adequate signage be displayed advising customers to take their litter home or to dispose of it in the receptacle provided.

- That if it is not possible for the applicant to remove and properly dispose of all waste at the end of each day's trading that arrangements must be made with the appropriate local authority for collection of said waste and the appropriate fee paid.

29.2 LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - CHERRY TREE ROAD, MILFORD (Agenda item 2.2)

The Committee **REFUSED** the application on grounds of public nuisance, objections raised and issues that had been previously encountered with inadequate parking provision and access for the refuse vehicles and emergency vehicles. This is in accordance with section 2.3 (2.3.1 to 2.3.3) of the Street Trading Policy April 2021 which states:

2.3 In considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

2.3.1 *Public order*

Whether the street trading activity or activities represented, or are likely to represent, a substantial risk to public order.

2.3.2 *Public nuisance*

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

2.3.3. *Public safety*

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding the site/area.

Overcrowding includes the capacity of the street trading area having the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

29.3 LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - THE STREET, FRENHAM (Agenda item 2.3)

The Committee **REFUSED** the application for a street trading consent on the grounds of environmental impact on the ANOB, the restricted parking provision and effect to adjoining highway as evidenced by the Parish Council whilst the applicant has been trading there. This is in accordance with section 2.3 (2.3.3) of the Street Trading Policy April 2021 which states:

2.3 In considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

2.3.3. *Public safety*

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding the site/area.

Overcrowding includes the capacity of the street trading area having the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

30. LEGAL ADVICE (Agenda item 3.)

The Committee considered all legal advice relating to the applications in the agenda.

The meeting commenced at 10.00 am and concluded at 11.44 am

Chairman