

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 26 JUNE 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 18
SEPTEMBER 2023

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

Present

Cllr David Munro (Chair)
Cllr Michael Higgins

Cllr Ruth Reed

Also Present

Cllr George Murray (Observer)

46. ELECTION OF CHAIRMAN (Agenda item 1.)

The meeting was delayed till 10:15 whilst officers confirmed that Witley Parish Council were not attending in objection.

Cllr David Munro was elected Chair for the purpose of this hearing. Proposed by Cllr Ruth Reed and seconded by Cllr Michael Higgins.

Officers then advised that the applicant had not received the agenda pack so had not had time to read it.

The meeting was adjourned for 20 mins for the applicant to read and understand the agenda pack.

47. LICENSING ACT 2003 - APPLICATION FOR STREET TRADING CONSENT - MILFORD & WITLEY LTD, CHURCH CLOSE, MILFORD, GODALMING, GU8 5HQ.
(Agenda item 2.)

At 10:45 the meeting reconvened and Holly Appleton, Senior Environmental Health Officer – Land & Air Quality, outlined the application. One objection had been received from Witley Parish Council on the grounds of access, lack of parking, and potential noise and smell.

The applicant then made a statement advising that his customers were mainly local and walked to his van and could park on Church Road if they drove and walk through the footpath. He also advised that he had received no complaints of noise or cooking smells at his current site. Members were advised that the van had two extractor fans with filters.

At 10:59 the committee retired to deliberate and returned at 11:15 to convey the decision.

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 Witley Parish Council) 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. It was equally felt that the concerns raised in relation to noise and smell nuisance were based on a possibility rather than firm evidence of the same.

The Committee was satisfied that the standard consent conditions (including in relation to noise and smell) 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 or risk of nuisance to the public. The Committee noted that the applicant was successfully trading from a site in close proximity 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.

48. LEGAL ADVICE (Agenda item 3.)

Legal advice was sought during the meeting and deliberations.

The meeting commenced at 10.15 am and concluded at 11.18 am

Chairman