

Licensing Committee

**Friday, 1st July, 2016
2.15 - 2.55 pm**

Attendees	
Councillors:	Wendy Flynn (Chair), David Willingham (Vice-Chair), Mike Collins, Tim Harman, Adam Lillywhite, Paul McCloskey, Dennis Parsons, Diggory Seacome and Max Wilkinson
Also in attendance:	Andy Fox and Donna Marks

Minutes

1. APOLOGIES

Apologies were received from Councillor Baker.

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF LAST MEETING

The minutes of the last meeting held on 3 June 2016 were approved and signed as a true record.

5. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY

The Senior Licensing Officer, Andy Fox, introduced the report regarding an application from Mrs Stephanie Westlake of Juicilicious for permission to place four tables and eight chairs on the highway adjacent to her stall on the Promenade. The applicant already held a street trading permit which had conditions attached to it which would also apply to this application. The tables and chairs would be out from 08:00 – 18:30 hours every day of the week and a picture of the proposed items was shown at Appendix A, with a location plan at Appendix B.

The Officer reported that comments had been received from two consultees, namely the Business Partnership Manager and the Public Space Designer and he informed members that the comment from the Business Partnership Manager on behalf of Café Rouge regarding the potential for brand damage was not a relevant consideration. The Officer recommendation was to refuse the application on the grounds of unnecessary obstruction of the public highway as this was already a very congested area.

Members questioned the Officer on the various reasons for the objections and for definitions of some of the wording, in particular with reference to obstruction. The Legal Officer replied that members had to consider whether it posed a risk

to public safety on the highway and whether it added any enhancement to the street scene.

The Chair invited the application to speak in support of her application. Mrs Westlake stated that she would like an area for tables and chairs next to the Juicilicious stall on the Promenade so that some regular customers could enjoy the food and drink that they supplied near their premises.

In reply to questions from members, Mrs Westlake informed them that there would be no increase in vehicle movement to set up the tables and chairs as there was capacity in the current vehicles used, so there would be no increased risk to public safety. She also explained that she had adjusted the location diagram submitted to an area of 2.4m², as opposed to the original 3m² that was quoted in the text, as she had been informed that there needed to be an access space of 1.5m between the seating area and the tree pit. In reply to further questions, Mrs Westlake explained the type of food and drink that she sold and how the weather affected which produce was the most popular. She confirmed that the nearby benches were used by her customers but, particularly around lunch time, they were always full.

Members considered the objections from the Public Space Designer and ruled them out on the basis that:

- There is no policy on saturation and healthy competition and members wished to support start-up businesses and promote the café culture in the town.
- When the various markets are there, Juicilicious is not there, this being a condition of her street trading licence.
- The position of this area does not interfere with pedestrian desire lines which are essentially up and down the Promenade and not across, and there is a gap between the tree pit and seating area for access.
- There is no increased vehicle delivery movement as already explained by the applicant.

Members in favour of the application felt that the position did not obstruct emergency access as the area between the bollards was still clear. They also felt that even though there were other tables and chairs from other business premises in the vicinity, that complimentary business competition was acceptable.

Other members however felt that the competition could be seen as unfair, given that permanent establishments had financial overheads.

There was some discussion about the council's street trading policy, in that tables and chairs outside business premises were mentioned, but that this application related to Promenade Pitch No 1 and not an actual premises. One member felt that the size of the pitch with the seating area was too large and in excess of twice the recommended size and felt it did not enhance the street scene.

The applicant was invited to say a final word. Mrs Westlake stated that litter bins would be provided and confirmed that the natural desire line of the Promenade was under the covered area of Cavendish House. She agreed that she could see the arguments about competition but stressed that street traders,

because of having to set up every day, had a limited amount of produce on sale, whereas permanent premises were able to offer a wider range.

There being no further discussion, the chairman moved to vote on granting the application to place tables and chairs on the highway

Upon a vote, it was 8 for, with 1 abstention.

RESOLVED THAT, Mrs Stephanie Westlake's application for consent to place 8 chairs and 4 tables on the highway be granted.

6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None

7. DATE OF NEXT MEETING

29 July 2016

Wendy Flynn
Chairman