

Licensing Sub-Committee - Miscellaneous

Wednesday, 3rd April, 2019
6.00pm

Attendees	
Councillors:	Paul McCloskey (Chair) (Reserve), Dennis Parsons, Simon Wheeler, Mike Collins, Tim Harman (Reserve)
Also in attendance:	Louis Krog, Vikki Fennell and Judith Baker

Minutes

1. APOLOGIES

Councillor Willingham was unable to attend. Councillor McCloskey substituted as Chairman of the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. APPLICATION FOR A STREET TRADING CONSENT

1. Application for a street trading consent

i. Officer introduction

The Licensing Officer introduced the application as set out in the report, for a street trading consent to sell fruit and veg at the High Street 7 (Cambray Place) location. The stall will measure 2m x 3m (approximately 10ft, not 19ft as stated in the report), and will trade 7 days a week, from 8.00am to 6.00pm.

The committee can:

- Approve, if they consider the location to be suitable, or
- Refuse, if they consider the application doesn't comply with the provision of the Street Trading policy, or consider the location to be unsuitable.

Objections are attached at Appendix 2, and Members should be mindful of these. The committee must determine the application with a view to promoting the council's adopted policy regarding the permitted trading types and locations, and not deviate from that policy without good reason. They should note that the sale of fruit and veg is considered suitable for this location., but this should not fetter the committee's

discretion to take into account all matters when considering the application, including the objections.

ii. Member questions to officer

- *What will the stall look like? Will it have a canopy?*

Mr Mohamed stated that it will be a table and gazebo to begin with. A picture was shown.

- *There is already a fruit and veg stall at times, outside Marks & Spencer's. Will it look similar to that?*

This is Riverford Organic Farmers who occasionally promote their fruit and veg boxes in that area. They are not street traders as such.

iii. Applicant's address

Mr Mohamed assured Members that he will comply with all the rules, concerning the size of the stall and trading hours. He stated that he will not affect any businesses in the area. He has run a similar stall in Bristol city centre, and never had any complaints from anyone.

iv. Member questions to applicant

In response to members' questions, Mr Mohamed confirmed that:

- The stall will be of normal gazebo height, with a flat roof – high enough to stand comfortably underneath. A picture was shown, but this didn't show the sight lines – a long distance picture would be needed for this;
- Only fruit and vegetables will be sold on the stall;
- All rubbish – cardboard, tissue paper etc – accumulated during the day will be taken away at the end of the day, the pavement swept and the area left clean and tidy;
- From experience in Bristol, one bin will be adequate to hold the day's rubbish;
- Produce will be unloaded from a van in the morning, displayed on the table, with additional stock stored in boxes underneath, leaving the van empty. It will be taken away in the van at the end of the day;
- He does not currently know where the van will be parked during the day, but is hoping to park in the car park of his friend's shop in Cheltenham;
- Two people will work on the stall – Mr Mohamed and one other;
- He is applying for a consent in Cheltenham because he visited the town last year and thought it would be a good place to extend his business. He will continue running his stall in Bristol;
- He is aware that Cambray Place is a pedestrian area, and that refuse and emergency vehicles may need access. He is confident that his stall will not cause any issues in an emergency situation.

The Licensing Officer confirmed that if the consent is granted, it will be valid for up to 12 months; it is at the Committee's discretion to make this shorter, or to call it in at any time. Officers anticipate complaints from

local traders and will need to manage these, but any Member can call the case back in and it will be at the Chair's discretion to decide whether to re-hear the matter or not.

v. Member debate

Members made the following comments in the debate:

- A Member proposed structuring the debate on the basis of the criteria set out in the report – the needs of the area, public nuisance, public safety, appearance, and environmental issues.
- Members sympathised with permanent businesses in area paying full business rates, but liked the thought of having streets stalls that don't necessarily compete with local businesses, particularly a stall such as this which promotes health and well-being lifestyle. They stated that they could see real benefit in this this but were aware that public nuisance, safety etc. have to be taken into account.
- Other Members could see a need for this in that part of town. As long as the conditions were complied with, and the consent could be called in if necessary.
- One Member didn't agree with the BID objection that the stall would be in competition with Iceland and Sainsbury's, but was concerned that the position of the stall – 2m deep with a person standing behind, situated in front of the bike stands and with tables and chairs opposite – could obstruct the highway in the event of an emergency. They stated that they would be lobbying for a review of street trading policy when the stalls could cause on obstruction of sight lines to established shops. The German Sausage stall caused no end of trouble with New Look last Christmas, and the wedding shop has raised this concern, which is both legitimate and reasonable. High Street 7 is an authorised pitch, so this is an issue for the street trading policy, but with the changes in the townscape in that area – trees, seating, bike rack – the appropriateness of HS7 as pitch is called into question. They were also concerned that Members had not been shown exactly what the stall would look like and cannot therefore judge what it would add to the townscape. They suggested that going forward every application should include a photo of the proposed stall. As such, they had major reservations about the application, and could not support it as it stands.
- One Member felt that by looking at the map, HS7 was located in the pedestrian area but appeared to be on the part of the highway open to delivery vehicles, emergency vehicles etc. Members looked at photographs provided by Councillor McCloskey, and at images of the site on Google Maps, which

show there is room for a pedestrian to walk behind the cycle racks, but that pedestrians already have to come a fair way out into the 'road' area to avoid the cycle racks and tables and chairs. Regarding the obscuring of the wedding shop frontage, they highlighted that there is a very large sign above first floor level pointing down to it, and it is the sort of business that people come to by appointment or with prior knowledge.

- The Licensing Officer confirmed that Members cannot be concerned about any future use of that building, and must consider the case as it is tonight – if there are any material changes of circumstance, it can be called back in. On Member didn't consider that the stall would obscure the view of the wedding shop.
- One Member revisited the issue of an emergency vehicle requiring access through a pedestrian area. The Licensing Officer reiterated that Members need to bear this in mind; this is a shared space, a designated thoroughfare, and the proposed stall will take up at least 40% of the width and cause substantial obstruction of the thoroughfare. He conceded that this is not ideal; the Member agreed but felt that there would still be room for an emergency vehicle to get round if it had to.

vi. Applicant's response

Mr Mohamed was offered the opportunity to respond to any of the points raised by Members, but had nothing further to say.

Vote

Members voted to approve the application as follows:

4 in support

1 in objection

Members wished the applicant well with his enterprise and advised that he will receive a letter from the licensing department shortly. Mr Mohamed confirmed that he hopes to start trading on 1st May. The Licensing Officer advised that he will write to the objectors. Members said that photos and street views would be helpful when deciding applications such as this in future.

4. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRE A DECISION

There were none.

Chairman