

LICENSING COMMITTEE

24 September 2013

Present:

Councillor Dawson (Chair)

Councillors Laws, Choules, D J Henson, Macdonald, Newby, Shiel, Tippins and Winterbottom

Apologies:

Councillors Clark, Pearson and Ruffle

Also present:

Assistant Director Environment, Licensing Solicitor, Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

18 **Declarations of Interest**

The following Member declared an interest as indicated.

COUNCILLOR	MINUTE
Councillor Tippins	21 (as an objector to the application)

19 **Scrap Metal Dealers Act 2013**

The Principal Licensing Officer presented the report informing Members of changes to licensing legislation introducing new functions to be carried out under the Scrap Metal Dealers Act 2013. The new Act repealed the Scrap Metal Dealers Act 1964 and Part 1 : Section 35 and paragraphs 1 and 2 of the Schedule in the Vehicle Crimes Act 2001.

Councillors Tippins and Choules arrived as this item was being presented.

RESOLVED that the report be noted.

(Report circulated)

20 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

21 Application for consent to trade (Mr MA)

Councillor Tippins was present throughout the application in her role of objector to the application and did not take part in the debate. Councillor Tippins left the room when the Licensing Committee deliberated on this application.

The Principal Licensing Officer reported that Mr MA had applied for consent to street trade for a period of twelve months in Glasshouse Lane, a designated area under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Mr MA had not previously held consent to trade in any part of the City.

Mr MA, together with Mr IA attended the meeting, the latter speaking on Mr MA's behalf in respect of this fast food business. Mr MA wished to sell fast food from a catering van and the hours requested were 16:00 hrs to 12 midnight Monday to Sunday. The original termination hour sought of 02:00 hrs was amended at the request of the applicant to 12 midnight.

The Licensing Solicitor advised that there was no requirement on Mr MA to amend the application to reflect what may have been granted in the Licensing Act 2003 application but Mr IA confirmed that they were happy to amend the application nevertheless. As the potential impact of the application was reduced by the amendment, the Licensing Committee accepted the amendment without requiring further consultation or advertising of the application.

A number of objections had been received on the grounds of possible noise, late night disturbance, smells and litter. There were concerns that serving food late at night could attract over night or late night drivers of taxis and large vehicles driving through the estate. Because of the intention to trade late at night there were significant fears from residents regarding anti-social behaviour. Residents stated that the area was residential and therefore unsuitable for late night trading.

Mr IA, responding to the objections, advised that the business was run very professionally having operated vans in Reading as well as Exeter for some 20 years in total, the other Exeter location being at St. David's Station. The latter food business had received a five star environmental health score. The Police had not objected to the current application. The vans were fitted with modern equipment and smell would be eliminated by the use of industrial charcoal filters. Before and after photos of the streets would be taken to show that the area was kept tidy after trading.

Responding to Members' questions, Mr IA advised that a van and one other vehicle would be used, the latter utilised to transfer supplies etc. to and from the other van as well as transporting staff to the nearest toilet facility if required. Mr IA acknowledged that it was possible that the allotted parking space could be occupied by other vehicles at times which would prevent trading if there was no space for the van. With regard to litter, most customers eat the produce in their vehicles or drove away. Bins were provided adjacent to the van and signs discouraging littering were displayed on the vehicle.

Councillor Tippins, who objected, spoke on behalf of residents who also objected. She re-iterated issues of noise, smells and littering and one of the biggest concerns being the attraction of people from other areas and the increase in vehicular movement late at night. Parking was a problem in the Countess Wear area which would be exacerbated by the presence of the van.

Councillor Tippins acknowledged the professionalism of the operation and compared it with the previous operator of whom a number of complaints had been received but suggested that news of the van would spread leading to an increase in visitors to the estate. She believed that the nearest toilet facility shut at 10:00 hrs and advised that the PCSO's had undertaken to monitor the van closely.

The Licensing Committee retired to make its decision.

RESOLVED that consent be granted for a period of twelve months, subject to the conditions set out in the report with an additional condition requiring the use of biodegradable packaging.

(Report circulated to Members)

TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16

22 Application for a Hackney Carriage Vehicle Licence (Mr and Mrs MK)

Councillor Newby left the Licensing Committee having heard the application but before deliberation of the application commenced.

RESOLVED that Mr and Mrs MK's application be refused.

(Report circulated to Members)

23 Application for a Hackney Carriage Vehicle Licence (Mr SH)

RESOLVED that Mr SH's application be refused.

(Report circulated to Members)

24 Sex Entertainment Venues and Sex Establishments

The Assistant Director Environment reported that an application had been received for a sexual entertainment venue licence which would most likely be considered at the next meeting of this Committee on 19 November 2013.

25 Taxi Forum

The Chair announced that there would be a meeting of the Taxi Forum on Wednesday 13 November 2013 at 10am. All Members were invited to attend.

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair