

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 29 January 2020 commencing at 10:30 am

Present:

Chair

Councillor G J Bocking

and Councillors:

G F Blackwell and P A Godwin

LSB/B.11 ELECTION OF CHAIR

11.1 It was proposed, seconded and

RESOLVED That Councillor G J Bocking be appointed as Chair for the meeting.

LSB/B.12 ANNOUNCEMENTS

12.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.13 DECLARATIONS OF INTEREST

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 There were no declarations made on this occasion.

LSB/B.14 APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT

14.1 The report of the Senior Licensing Officer, circulated at Pages No. 1-42, outlined an application for a street trading consent for a location at Gambet Road, Brockworth. The Sub-Committee was asked to determine whether or not to grant the street trading consent.

14.2 Members were advised that an application for a street trading consent in respect of Gambet Road, Brockworth had been submitted to the authority, a copy of which was attached at Appendix A to the report. The application was for consent to trade every day between the hours of 1630 and 2300, selling a variety of fast food and cold soft drinks. The proposed location for the trading vehicle was shown at Appendix B to the report. No objections or comments had been received from local residents or the Parish Council during the consultation process; however, objections had been received from Gloucestershire Highways in respect of traffic congestion and the position of the bus stop and cycle lane, and from Gloucestershire Constabulary on the grounds of anti-social behaviour, congestion, noise and odours. These were attached at Appendix C to the report. The role of the Sub-Committee was to determine the application with a view to promoting the Council's Street Trading Policy and Paragraph 1.3 of the report highlighted the various factors

which should be taken into consideration. The Sub-Committee could grant consent if it considered the location to be suitable for street trading or refuse consent because it considered the location to be unsuitable for street trading. Should Members be minded to grant consent, this could be for a trial period e.g. no longer than 12 months. It was noted that there was no right of appeal against refusal of a street trading consent.

- 14.3 A Member queried whether there was a record of anti-social behaviour in the area and the Senior Licensing Officer explained that he had looked at the Police website for incidents in Gambet Road and the surrounding areas over the last six months and this had shown 35 reported crimes, 15 of which were related to anti-social behaviour.
- 14.4 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the application had been submitted at the end of 2019 and he was aware there had been two objections from Gloucestershire Constabulary and Gloucestershire Highways. In terms of the Police objection, it had been suggested that the proposed location, within a residential area, was not the right location for a food van; however, he was hoping that a more detailed explanation would be provided as to why that was the case. He had also looked at the crime statistics for the area using the data available from the Police and had found there were very isolated cases of anti-social behaviour within the area with incidents being reported in early 2018 and in March and August 2019. There were a variety of other crimes, such as vehicle crime, burglary and violence against a person, which were unrelated to anti-social behaviour. In his view these statistics were characteristic of a typical neighbourhood and complaints in relation to road rage, or incidents of that nature, were typical of any heavily congested area. The final point raised by the Police related to noise from cars and odours and he explained that the Council's Environmental Health Officer had carried out a site visit and was satisfied that the food van would not cause problems of that nature due to the distance from properties. It was noted that Gloucestershire Highways had stated there was only one residential road leading into the estate; however, he had looked at this in depth and knew the area reasonably well so was able to confirm another access via Buccaneer Road and other side roads. He indicated that the bus lane would have no impact on the viability of the food van and the cycle lane came to an end just after the bus stop and did not continue beyond the traffic lights so should not be a problem. The applicant was aware of the bus stop and would be happy with a condition to prevent parking within a set distance of that in order to allow buses to pull in and out. With regard to concerns about litter, there were significant guidelines within the Tewkesbury Borough Council policy, the applicant would have the opportunity to address any complaints that might be received, and, ultimately, the Council could withdraw consent if any conditions were broken.
- 14.5 A Member questioned why the applicant had chosen this particular location for the food van and was advised that it was based on the demographics of the area and the lack of existing fast food outlets. Another Member asked whether a survey had been carried out to canvass opinion from local residents and the applicant's representative confirmed that the public notice had been displayed at the relevant location between 8 October and 5 November 2019, in accordance with the statutory consultation period, and no objections had been received. A Member queried what customer numbers were being projected as he was concerned that the food van would be located on a major thoroughfare which was likely to result in cars wanting to stop which would have a significant impact on traffic and congestion. In response, the applicant's representative advised that it was anticipated there would be 10-15 customers per night with busier periods on Fridays and Saturdays well outside of commuter hours. There was an expectation that early evening trade would be low but there would be an opportunity for people to collect food to take home with them as they returned from work. The Member indicated there was a similar van in another location in Innsworth and it was not unusual to see six cars

parked around it so he was concerned from a traffic perspective, particularly as trade was likely to increase over time due to word of mouth. The applicant's representative pointed out there were no double yellow lines, or any traffic restrictions or traffic orders of any kind. He reiterated that, based on his knowledge and understanding, early evening trade would be very slow and was often a time used for food preparation. Whilst the area was busy and did suffer from congestion at peak times, it was very rare to see traffic queuing in the side roads through the estate. There was also an expectation that people would be unwilling to wait for long periods for takeaway food so it would be self-policing in that respect. If Members felt it was necessary, the applicant would be willing to consider amending the trading hours to a later start time.

14.6 In summing up, the applicant's representative indicated that he found the majority of objections raised by Gloucestershire Constabulary and Gloucestershire Highways to be a little weak and reiterated that the Council's Environmental Health Officer had no issue in terms of odours etc. In his view, the sole issue was whether the food van would have an impact in terms of congestion and traffic and he asked the Sub-Committee to give the applicant a chance by granting consent for a period of six months, again offering a later start time, if that was more palatable for Members.

14.7 The Chair asked all parties to withdraw whilst the Sub-Committee made its decision.

14.8 Having considered the Council's adopted policy statement, the representations made and the evidence heard, it was

RESOLVED That the street trading consent be **REFUSED** on the basis that the site was unsuitable.

The applicant was invited back to the meeting to hear the decision of the Sub-Committee. The applicant was advised that the Sub-Committee had found there would be a significant impact on road safety which could arise from the siting of the trading itself; the street trading activity would undermine the safe and efficient passage along public highways and cause congestion; there was real concern in relation to the bus stop, cycle lane and sheer volume of traffic on that road; the activity would be carried out after dusk and the site was not adequately lit to allow safe access and egress; and the site did not allow for parking in a safe manner. The Sub-Committee had taken into account the representations of Environmental Health and was not concerned about the objections in relation to noise and odours but road safety was a paramount concern.

LSB/B.15 SEPARATE BUSINESS

15.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.16 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

16.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 11:40 am