



LICENSING AND ENFORCEMENT SUB-COMMITTEE

MEETING : Wednesday, 11th February 2015

PRESENT : Cllrs. Randle, Noakes and C. Witts

Officers in Attendance

Lisa Jones, Food, Licensing and Markets Manager

Steve Isaac, Solicitor

Darren Mountford, Senior Licensing & Markets Officer

Richard Barnett, Licensing and Enforcement Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : None

42. ELECTION OF CHAIR

Councillor Noakes was appointed Chair of the meeting.

43. DECLARATION OF INTERESTS

No declarations were made on this occasion.

44. APPEAL AGAINST THE REFUSAL TO RENEW A STREET TRADING CONSENT - HOT FOOD UNIT, LAY-BY OFF INNSWORTH LANE, GLOUCESTER

The Licensing and Enforcement Officer presented his report which requested that the Sub-Committee consider the appeal by Mr Aslantepe against an Officer refusal to renew a Street Trading Consent for a hot food unit which he had been operating in a lay-by off Innsworth Lane.

He referred Members to the standard set of criteria that had been agreed by the Council on 21 March 2013 and had been attached to his report as Appendix 1.

He advised Members that the trailer had been replaced by a van and circulated photographs of the vehicle and its proposed location.

The application to renew the Consent, which had been granted for a period of six months, had been the subject of a 14 day consultation. Six representations had been received and they were attached as Appendix 3 to the report.

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Members were passed a petition of 343 signatories that had not been published as it contained some fictitious names and addresses and comments of an offensive nature.

Members noted the applicant's letter attached at Appendix 5 to the report which outlined the reasons for which he believed that the Street Trading consent should be granted.

The Licensing and Enforcement Officer referred to two representations received after the consultation period which were attached to the report as Appendix 6.

The Applicant's Agent, Mr Rod Navarrete, had no questions but advised that he had a further 116 signatories to the petition.

Councillor Randle asked if there had been any complaints from the Police or Environmental Health and was advised that there had been none.

Councillor Porter, a Ward Member for Longlevens, referred to his representation and expressed concerns regarding parking due to the proximity of the football pitch and the allotments. He advised that the football pitch had been let to Longlevens Football Club and would be used by youth teams between August and the end of April. This would generate extra traffic and the car parking for the sports area was limited.

He advised that he had received a number of complaints when the licence had first been granted which he had forwarded to Officers. He had received no further complaints after the first month of operation. He wished to be assured that the original objectors had been informed of this appeal.

Councillor Porter was advised that they had been contacted by e-mail, the secretary of the football Club had been sent a letter and the Secretary of the Allotment Holders Association had been contacted.

Councillor Porter advised Councillor Witts that the football pitch would be used from this summer as the Football Club had signed a lease. He also noted that the Football Club wished to install floodlights.

The Applicant's Agent asked Councillor Porter if one parking space occupied by the hot food unit would make such a huge difference. Councillor Porter acknowledged that the unit occupied one spacer but customers drove to use the facility and space was required for pedestrian access to the unit. He believed that the situation could be alleviated if the unit was parked on the grass verge.

Mr Navarrete, representing the Applicant, reiterated that there had been no police objection as they believed there had been a great reduction in anti-social behaviour at this location. He also noted there had been no environmental Health objection although there were additional measures that could be undertaken if so required. He noted that the Applicant cleared the area of any rubbish generated by his business and others in the area every night. He noted that the Neighbourhood Manager, David Pritchard supported the continuing presence of the unit.

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Councillor Witts referred to the permitted hours but he understood that the Applicant opened at 4.30 pm Mr Navarrete confirmed that this was the case and that the Applicant was prepared to negotiate a reasonable reduction in permitted hours.

Councillor Noakes asked for confirmation if everything left over was disposed off. The Applicant confirmed that this usually happened and supplies were purchased on a daily basis as he could forecast his requirements with accuracy. He confirmed that he had permission to use sanitary facilities at The Glevum Inn.

Councillor Randle was advised that the van was a similar size or smaller than the trailer previously used.

Councillor Williams, a Ward Member for Longlevens, had been surprised by some of the comments in the representations and she believed that they had been generated by concerns about what might happen rather than the reality of the situation.

She stated that the Applicant provided quality hot food which was patronised by many local elderly people. She had asked the police Neighbourhood Beat Officer and the Police Community Support Officers to patrol the area which they had done regularly for two months without incident. She noted that the area had been used for drug trafficking and since the trailer had gone youths were frequenting the area again. She stated that the hedge had been trimmed to prevent it trapping litter and to increase visibility through it.

She noted that parking had been problematic before the trailer used the area, particularly when there had been football matches and local roads became crowded. The area was used by dog walkers some of whom were not local residents and half the allotment users had made use of the facilities provided by the Applicant.

She believed that the presence of the trailer had enhanced the area and hoped that the Sub-Committee would uphold the appeal and renew Mr Aslantepe's consent.

Councillor Randle asked about operating hours and the Applicant advised that he stopped trading at 10.30pm to clean the site and had usually left before 11.00pm. He had thought the hours on the previous consent were a good idea when he made his original application but in deference to the concerns expressed by some allotment holders he did not start trading before 4.00pm.

He stated that there was no smell from the unit but the smell in the area was caused by the nearby sewage plant. He believed that the site was cleaner whilst he had been trading and the 14-15 year olds who had been selling drugs in the area had now stopped. He stated that he had helped one youth who was being chased by two men whom he believed would have attacked the youth if he had not intervened.

The Licensing and Enforcement Officer summed up and drew Members' attention to Paragraph 6.1 of his report.

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Mr Navarrete summed up by saying that the Applicant was passionate about providing good food and had many years experience in the food sector. He noted that whilst the unit is in operation antisocial behaviour and flytipping on the suite had ceased.

Members of the Sub-Committee retired for their deliberations and, upon their return, the Chair announced their decision as follows:-

Having considered the officer's report, the representations and the Applicant's case, the Sub-Committee are minded to uphold the appeal and to renew the street Trading Consent with trading hours reduced to 10.00am until 10.00pm Monday to Sunday inclusive due to the proximity of residential property.

The Chair reminded the Applicant that the Consent could be subject to review should there be any significant change in circumstances such as the nature of the locality.

RESOLVED that the appeal by Mr Aslantepe be upheld and the Street Trading Consent be renewed subject to amending the trading hours to 10.00am until 10.00pm Monday to Sunday inclusive due to the proximity of residential property.

Time of commencement: 18:15 hours

Time of conclusion: 19:25 hours

Chair