



LICENSING AND ENFORCEMENT SUB-COMMITTEE

MEETING : Tuesday, 17th March 2015

PRESENT : Cllrs. Randle, C. Witts and Chatterton

Officers in Attendance

Lisa Jones, Food, Licensing and Markets Manager

Steve Isaac, Solicitor

Darren Mountford, Senior Licensing and Markets Officer

Richard Barnett, Licensing and Enforcement Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES None

49. APPOINTMENT OF CHAIR

Councillor Randle was appointed Chair of the meeting.

50. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

51. APPEAL AGAINST THE DECISION TO REFUSE A STREET TRADING CONSENT - HOT FOOD UNIT, CRYPT SCHOOL ROUNDABOUT, GLOUCESTER

The Licensing and Enforcement Officer presented his report which detailed an appeal by Mr Kilic against the Officers' decision to refuse an application for street trading consent for a catering unit located at the Crypt school Roundabout.

He advised Members that the Council's agreed criteria for street trading consent were attached as Appendix 1 to the report.

He noted that six representations had been received as a result of the 28 day consultation and these were attached as Appendix 3 to the report.

A letter from the applicant requesting an appeal to the Officers' refusal of his application was attached as Appendix 5 to the report.

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He circulated photographs illustrating the proposed location of the catering unit.

The Appellant and Members had no questions of the Officer.

Mr Gordon Taylor, IT Manager of Crypt School and Hazel Baldwin, Estates/ Business Manager of Crypt School spoke against the application.

Mr Taylor stated that the school wished to object to the street trading application on the grounds of prevention of anti-social behaviour and crime and disorder together with the protection of children from harm.

He expressed concerns at the sale of fast food outside a school which was endeavouring to promote healthy eating. He noted that the sports facilities at the school, including outside pitches, were much used in the evenings as well as a programme of events and lettings.

He drew Members' attention to the proximity of the caretaker's house to the proposed location and expressed concerns regarding security as the school gates had to be left open out of school hours.

Ms Baldwin noted that Podsmead was a deprived ward which had experienced fewer problems in recent years due to the hard work of various agencies which also included initiatives such as the promotion of healthy eating. She noted that the location was a hot spot for traffic in the evenings as well as the mornings.

Councillor Witts was advised that the school had a lot of lettings out of school hours including the sports facilities, sports pitches and events held within the school.

The Chair was advised that there were zig-zag markings around the perimeter of the roundabout as the school buses dropped off there. Ms Baldwin advised that 4 coaches used the area in school time and two in the evenings. The area was also used by coaches returning from school trips as coaches could not turn around within the school grounds.

The Appellant had no questions of the objectors.

Mr Kilic, the Appellant, advised that his family had operated a similar unit in Eastern Avenue for 21 years without any complaints. He proposed to station the van between 19.00 and 23.00hrs and did not know if there would be problems with buses.

The Officers had no questions of the Appellant.

Councillor Witts asked what customers the Appellant hoped to cater for and the Appellant advised that the unit would serve people from Podsmead.

The Chair noted that the toilet facilities that the Appellant intended to use were 2½ miles away from the proposed location. The Appellant advised that the opening hours were four hour sessions and if necessary members of his family would provide cover. He confirmed that he had not tried trading from the location.

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The Licensing and Enforcement Officer summed up and drew Members' attention to his recommendation and to the options available to them at paragraph 6.1 of his report.

The Appellant advised that the kebab van had been operated for 21 years without causing harm to anybody and it would only be there to serve food.

Members of the Sub-Committee and the Solicitor withdrew to consider their decision. Upon their return the Chair read the decision which had been reached and it was

RESOLVED that the appeal against the refusal to grant street trading consent for a catering unit located at Crypt School Roundabout be dismissed for the following reasons:-

- 1) The siting and operation is such that it will cause problems of highway safety and obstruction to users of the highway, school events and other users in the evening.
- 2) Concerns that the use will generate noise, smells, litter and late night disturbance and affect the security of the school and the amenity of the nearby bungalow.

Time of commencement: 17:15 hours
Time of conclusion: 17:25 hours

Chair