

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 4 December 2012

Place: Council Chamber, Civic Offices, **Time:** 10.35 am - 12.05 pm
High Street, Epping

Members Present: D Wixley (Chairman), Mrs M Sartin, Mrs T Thomas and N Wright

Other Councillors: -

Apologies: -

Officers Present: R Ferriera (Assistant Solicitor), N Clarke (Licensing Officer) and G J Woodhall (Democratic Services Officer)

43. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

44. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and the terms of reference.

45. APPLICATION FOR A STREET TRADING CONSENT - HURRICANE WAY, NORTH WEALD

The three Councillors that presided over this item were Councillors D Wixley, M Sartin and N Wright. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were: Mr Polat, the applicant; Mr Hussain, representing the applicant; and Mr Ali, a companion of the applicant. Objecting to the application was one of the local ward members for North Weald Bassett, District Councillor D Stellan. The Chairman then introduced the members and officers present, and outlined the procedure that would be followed for the determination of the application.

The Application before the Sub-Committee

The Assistant Solicitor informed the Sub-Committee that an application for a Street Trading Consent in Hurricane Way, North Weald had been received from Mr Polat, along with representations from interested parties. The application had requested permission to serve hot and cold food from a trailer between the hours of 4.00pm and 11.00pm each day. The trailer would be driven to the site each afternoon and driven away from the site each evening. Essex Police had been informed of the application but, after undertaking checks, had not offered any objection. There were no responses from the Environment & Neighbourhood team, Highways Officers at Essex County Council and the Parish Council.

Presentation of the Applicant's Case

Mr Hussain stated that the application was for a Street Trading Consent to run a Burger Van in Hurricane Way between the hours of 4.00pm and 11.00pm each day. There were no parking restrictions at the site, and the applicant's preferred location would be opposite the Mini-Cab Office. However, the applicant would be willing to consider an alternative location or schedule to placate the objections received.

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, Mr Hussain explained that the Mini-Cab Office was open 24 hours a day, plus there were some commercial units in Hurricane Way, including Bookers Cash & Carry store. The applicant had run a similar business in the past in Harlow at an industrial estate. That licence had been from 5.00pm to 5.00am each day, and it was felt that the proposed location in Hurricane Way would generate sufficient trade to support the business during the hours requested.

Cllr Stallan highlighted that lorries were not permitted to park in Hurricane Way overnight, but they did anyway, and also used the applicant's preferred location. It was also pointed out that the Bookers Cash & Carry store tended to close at 5.00pm most evenings.

The Chairman stated that the location was very quiet between 4.00pm and 5.00pm, and again later at 8.00pm, when he visited Hurricane Way last week. There were no yellow lines at the location, but there were very few parking locations due to the white hatching down the middle of the road. There were public amenity recycling bins situated in Hurricane Way and the applicant would not be able to block the entrances to the business units either. Therefore, there appeared to be limited options at the location for the business to reside without interfering with traffic.

The Sub-Committee acknowledged that the economic viability of the business at that location was a question for the applicant. Mr Hussain stated that the applicant would be happy to have the hours of the licence adjusted to run from 5.00pm to 10.00pm each evening.

Presentation of the Objector's Case

Cllr Stallan stated that the area was used as an unofficial lorry park, although not every evening. Hurricane Way was always very busy on market days with cars parked there, and the applicant would not be permitted to block the emergency access to the airfield from Hurricane Way. A lot of the customers to the Market also tended to leave the area from 4.00pm onwards. The Councillor drew the Sub-Committee's attention to the other comments contained within his correspondence.

Questions for the Objector from the Sub-Committee

Cllr Stallan responded that the Market had its own food retailers, including Burger Vans, in operation. Although parking was provided on the Airfield, visitors to the Market still used Hurricane Way to park their vehicles before walking into the Airfield, and there never appeared to be any parking enforcement in operation.

Applicant's Closing Statement

Mr Hussain stated that the Market usually closed at 3.00pm, so any parked vehicles for the Market would have left the area by 5.00pm at the latest. Lorries were not

allowed to officially park in Hurricane Way as it was a narrow road. The applicant had been researching the location on different days for the last six months, up to 11.00pm in the evening, before submitting his application.

Further Questions for the Applicant

Mr Hussain reiterated that the applicant would be happy to have the hours of the licence adjusted to run from 4.00pm to 10.00pm each day, as this would still generate business from the nearby commercial units. If a vehicle was already parked at the applicant's preferred location in Hurricane Way then the applicant accepted that he would have to wait for the owner of the vehicle to return and move it.

The Assistant Solicitor clarified that a Street Trading Consent did not give the applicant an automatic right to park at their preferred location if another vehicle was parked there. The Licensing Officer confirmed that this had been explained to the applicant when he made his application, along with the fact that the lack of parking restrictions would not allow the applicant to obstruct any entrances.

Councillor Stallan requested that if the Sub-Committee was minded to grant the application then could they add an extra condition for no external advertising for the business to be placed on the main road. There was a War Memorial at this location and the placing of external signage would be inappropriate there. Mr Hussain reassured the Sub-Committee that the applicant would advertise the business via leaflets through the letterboxes of local residents, rather than external signage at the site. The Assistant Solicitor advised the Sub-Committee that no littering at the site would be part of the Council's standard conditions, and this would include discarded leaflets advertising the business.

Consideration of the Application by the Sub-Committee

The Assistant Solicitor advised the Sub-Committee that the viability of the business at the proposed location was not an issue for consideration when deciding whether to grant the Consent. It was also highlighted that the Highways Agency had made no objections to the application and neither had any of the nearby residents.

The Sub-Committee felt that the applicant's business could encourage more vehicle movements and noise at the site, and that it would not be unreasonable to limit the hours of trading to 10.00pm each evening. The Sub-Committee was also minded to add an extra condition prohibiting external signage on the main road by the War Memorial, as requested by the Objector.

The Licensing Officer was recalled to answer some queries about the Street Trading Consent. The Licensing Officer confirmed that the Sub-Committee could not designate the exact pitch as the Consent would be valid for any spot where it was valid to park in Hurricane Way. Therefore, any street makings would have to be respected by the applicant. The Sub-Committee requested that the Licensing Officer leave the chamber again.

Following consideration of the application, the Chairman invited the participants to return and informed them of the Sub-Committee's decision.

Resolved:

(1) That the application for a Street Trading Consent by Mr I Polat in Hurricane Way, North Weald be granted, subject to the Council's standard terms and conditions and with the following additional conditions:

- (a) that the hours of trading be restricted from 4.00pm until 10.00pm each day;
 - (b) that the van and trailer to be used for the street trading be stored at the applicant's home address when not use for trading;
 - (c) that no external advertising be permitted in the general vicinity of Hurricane Way, North Weald; and
 - (d) that the applicant register the food business with the Council's Environmental Health Section; and
- (2) That the applicant be reminded of the requirement to comply with all existing parking restrictions within Hurricane Way, North Weald when trading.

CHAIRMAN