

LICENSING AND REGISTRATION SUB COMMITTEE

Tuesday 29th March 2011

COUNCILLORS PRESENT: Councillors Cook (Chair), Gotch and Humberstone.

OFFICERS PRESENT: Lois Stock and Daniel Smith (Law and Governance), Tony Payne, Dawn Cox and Andrew Thompson (Environmental Development - Licensing).

ALSO IN ATTENDANCE: Mr John Irvin (applicant for Street Trading Consent, St Ebbe's), Mr Kaveh (applicant for Street Trading Consent, Pembroke Square) and Mr Bisla (Solicitor for Mr Kaveh)

11. APOLOGIES FOR ABSENCE

None given

Councillor Humberstone was not present at the start of the meeting. All present agreed that, as the meeting was quorate with two members, it should proceed. Councillor Humberstone arrived during the consideration of the first application (minute 13 refers). He joined the meeting when this item had been concluded and took part in the consideration of the remaining agenda items (minutes 14-16 refer)

12. DECLARATIONS OF INTEREST

None made.

13 RENEWAL APPLICATION FOR STREET TRADING CONSENT FOR JOHN IRVIN

The Head of Environmental Development submitted a report (previously circulated, now appended). Andrew Thompson and Dawn Cox (Licensing) presented this application to the Sub Committee.

Mr Irvin attended the meeting and presented his case. He had recently replaced his old stall with a smaller one to meet the requirements of the Street Trading Policy. He wished to keep the small rotating display stands that were situated at each corner of his stall because they helped keep his stall viable. He employed two other people beside himself, all full time, and one part time person. Mr Irvin was certain that the stall would not grow in size any further and he undertook to comply with the terms of the licence in this respect. He was happy to work with officers to resolve this issue.

Andrew Thompson confirmed that there had not been any complaints, since the stall had been replaced with a new smaller stall and that the stall did not obstruct the pavement. Tony Payne (Licensing) added that the new stall that Mr Irvin had provided met the required footprint, for such stalls and that the only issue was that of the freestanding display units and the storage boxes placed alongside the stall.

Decision:

The Sub Committee took into account all evidence before it, both written and oral. Members agreed that the issue was that of renewing (or otherwise) the application. They were not at liberty to make any exceptions within the current licensing policy governing street trading stands. They noted Mr Irvin's undertaking to comply with the terms of his licence, if granted.

Resolved to:

- (1) Grant a street trading licence to Mr Irvin for an initial period of 3 months, and to delegate to the Head of Environmental Development the power to renew this for a further nine months, subject to there having been no problems with this pitch;
- (2) Inform Mr Irvin that the granting of this application covered only the main stall and did not include the freestanding rotating display units at each corner or any other ancillary stand;
- (3) Note that the policy concerning the size and layout of stalls was an issue for another Committee,
- (4) Ask officers to prepare a report containing proposals for the design, layout and size of street trading pitches, with special reference to pitches that had the capability to overhang the 2m x 1m curtilage, for the next meeting of the General Purposes Licensing Committee.

14 RENEWAL APPLICATION FOR STREET TRADING CONSENT FOR HOOSHANG KAVEH

The Head of Environmental Development submitted a report (previously circulated, now appended). Dawn Cox and Andrew Thompson introduced the report to the Sub Committee.

Mr Kaveh attended the meeting with his solicitor, Mr Sorbjit Bisla. Mr Bisla presented Mr Kaveh's case to the Sub Committee. Mr Bisla pointed out that Mr Kaveh had not been aware that trading beyond the permitted hours had been taking place at his stall, which resulted in the prosecution of his employee, Jamshaid Nasib. He had co-operated fully with the Council's investigation and had taken steps to ensure that such a breach did not occur again. There had been no other problems with his licence during the 24 years that he had been trading. Mr Kaveh regretted the breach of his conditions and was fully committed to complying with the terms of his licence in future.

Andrew Thompson confirmed that there had been no further complaints and that the stall had been closing promptly at 3am.

Decision:

The Sub Committee took into account all evidence before it, both written and oral. Members of the Sub Committee felt that the problem encountered was one of poor supervision, but that if this was addressed; there would be no repetitions of the problem.

Resolved to:-

- (1) Grant a street trading licence to Mr Kaveh for an initial period of 3 months, and to delegate to the Head of Environmental Development the power to renew this for a further nine months, subject to there having been no problems with this pitch;
- (2) Remind Mr Kaveh of the importance of supervising his pitch properly, and of cleaning up afterwards.

15. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 9th December 2010.

16. MATTERS EXEMPT FROM PUBLICATION

None

The meeting started at 5pm and ended at 6.30pm

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