

BATH AND NORTH EAST SOMERSET

LICENSING (TAXIS, STREET TRADING AND MISCELLANEOUS) SUB-COMMITTEE

Tuesday, 4th December, 2012

Present:- Councillors Gabriel Batt, Bryan Chalker (Chair) and Douglas Nicol

Also in attendance: Enfys Hughes and Francesca Smith (Senior Legal Adviser)

49 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the agenda.

50 APOLOGIES FOR ABSENCE

It was reported that Councillor Sarah Bevan had sent her apologies, Councillor Doug Nicol was her substitute.

51 DECLARATIONS OF INTEREST

There were none.

52 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There was none.

53 MINUTES - 6TH NOVEMBER 2012

RESOLVED that the minutes of the meeting held on Tuesday 6th November 2012 be confirmed as a correct record and signed by the Chair(person).

54 LICENSING PROCEDURE - APPLICATIONS FOR LICENCES, PERMITS AND CONSENTS (EXCLUDING HACKNEY CARRIAGE, PRIVATE HIRE AND SEX ESTABLISHMENT MATTERS)

RESOLVED that the procedure for this part of the meeting be noted.

55 APPLICATION FOR A STREET TRADING CONSENT - PROPOSED NEW PITCH, FIRST AVENUE, WESTFIELD TRADING ESTATE, RADSTOCK (PAULA TRANTER).

The Sub-Committee considered the report which sought determination of an application for a Street Trading Consent at a proposed new pitch, First Avenue, Westfield Trading Estate, Radstock.

The applicant was present. She confirmed that she had read and understood the procedure for the meeting. One of the objectors was also present.

The Licensing Officer presented the report and gave details of the application. He stated that following a notice being placed on the highway, two objections had been received.

The applicant put her case and was questioned. She stated that she had bought the business in September 2012 and the previous owner had developed a good trade on the trading estate. She wanted to provide a service to locals which would benefit the area. Many of her customers walked to the van from within the trading estate. In addressing points raised by the objectors she stated that lorries often parked in the area to take their breaks anyway, irrespective of whether they were customers. She added that her van would not obstruct the signs. With regard to some larger lorries loading/unloading on the road using a forklift, she said this could cause more of an obstruction than her van. She confirmed that there were no parking restrictions on the road where the pitch was proposed, which could be seen from the photographs.

The objector put his case and was questioned. He stated his business had been there since 1996 so he was local. The area was a busy trading estate with lots of lorry movements, including articulated lorries. His business had deliveries with large articulated lorries unloading and loading outside on the road as they were too big for the smaller access roads. He added that if cars were parked near his entrance this could cause a problem with visibility pulling out onto the road.

The objector made a closing statement then the applicant made a closing statement.

Following an adjournment it was

RESOLVED that a new pitch be granted at First Avenue, Westfield Trading Estate, Radstock and the application be granted as applied for subject to the standard terms and conditions.

Reasons for decision

In determining the application to grant a street trading consent at a proposed new pitch at First Avenue, Westfield Trading Estate, Radstock, Members took into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

Members took account of both the oral and written representations of the applicant and those of the objectors.

Members first had to decide whether to create a new pitch and applied paragraph 5 of the Council's Policy. They determined that the new pitch would not have such a detrimental effect on road safety as to restrict visibility for those vehicles entering and leaving the access roads near to where the proposed new pitch was to be based.

Secondly Members heard from the applicant that most of the customers would visit on foot but would not obstruct other vehicular access and the safe passage of pedestrians.

They decided to create a new pitch and also noted that no representations had been made by Highways.

Members therefore determined to grant the application as applied for.

The meeting ended at 10.45 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services