

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
MISCELLANEOUS LICENSING SUB-COMMITTEE
held in Committee Room 2, Council Offices, Woodgreen, Witney, Oxon
at 10.00am on Friday 23 October 2015

PRESENT

Councillors: N A MacRae MBE (Chairman); S J Good (Vice-Chairman); M Brennan and G Saul

33. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 27 August 2015 be approved as a correct record and signed by the Chairman.

34. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr E H James.

35. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

36. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

37. APPLICATION FOR A STREET TRADING CONSENT

The Sub-Committee received and considered the report of the Public Protection Manager seeking determination of an application for a three month Street Trading Consent. Additional plans showing the proposed location of the unit and a photograph of the stall were circulated at the meeting.

The Licensing Officer introduced the report and advised that the size of the unit proposed was outside of delegated powers and it was the first application to use the unit at the Welch Way site. The Licensing Officer outlined the consultation responses summarised in the report and confirmed that no further representations had been received.

In response to the Chairman it was clarified that the alternative site, on Market Square, mentioned in the application was no longer a consent area.

Mr MacRae sought clarification in respect of the canopy at the front of the unit. The applicants indicated that there was a 2ft clear canopy that was pulled out when it rained.

Mr MacRae indicated that concerns had been raised at the size of the unit and asked the applicants why the sub-committee should consider a departure from the adopted policy in this case. The applicants advised that they had been trading in the town for 17 years with the unit and it was considered that the site could accommodate the stall. It was emphasised that there was 9ft of clearance between the front of the stall and the planter on the footpath which was similar to further along Welch Way near the WODC Town Centre Shop where the clearance was 11ft to the verge where 'A boards' were sited.

The Chairman referred to the bike rack that was currently situated on the wall at the rear of the site and what would be happening to it. The applicants advised that written permission had been received from Witney Town Council to move the rack and the applicants would be paying for that to be done. In response to Mr Good it was confirmed that it was proposed to move the rack to the opposite side of the road in the vicinity of the Halifax Bank.

Mr Good referred to the layout of the stall and sought clarification as to whether customers would be outside of the canopy area on the pavement. The applicants advised that stock would be within the stall and so customers would walk in to look at goods.

Mr Good, in acknowledging the benefits of the stall to the town, expressed some concern that it was a busy thoroughfare that could easily become congested. The applicants advised that their experience, with the hot food trailer, on the site was that footfall was less than when it was positioned elsewhere in the town. It was advised that the Christmas stall was a good business but it was an unknown on how much trade there would be in comparison to previous years.

Mr Good asked if the applicants had considered using a different type of stall that would be more policy compliant. The applicants clarified that the stall was of bespoke design and they were proud of how it looked.

Mr Saul sought clarification as to why it was proposed to swap the stalls so that the catering unit was closer to the bank. The applicants explained that it was considered that this would facilitate a better flow of pedestrians by ensuring the maximum amount of footpath was available. It was also noted that the windows of the NatWest Bank had frosted glass.

Mr Good indicated that the stall was of significant size and beyond policy and, whilst acknowledging that the same stall had operated for a number of years, questioned why the policy should not be adhered to in this case. The applicants accepted that this was a new site but reiterated that there had been no problems when located outside the old post office. The Licensing Officer confirmed that decisions on previous sites had been made by the sub-committee.

Mr MacRae asked if there was any way the stall could be reduced in size. The applicants acknowledged that stock may have been outside the canopy in previous years but agreed that it would be beneficial if all goods were kept within the curtilage of the unit. The applicants suggested that the separation distance was 11ft if the additional canopy at the front was not included as this was only in place when it rained. The sub-committee acknowledged that this could help the situation.

The Sub-Committee then retired to consider the decision. Having considered the report and the evidence presented at the meeting it was:

RESOLVED:

- (1) That, the application for a Street Trading Consent be approved as submitted for this year only; and
- (2) That the applicants be asked to ensure that all stock is kept within the curtilage of the approved unit and not be displayed outside of that area.

The public was readmitted to the meeting and advised of the decision.

In advising of the decision the Chairman indicated that the sub-committee were supportive of traders in the town and the stall was very attractive. It was indicated that this needed to be balanced against the policy of the council and therefore the licence was being issued for this year only to see how it operated in the location.

The Chairman advised that the sub-committee had concerns and encouraged the applicants to look at alternative types of unit for future years if they applied for another licence. It was suggested that the applicants should also make any application earlier in the year so that potential issues could be fully discussed at the earliest opportunity. The applicants were reminded of the need to keep all stock within the curtilage of the stall.

The meeting closed at 10.35am

CHAIRMAN