

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 2.30 pm on Tuesday, 20th June, 2017 at Main Committee Room, Civic Centre, Stone Cross, Northallerton

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Present

Councillor R A Baker  
P Bardon

Councillor K G Hardisty

Also in Attendance

Councillor M A Barningham

LAHP.3 **ELECTION OF CHAIRMAN**

That Councillor R A Baker be elected Chairman for the duration of the meeting.

(Councillor R A Baker in the Chair)

LAHP.4 **APPLICATION FOR STREET TRADING CONSENT, ANDY'S SNACKS, LEEMING BAR BUSINESS PARK**

Bedale Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a Street Trading Consent for Andy's Snacks, Leeming Bar Business Park. The application sought to authorise the sale of food and drink from a mobile catering unit between the hours of 8am and 3pm on Monday to Friday. The proposed locations of the catering unit were identified on a map at Annex A of the officer's report.

**Alternative options considered:**

The Panel considered granting the application but, having satisfied itself that trading from the proposed location would have a likely adverse effect on public safety, the Panel did not consider this to be an appropriate course of action.

**The reason for the decision:**

The Panel considered the report of the Director of Law and Governance, representations of the parties both written and oral, the Council's Street Trading Policy and the relevant legislation.

The applicant informed the Panel that he had received support for his proposals from managers of businesses located on the Leeming Bar Business Park. The applicant believed the proposed locations were convenient and would enable him to provide a service to local businesses without adversely impacting on existing food outlets. The Panel considered evidence from the objectors relating to the inevitable competition between the applicant and existing retailers. The Panel was satisfied that the

objectors' concerns in relation to business competition were not sufficient to justify a decision to refuse consent for a street trading permit. The Panel was satisfied that market forces would provide sufficient safeguards to existing businesses and that the street trading regime was not intended to restrict fair competition between food outlets.

The Panel considered concerns raised by a number of objectors in relation to an apparent litter problem in the area. The applicant informed the Panel that on each of his visits to the proposed locations, he had not seen evidence of a litter problem. The Panel concluded that the applicant is not responsible for existing problems in the area. Furthermore, the Panel was satisfied that the standard conditions place obligations on all permit holders to ensure that the area surrounding the street trading unit is kept in a clean and tidy condition.

The Panel considered concerns raised by an officer of the Council's Business and Economy department relating to overnight parking of lorries in the area. The applicant questioned the relevance of the concern in light of his proposed operating hours. The Panel was satisfied that the applicant is not responsible for existing problems in this regard. The Panel was also satisfied that the applicant's proposed operating hours would be unlikely to exacerbate any problems relating to overnight parking.

The Panel considered representations made by the Council's Corporate Facilities Manager in relation to highway safety concerns. The Panel was informed that the proposed locations were allocated as 'visibility splays' designed to promote public safety. Accordingly, it was argued that the positioning of the vehicle in the proposed locations would obscure the sightlines of drivers approaching the junctions. The Panel was satisfied that the locations were designed to be kept clear from obstruction and that any departure from this would have a likely adverse effect on public safety.

The Panel considered concerns raised by a number of objectors in relation to traffic congestion in the area. The Panel concluded that the applicant's catering unit would be unlikely to have any significant impact on traffic. However, concerns were also raised in relation to the lack of parking spaces available. The Panel was concerned that the applicant's customers may, on occasions, park vehicles on the road or footway in nearby areas. The Panel concluded that this would be likely to obstruct the visibility of road-users.

The Panel concluded that it would not be in the interests of the public to grant consent for the applicant to trade from the proposed locations.

**THE DECISION:**

The Panel resolved to reject the application.

The meeting closed at 3.12 pm

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Chairman of the Panel