

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 9.30 am on Wednesday, 15th August, 2018 at Main Committee Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor S P Dickins

Councillor D Hugill

LAHP.1 **APPLICATION FOR STREET TRADING CONSENT, THE YORKSHIRE HIGHWAYMAN, A684 LAYBY**

Osmotherley and Swainby 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 Mr David Wraight trading as The Yorkshire Highway. The application sought to authorise the sale of food and drink from a mobile catering unit between the hours of 7am and 5pm Monday to Friday; 8am and 3pm on Saturday and 10am and 3pm on Sunday. 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 the options outlined in paragraph 6.2 of the officer's report. The Panel was satisfied the application could be granted subject to standard conditions without posing a risk to public safety and therefore the Panel did not consider it necessary to refuse consent or to impose any additional conditions.

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 the proposed site for the street trading licence application is a layby on the A684. The applicant informed the Panel that the layby was used frequently by a range of vehicles and had clear sight lines for vehicles accessing and egressing from the layby in both directions. The Panel considered video footage of a vehicle exiting the layby to travel eastwards along the A684 and on another occasion travelling westwards out of the layby. The applicant informed the Panel that it was more common, from his experience, for vehicles to enter and leave laybys in the direction of travel.

The Panel considered a representation made by North Yorkshire County Council's Highways Division in relation to highway safety concerns. Highways officers informed the Panel that the proposed site is a redundant section of former carriageway which is often used as an unofficial layby. Highways officers informed the Panel that visibility from the western access of the layby has been assessed as 141 metres which is 74 metres less than would be required under the TD41/95 of the Design Manual for Roads

and Bridges. Highways officers also informed the Panel that visibility for drivers travelling eastwards and turning into the eastern access is sub-standard. Highways officers informed the Panel that due to the horizontal and vertical alignment of the carriageway the Highways Division was not able to improve visibility for vehicles accessing and egressing from the layby.

The Panel was satisfied that the visibility splays for the layby were sufficient for vehicles to safely access and egress from the site.

Highways officers informed the Panel that they did not support the application as they believe granting the licence could exacerbate existing concerns and intensify the risk to the public. The Highways Division stated that although it did not want to encourage motorists to use the layby it had not been stopped up as it can be used for the storage of aggregates and machinery during road surface repairs and to provide a storage area for road traffic recovery.

The Panel was satisfied that the current use of the layby by road users demonstrates that the layby could be used without significant risk to public safety.

Highways officers also informed the Panel that in the last five years there had been six road traffic accidents within 500 meters of the layby. Out of the six accidents, one resulted in a fatality, four resulted in serious injury and one resulted in slight injury. The Panel was informed that none of these accidents were directly attributable to vehicles using the layby. The Panel was not satisfied that the use of the layby posed a significant risk to road users.

THE DECISION:

The Panel concluded that the applicant could trade from the proposed location without posing a risk to public safety and therefore the Panel resolved to grant the application subject to the standard conditions in Annex E of the officer's report.

The meeting closed at 11.05 am

Chairman of the Panel