

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 28 MARCH 2024

Attendees:

Committee Members:	Councillors Garten (Chairman), Joy and Trzebinski
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29. APOLOGIES FOR ABSENCE

There were no apologies.

30. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

31. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Garten be elected as Chairman for the duration of the meeting.

32. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

33. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

34. EXEMPT ITEMS

RESOLVED: That Item 7 – Street Trading Licence – Mr Dudkowski, be taken in public as proposed.

35. STREET TRADING APPEAL - MR DUDKOWSKI

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Garten
2. Sub-Committee Members – Councillors Joy and Trzebinski
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield
6. Representative of the Applicant – Mike Hughes

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submission within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report, referencing the map of the application in appendix 2 to the report, and the representations in appendices 4 and 4a of the report.

The representative to the applicant, Mike Hughes, was invited to make their opening remarks and stated that the location of the application in appendix 2 of the report, in Vicarage Lane in Yalding, had been chosen as the applicant had previously operated a fish and chip van at that location for eight years with no complaints. The applicant had trialled a pizza van in the location recently which had received positive feedback from residents and it was emphasised that the size of the business would not attract a significant amount of vehicle traffic, contrary to the objection from Kent County Council (KCC) Highways in appendix 4 of the report.

In response to questions from the panel, Mike Hughes confirmed that car parking spaces would be available for customers around the site location and the applicant had received positive feedback from customers that a pizza van would be suitable for the proposed location. It was anticipated that customer numbers would be consistent during the licensed hours and that customers would be allocated time slots during busier periods to mitigate against overcrowding and traffic concerns.

Mike Hughes recognised the representation from Yalding Parish Council was an objection to parking the van at residential locations, but this did not include the proposed location in Vicarage Road. The applicant had previously trialled parking the pizza van at the Village Hall in Yalding but it had not attracted a significant amount of customers.

The Legal Advisor queried the use of the location for street trading previously without a licence. Mike Hughes explained he was unaware that he had previously required street trading permission however this point was clarified to the applicant.

In making their closing remarks, the representative for the applicant reiterated their reasons for the application for the licence.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:10 p.m. to 11:50 p.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to grant the application as applied for, subject to the condition that when trading, the van must be located within the circle marked on the map in appendix 2 of the report. There would be no right of appeal.

It was confirmed that a written decision notice would be provided.

The hearing closed at 11:53 p.m.

RESOLVED: That the application be granted, subject to the condition that when trading under this consent, the van must be located within the circle marked on the attached map.