

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 JANUARY 2014

Present: **Councillor Parvin (Chairman), and
Councillors Mrs Grigg, Mrs Hinder, Mrs Joy,
B Mortimer, Naghi, Newton, Mrs Parvin and Yates**

65. APOLOGIES FOR ABSENCE

It was noted that apologies for absence were received from Councillors Barned and Mrs Gibson.

66. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

67. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

68. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Mrs Parvin disclosed that the application site was within her Ward, but confirmed that she had had no discussions with the Parish Council or members of the public regarding the application.

69. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

70. EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

71. MINUTES OF THE MEETING HELD ON 14 NOVEMBER AND 4 DECEMBER 2013

RESOLVED: That the Minutes of the Meeting held on 14 November and 4 December 2013 be approved as a correct record and signed.

72. HACKNEY CARRIAGE/PRIVATE HIRE ISSUES (IF ANY)

There were none.

73. STREET TRADING CONSENT - MR RONALD MUNN

The Committee considered the report of the Head of Housing and Community Services regarding an application for a street trading consent to sell burgers/sausages/sandwiches and hot and cold drinks from a trailer on the land of Newport Imports off the A249 at Stockbury from Monday to Saturday from 6.00 a.m. to 3.00 p.m.

The Chairman introduced those present and ensured that everyone understood the procedure to be followed.

The Head of Housing and Community Services presented the report, outlining the application received.

Mr Plumley (on behalf of Mr Munn) was then given an opportunity to present his case. He stated that the unit applied for is a semi-permanent one created from a 2011 catering trailer. All aspects that make it mobile have been removed (no wheels or towage) and it can only be moved by crane. All the utilities to the unit are located underground and piped in from the main building. Photographs of the site were circulated to all Members of the Committee at the meeting.

In response to the objections received, Mr Plumley stated that Newport Imports have cleared an area of overgrowth to make it safer for vehicles joining the A249 and assisting vehicles already on the A249. There are no acceleration lanes along this road which meet required standard, including the Detling Showground and the bus stops. With regard to the concern raised about an increase in customers leaving the site, this was considered at the time of planning permission being granted to Newport Imports in 2013. The previous use was for a 100 seater restaurant with 50 parking spaces. About 20 vehicles a day are expected and the site will be open for limited hours.

All rubbish at the site is emptied from small bins for customers into a 1,000 ltr container and emptied weekly by Veolia. Any litter left outside by anyone or from passing traffic is collected by a member of the cleaning staff employed by Newport Imports. Toilets for customer use are available on site at the garage building.

Mr Plumley said that a further objection from the Parish Councils was with regard to an increase in pedestrians and encouraging them to cross the A249. He stated that in the time that Newport Imports have been at this site, they have not seen 1 person walking along this stretch of road and the nearest populated village is Stockbury which is 4.5 miles away. A planning application has been submitted and a decision awaited as the public consultation ended on 27 January 2014. They are not aware of any objections having been received.

A further objection by the Parish Council was with regard to the preparation of food on site being a nuisance to neighbours. There is only 1 residential neighbour nearby and they had written in support of the application.

The objector was then given the opportunity to ask questions of the applicant, but he had none.

Members were then given the opportunity to ask questions of the applicant. In response, Mr Plumley informed the Committee:-

- The main building which is now a car dealership has toilet facilities which can cater for the level of business expected at the burger unit and both are in his ownership.
- The main building was previously a Little Chef and an Indian restaurant before becoming a dealership, so the smells from the unit will be much reduced. It is a small contained unit.
- There are built-in fridges and freezers within the unit for the storage of food
- Cooking oil is purchased and waste cooking oil collected by the same company and disposed of appropriately

The objector was then given the opportunity to put his case. Councillor Porter stated that he realised that the majority of the objections in the letters were regarding highways issues and that this was not a licensing matter for this Committee but the parish concern was the substandard nature of the A249 and that any additional traffic was a hazard. He had nothing else to add.

Mr Plumley was then given the opportunity to ask questions of the objector. He asked how the letters from the 3 different Parish Councils and clerked by the same person were very similar. A Member of the Committee responded that the Clerk can only act on the instruction of each Parish Council.

Members were then given the opportunity to ask questions of the objector. Councillor Porter responded saying he was not aware of any previous complaints with regard to the smell of cooking nor traffic accidents at that point.

Members were then given an opportunity to ask any questions of clarification. Mr Munn informed the Committee that he had been a chef for 9 years and had all the relevant qualifications. Mr Plumley confirmed that no trees were to be removed from the site.

Councillor Porter was then given the opportunity to sum up, but stated he had nothing further to say.

Mr Plumley was then given the opportunity to sum up. He thanked the Committee for letting him present his case. He drew the Committee's attention to the local benefits of the unit – gives drivers a safe place to park, rest and get a coffee/meal; employs local people from the community; provides somewhere for local workers to get breakfast and/or lunch; neighbours of the dealership feel much safer and secure since the site has been occupied as there is extensive security and CCTV systems in place.

The Head of Housing and Community Services had no further matters to be considered.

The applicant, the objector, the Head of Housing and Community Services, the Licensing Partnership Manager and the Senior Licensing Officer then left the room while the Committee made their deliberations.

RESOLVED: The Committee, having carefully considered the application made on 16 October 2013 by Mr Ronald Munn, the report of the Senior Licensing Officer, including the text of all objections and oral evidence from Mr Munn (the applicant), Mr Plumley (the site owner) and Councillor Porter from Stockbury Parish Council, at the hearing decided that street trading consent be granted as applied for.

This was considered to be reasonable and proportionate having regard to the nature of the application and issues raised in three objections from Parish Councils. The site as a whole has previously been used as a Happy Eater and other restaurants with 100 seat capacity and 50 parking spaces, using the same access. The access has signs indicating that HGVs should not park in the deceleration lane and it was noted that premises in other places on the A249 have acceleration lanes at reduced standard. There was no evidence of an accident record at this location or any objection to the application from Kent Highways in response to consultation. It is not envisaged that use of the access will exceed previous levels and there will be no trading after 3pm on trading days. It was considered that pedestrians were unlikely to visit the premises.

Members were satisfied that litter would be appropriately disposed of by use of bins for customers, emptied to lidded 1000 ltr bins and collected weekly by a licensed contractor. Waste oil will also be disposed of appropriately. There was no evidence to suggest that nuisance by smell of food or activity at the stall would arise for neighbours and the immediate neighbour is in support of the application.

Toilet facilities for users of Buffalo Burgers will be available at the adjacent Newport Import premises, which are in the same ownership as the stall.

74. DURATION OF MEETING

5.15 p.m. to 6.25 p.m.