

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

MINUTES OF THE MEETING HELD ON THURSDAY 22 JUNE 2017

Present: Councillor Mrs Hinder (Chairman) and Councillors Garten, Mrs Hinder and Joy

Also Present: Mr Robin Harris, Legal Services Representative

27. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

28. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

29. **EXEMPT ITEMS**

RESOLVED: That the items be taken in public as proposed.

30. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - APPLICATION TO TRANSFER A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS**

The Chairman advised that this item had been withdrawn from the papers.

31. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR UNDER THE LICENSING ACT 2003 FOR CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS**

The Chairman advised that this item had been withdrawn from the papers.

32. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - STREET TRADING CONSENT – SUSAN CLARK**

The Chairman introduced those present and advised on the procedure that would be taken for the application for a Street Trading Consent.

The Legal Services Representative gave a brief outline of the application and advised that a consultation had been carried out with statutory bodies and two responses had been received from Kent Police and the Environmental Enforcement Team in which they expressed no objection. The local Highway Authority did not respond.

However, it was noted that a representation had been received from Harrietsham Parish Council which had highlighted concerns about highway safety.

The Legal Services Representative advised the Sub-Committee that they could either grant consent for the Street Trading Licence, grant consent with conditions or refuse the application.

The Chairman asked the Applicant, Mrs Susan Clark, to present her case.

Mrs Clark advised that she would be assisted by her son, Mr Ricky Clark.

Mrs Clark informed the Sub-Committee that she had vast experience of running food premises and had previously run a café at Cobham Hall. She had taken the opportunity when the lease expired on the café to run her own mobile catering business selling burgers etc.

The Sub-Committee noted that Mrs Clark had chosen to locate her business in the grounds of the car park at Victoria's Nightclub, Ashford Road, Harrietsham. She had previously run the Nightclub when the owners had gone on holiday and had established a good rapport with them.

The location had also been chosen due to the fact that vehicles could exit the site easily as there was good vision both ways.

Mrs Clark also advised that she had contacted Kent Highways about the safety concerns of Harrietsham Parish Council and they advised her that there had only been one minor accident in the last 18 years on that particular stretch of road.

In response to Members questions, Mrs Clark advised that:-

- The Parish Council had not made contact with her over their concerns but had asked her to provide catering facilities at their recent street party.
- She did not sell alcohol and catered for vegetarians and customers with allergies.
- There was not a problem with vehicles turning to the right out of the car park, there was a viewing distance of 2080 ft to the right and approximately 270 metres to the left.
- The car park could not accommodate lorries as it was too small. However there was a transport café situated about a mile up the road especially for HGV drivers.
- The garage just up the road from the nightclub did not object to Mrs Clark's burger van as it did not sell the same sort of food.

Due to the fact that Harrietsham Parish Council had not attended the Hearing to state their objection, the Members advised the applicant that they would adjourn to consider their verdict.

Notice of Determination:

The Sub-Committee had been asked to determine this application against the background of an objection from the Parish Council relating to highway safety.

The Sub-Committee were disappointed that the Parish Council did not attend or send a representative to expand upon their objection. The Sub-Committee noted that the relevant Highway Authority had not objected to the application.

The Sub-Committee found that the applicant had carefully researched the issue of highway safety and agreed with the applicant that the accident data that they had produced did not support the Parish Council objection.

The Sub-Committee also agreed with the applicant that there were good lines of sight on the approach to the premises which mitigated the potential danger posed by vehicles turning into or exiting the premises. The Sub-Committee also agreed with the submission of the applicant that HGV's would be unlikely to use the premises, both because the car park was not suitable for HGV use, something that would be apparent to a professional driver and because there was a well known transport café further down the road which is where HGV drivers preferred to go.

Having considered all the matters submitted in writing and stated orally at the hearing the Sub-Committee had determined to grant this application as applied for.

Informative:

If issues should arise during the operation of the street trading consent, which are related to the conditions related to the street trading consent, then the consent could be reviewed and maybe revoked.

33. DURATION OF MEETING

10.00 a.m. to 10.25 a.m.