

Licensing Sub-Committee (Private Hire, Hackney
Carriage and Street Trading Consent Matters)
28/April2021



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting held remotely of Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters) held on Wednesday, 28 April 2021.

Councillors present:

Sue Jepson

Ray Brassington

Patrick Coleman

Stephen Hirst

Richard Keeling

Nick Maunder

Officers present:

Licensing Officer

Legal Services Manager

Democratic Services

1 Election of Chair

The Committee Officer invited nominations.

RESOLVED that Councillor Jepson be elected Chair of the Sub-Committee for the duration of the Meeting.

Record of Voting - for 4, against 0, abstentions 1, absent 0.

Note:

Councillor Jepson then took the Chair.

2 Apologies

Apologies had been received from Councillor Ind.

3 Substitute Members

Councillor Hirst substituted for Councillor Ind.

4 Declarations of Interest

No declarations of interest were received from Members or Officers.

5 Application for a Street Trading Consent (STC) - Grass Verge near the Ford on Clapton Row, Bourton-on-the-Water

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The Applicant, Mr. Allan Hymers, was present for this item

The Sub-Committee was requested to consider an application for a Street Trading Consent from Mr. Hymers who wished to sell ice creams from Monday to Sunday 0900hrs to 1800hrs from April 2021 to September 2021.

A suggested procedure for the consideration of this item had been circulated with the Agenda. Members and Officers introduced themselves at the start of the meeting.

The Licensing Officer introduced the report and explained that the Applicant had previously held a Street Trading Consent licence and had previously met with herself, the Chair of the Parish Council and Gloucestershire Highways to discuss the application. The Applicant had also previously agreed to a condition that would be attached to any permission if granted by the Committee that *'access to the gates must be kept free at all times of customers when trading is taking place'*.

The Licensing Officer advised that the owner of the property adjacent to the site had withdrawn their previous consent for the licence, but both Highways Officers and the County Council had raised no objection to the application. The Committee were also informed that there had been six objections to the application and 23 letters of support received by the Council and confirmed that there had been no response received to the application from environmental health Officers or Gloucestershire Police.

Mr. Hymers was invited to address the Sub-Committee and explained that he lived in Victoria Street, Bourton-on-the-Water, 100 yards away from the application site. He advised that after being made redundant, he had purchased a tricycle from another local business and had invested funds into his ice cream businesses. He added that due to the impact of the Covid-19 pandemic, his start of trading had been delayed to July 2020 and was then required to cease again in September 2020. Mr. Hymers continued that he had previously been asked by the Council's Officer to move his trading site and he had since agreed this with the Council and the Parish Council. He explained that his application was seeking permission to trade from 30 May to 30 September annually between the hours of 10.30 am and 5pm, but only on good weather days and that in 2020 his total trading days had been 46. The Committee was also informed that only Cotswold ice cream would be sold in tubs and that the objectors consisted of two residents on Clapton Row, one on Rissington Road and two others were existing ice cream sellers, who traded in the village. Mr. Hymers concluded that the 23 supporters included nearby residents and businesses and that the application sought the same permission as had existed for previous traders for the past 24 years.

The Ward Member was invited to address the Committee and explained that the application had generated a debate, which would not be able to satisfy all residents. He added that main concerns of residents related to crowds and noise but that he had no specific objection to the application.

In response to various questions from Members, Mr. Hymers explained that he considered the process in considering the application had been fair but that he was shocked the application had been referred to the Sub-Committee as he had not been approached by residents, the Parish Council or the Council regarding issues of noise; there were no other ice cream sellers on tricycles within the village and two shops which sold ice cream in the village centre - a

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distance from the application site; he, as a seller, did seek to encourage business by shouting whilst selling ice creams but was not aware of noise issues at that time and the main traffic for the stall was expected to come from visitors to the Birdland centre and those using the adjacent car park.

An Objector, Marion Kennedy, was then invited to address the meeting. She advised that she was the Assistant of Mr. Sidwell who owned the adjacent property and explained that the issue of the application related to crowds forming by the gates of Mr. Sidwell's property and causing access issues.

Mr. Sidwell was then invited to address the meeting and explained that whilst he was not against the application, he considered that the applicant needed to be as quiet as possible and not block access to his property.

Mr. Hymers was invited to respond to the Objector's comments and make any final comments. In doing so, he explained that the application was for the same arrangements that had existed for the previous 23 years and had gained support from many local residents, the Parish Council and Highways Officers, in addition to the Police and food safety officers. Mr. Hymers concluded that approval of the application would support local business and ensure employment for a local resident and now being aware of previous noise issues, he would look to ensure this did not cause disturbance in the future.

The Sub-Committee then retired to consider its decision.

RESOLVED that the Sub-Committee Grant a Street Trading Consent in respect of the application.

Record of Voting - for 5, against 0, abstentions 0, absent 0.

Note:

The Chair reminded the Applicant of the concerns that had been raised in respect of noise levels and that he would be required to appreciate these concerns and abide by the agreement he had informed the Committee he would make.

The Chair also advised that written permission would be sent to the Applicant in writing and wished him the best of luck for his future trading.

The Meeting commenced at 4.00 pm and closed at 4.37 pm

Chair

(END)