

Minutes of the Meeting of the Licensing Sub-Committee held on 17 February 2021 at 7.00 pm

Present: Councillors Qaisar Abbas (Chair), Ben Maney and Sue Shinnick

In attendance: Mr and Mrs Hedges, Applicant Minute Number 24
Ms Piper, Resident Objector
Councillor Coxshall, Ward Councillor
Elizabeth Cox, Licensing Officer
Lois Bland, Legal Representative
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

22. Items of Urgent Business

There were no items of Urgent Business.

23. Declarations of Interests

There were no declarations of interest.

24. New Application for a Street Trading Consent

The Chair asked all parties if they had any requests, and it was noted that there were no requests.

The Licensing Officer presented the report on pages 5 – 50 of the Agenda.

All parties were provided the chance to ask questions of the Licensing Officer. There were none from the applicant and the resident objector.

Members sought clarification on the application as it was not for a licence and enquired if the starting point was to grant the application. This was confirmed by the Legal Adviser, who commented the starting point of the application would be to grant, unless after hearing from all parties, Members were persuaded not to.

Councillor Maney commented that 2.5 of the report referred to the Council's Street Trading Policy which in turn provided considerations under the Prevention of public nuisance, he queried if Licensing Officers had an opinion on this. The Licensing Officer explained that with all applications the Licensing Team did not have a personal opinion however it had been looked at by the Environmental team and they had not raised any concerns.

Councillor Maney went on to enquire if the Council considered there were sufficient traders existing in the locality as was mentioned within the Street

Trading Policy. The Licensing Officer commented she wasn't able to advise any further than was in the policy and it was not something that Officers would advise applicants on.

Councillor Coxhall addressed the Sub-Committee as a witness for the applicant, he stated he had advised the applicant to apply to the Planning and Licensing Committees as the correct route of procedure. He continued by commenting the location was close to a number of car parks and the application was not offering any seating, so wouldn't affect other businesses in the area. Councillor Coxshall stated he felt it was a good use of old taxi and there was nothing like this which had been done before.

The Sub-Committee adjourned at 7.37pm for ten minutes due to technical difficulties and returned at 7.38pm.

Ms Piper, the resident representative was then given the opportunity to explain her objections to the applicant, during which she raised several concerns, including the car parks were owned by the local Church, parking was already a problem in the proximity and as a business owner the application was right on her doorstep and she felt it potentially threaten her business.

There were no questions for the Resident representative from either party.

Mr Hedges was then provided with the opportunity to present his case, during which he and his wife explained the taxi would be place in position and would offer grab and go hot drinks and cold food. Mr Hedges continued to explain like many within the taxi trade, since the start of Covid-19 he had not had much work, so thought a new use for his black cab.

The Sub-Committee heard how Mr Hedges was looking to offer a grab and go service, with no seating being provided, it was explained there were 3 carparks in the local area. Mrs Hedges continued by mentioning she understood the concerns which had been raised by local residents, however they were looking to offer barista style coffee for people who had just popped to the shops or were out for walk. It was further stated that if asked the couple would redirect people to the angel café for hot food and they felt they would have a different customer type to those who used the angel café.

Mrs Hedges commented she believed the service they would be offering would benefit mental health as due to the pandemic a lot more people were finding themselves at home with limited options that get them out of the house.

Following questions from the Sub-Committee Mr Hedges confirmed that all stock would be kept at his home in fridges and freezers as all stock would be fresh produce.

Ms Piper questioned as to why the application was to be on the doorstep of her business and suggested the applicant look at Chafford Hundred Train

Station. Mr Hedges stated he didn't feel they would have the same cliental, as for locating to the train station he commented the previous café didn't last there and there was a better footfall at his suggested location; with people visiting the shops and being out for a walk.

The Chair then moved on to closing summaries.

The Licensing Officer provided a short summary to the Sub-Committee. She advised the Sub-Committee that under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they thought fit, and may attach such conditions to it as they consider reasonably necessary. This could include conditions to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).

It was therefore for Members of the Sub-Committee to decide whether the Street Trading Consent should be granted or refused, and if granted if any additional conditions needed to be added to address the concerns raised in the representations.

Ms Piper was asked to present a summary to Members; during which she said there was trouble with parking in the proximity with children groups and other groups used by local residents. She continued by stating her café also sold cold food, tea and coffee and so this application would threaten her business which took her 8 years to build.

Mr Hedges was then given the opportunity to give a summary of this case, he stated that he didn't feel that he would be competition for the angel café as they would have a different cliental, they had researched other areas however this area had the best footfall, with people going out for walk or visiting the local shops. He further stated that if people were looking for something they he wasn't offering such as hot food he would advise the to the angel café. He was only offering a grab and go service of hot drinks such as barista style coffees.

The Chair asked if there were any further questions, there were none.

The Sub-Committee adjourned at 8.09pm for deliberation and were accompanied by the Legal Advisor and the Democratic Services Officer. The meeting reconvened at 8.20pm.

RESOLVED: That the Licensing Sub-Committee agreed to grant the application.

The meeting finished at 8.23 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**