

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes** on **Monday, 24 November 2014** at 9.50am

Present:

Councillor S J Gauntlett (Chair on election)
Councillors G R Amy and J M Harrison-Hicks

Officers Present:

Ms Z Downton, Committee Officer
Mr E Hele, Principal Environmental Health Officer (Public Health and Licensing)
Ms J Fletcher, Solicitor

Also Present:

Applicant and Representors in relation to Minutes No 4 and 5
Ms C Hanlon, Administration Officer
Ms S Lindsey, Licensing Officer
Mr M Moss, Licensing Officer
Police Constable Christopher Wright, Lewes Police Station
Mr T Wyatt, Principal Environmental Health Officer (Environmental Services)

Minutes	Action
<p>1 Election of Chair of the Committee</p> <p><u>Resolved:</u></p> <p>1.1 That Councillor Gauntlett be elected Chair of the Committee for this meeting.</p>	
<p>2 Disclosure by councillors of personal interests</p> <p>There were no declarations of personal interests made by councillors present in respect of the items on the agenda.</p>	
<p>3 Exclusion of the Public and Press</p> <p><u>Resolved:</u></p> <p>3.1 That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the hearing applications as set out in Reports No 168/14 and 169/14 as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act. The</p>	

public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4 Street Trading in A27 – Application 1

The Chair of the Committee welcomed all parties to the hearing. Those attending introduced themselves and the Council's standard procedure for Street Trading Consent hearings was read out to all parties present.

The Committee considered Report No 168/14 relating to an application for Street Trading Consent. The Applicant attended the meeting to present Application 1. Those parties affected by Application 1 were also in attendance and were permitted to contribute to the hearing.

The Principal Environmental Health Officer (Public Health and Licensing) presented the Report to the Committee. He drew the Committee's attention to the salient points of the Report, including the Council's history of the site and trading records and the Applicant's connection to the site.

The Committee noted the Council's Street Trading Policy which stated at paragraph 3) J) that 'Where, during the introduction of this policy, existing trading conflicts with the policy because two similar traders are within 100 metres of each other, then unless spacing can be adjusted the trader considered to be the first on the site, historically, (the primary trader) will be given preference. However, where in such circumstances, the primary trader had failed significantly to prevent crime and disorder the Licensing Committee may consider applications from both traders and determine which trader should be allowed to trade'.

The Applicant's solicitor presented the case on behalf of the Applicant.

The Chair of the Committee requested a short break in proceedings before consideration of the second application.

Resolved:

- 4.1** That the Licensing Committee notes the content of Application 1 and consultation comments received from interested parties, as set out in Report No 168/14; and

5 Street Trading in A27 – Application 2

The Committee considered Report No 169/14 relating to an application for Street Trading Consent. The Chair of the Committee informed all parties present that the same procedure would be followed as with the first application. The Applicant attended the meeting to present Application 2. Those parties affected by Application 2 were also in attendance and were permitted to contribute to the hearing.

The Principal Environmental Health Officer (Public Health and Licensing) presented the Report to the Committee. He drew the Committee's attention

to the salient points of the Report, including the Council's history of the site and trading records and the Applicant's connection to the site.

The Committee noted the Council's Street Trading Policy which stated at paragraph 3) J) that 'Where, during the introduction of this policy, existing trading conflicts with the policy because two similar traders are within 100 metres of each other, then unless spacing can be adjusted the trader considered to be the first on the site, historically, (the primary trader) will be given preference. However, where in such circumstances, the primary trader had failed significantly to prevent crime and disorder the Licensing Committee may consider applications from both traders and determine which trader should be allowed to trade'.

The Applicant's solicitor presented the case on behalf of the Applicant.

At the end of the hearing the Committee adjourned to consider Application 1, as set out in Report No 168/14 and Application 2, as set out in Report No 169/14 in private and the Applicants were subsequently informed in writing of the outcome.

Resolved:

- 5.1 That the application for Street Trading Consent referred to in Report No 168/14 be refused; and
- 5.2 That the application for Street Trading Consent referred to in Report No 169/14 be refused.

NOTE:

In accordance with Section 100C, sub-section (2) of the Local Government Act 1972, Minutes No 4 and No 5 above are a summary of the proceedings of that part of the meeting which included exempt information. Authorised persons may inspect the exempt information on application to the Proper Officer

The meeting ended at 12.40pm.

S J Gauntlett
Chair