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18 December 2009

S U M M O N S

MEETING: Licensing Board
DATE: 5 January 2010
TIME: 6.00pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Lisa Reade

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor Allen (Chairman)
Councillor Murphy (Vice Chairman)

Councillor Ms Ballard	Councillor Foster-Reed
Councillor Bradley	Councillor Langdon
Councillor Carter	Councillor Mrs Mudie
Councillor Mrs Cully	Councillor Ward

The Mayor (Councillor Mrs Searle) (ex officio)
Chairman of P & O Board (Councillor Hook) (ex officio)

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (continuous ringing sound) sounding, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE
FORMAT

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 17 NOVEMBER 2009 [copies herewith].
4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday, 24 December 2009. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday, 24 December 2009).

6. APPLICATION FOR STREET TRADING CONSENT

To determine an application for a Street Trading Consent to allow for the provision of ice creams & ice-lolly sales in Gosport High Street.

7. ANY OTHER ITEMS

Which by reason of special circumstances the Chairman determines should be considered as a matter of urgency

PART II
Contact Officer:
Russell Bray
Ext 5553

AGENDA ITEM NO.6

Board/Committee:	Licensing Board
Date of Meeting:	Tuesday 5 th January 2010
Title:	Application for Street Trading Consent
Author:	Environmental Health Services Manager
Status:	FOR DECISION

Purpose

The purpose of this report is to request the Licensing Board to determine an application for a Street Trading Consent to allow for the provision of ice creams and frozen confectionary sales from either a traditional ice cream tricycle or classic Bedford van in Gosport High Street.

Recommendation

That the Licensing Board determine whether the application for a Street Trading consent should be granted

1 Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 makes provision for Local Authorities, having adopted the Act, to designate consent streets for the purposes of street trading.
- 1.2 Following the necessary statutory notice procedure the Council resolved, on 2 September 1998, that under the Local Government (Miscellaneous Provisions) Act 1982, all streets in the Borough of Gosport (including all forecourts, roads, footways or other areas adjacent to such streets for a distance of 100 metres) would be designated as Consent Streets for the purpose of street trading as from 5 October 1998. The effect of the designation was that street trading would be prohibited without the consent of the Council.
- 1.3 In January 2000, following a report to the Health and Leisure Committee, this Council adopted a policy on street trading to be applied throughout the Borough. The policy permitted the granting of Street Trading Consents, provided they were in compliance with that policy. This report and the adopted policy are attached as Appendix A. Clause 7 of this policy states *"Street Trading consents will not be issued where there is concern in regarding direct competition with existing nearby retail premises."*
- 1.4 Mr Peter Lightowler operated a traditional ice cream sales tricycle in the High Street under an annual Street Trading Consent on Saturdays from 09:00 to 17:30 hours since 2000 until January 2009 when Mr. Lightowler died. It is a standard condition that a street trading consent is not transferable. Appendix B
- 1.5 Mr Christopher Goulding has operated an Ice Cream Van in the High Street in the Gosport Saturday Market during the summer months by paying a Saturday Market pitch fee. Mr Christopher Goulding operated at the eastern end of the High Street and Mr Peter Lightowler operated outside The Star

public house on the High Street.

- 1.6 On 7th July 2009 the Licensing Board considered Mr Goulding's application for the grant of a street trading consent for ice cream and frozen confectionary sales. The Licensing Board refused the application for ice cream sales from a trailer which was a departure from the previous novelty of ice cream sales from a tricycle. The Minutes of the Licensing Board is attached as Appendix C.

2 Report

- 2.1 An application for a six month Street Trading Consent for Gosport High Street has been received from Mr Christopher Goulding trading as "Georgia's Ices". A copy of Mr Goulding's application is attached as Appendix D. A supporting letter was submitted by Mr Goulding with the application and is attached as Appendix E. A further supporting letter has been submitted by Mrs Lightowler, the widow of Mr Lightowler who held Street Trading consent to sell ice-creams from a traditional ice cream tricycle in Gosport High Street until his death last year, and is attached as Appendix F. The street trading consent previously issue to Mr Lightowler restricted street trading only to Saturdays from 09:00 to 17:30 hours.

- 2.2 Mr. Goulding's supporting letter, Appendix D, offers two alternatives for a new street trading consent to sell ice creams. These are:-
1. A traditional 1968 Bedford Ice Cream van service. This would be able to offer the full range of ice creams and frozen confectionary normally expected by the shoppers and visitors or;
 2. A traditional ice cream tricycle service. This could only provide a limited service to the shoppers and visitors but would maintain the tradition established by Mr. Peter Lighttower.

A plan showing the proposed trading location of Mr Goulding's Ice Cream sales operation is attached as Appendix G. A photograph of the tricycle is attached as Appendix H. A photograph of Mr Goulding's Ice Cream van is attached as Appendix I.

- 2.3 At present there are ten premises in Gosport High Street (including Bemisters Lane) where ice creams etc. may be purchased of which eight are for sales for immediate consumption and two where ice creams may be purchased for home consumption. These are:
- Morrissons (home consumption)
 - Iceland (home consumption)
 - Burger King (immediate consumption)
 - Newsround (immediate consumption)
 - Lu Chinos (immediate consumption)
 - McDonalds (immediate consumption)
 - Harbour News (immediate consumption)
 - Harveys (immediate consumption)
 - Sweet Talk (immediate consumption)
 - Star (Wetherspoons) (immediate consumption)
- 2.4 Mr Goulding has paid the required fee of £491 for the application for a six month Street Trading Consent to commence 1 April 2010. Should the

Licensing Board refuse Mr Goulding's request, there would be a requirement to refund the fee paid.

3 Risk Assessment

3.1 No additional risks have been identified with this application

4 Conclusion

4.1 Following the designation of the whole of Gosport as a "street trading consent zone" from 5 October 1998, it is requirement for any person wishing to trade on or adjacent to the highway to obtain a street trading consent.

4.4 The Street Trading Policy states that no new street trading consents (except by way of renewal of existing consents) will be granted to individual traders in respect if Gosport High Street on market days

4.3 Mr Goulding has applied for a street trading consent to operate on Monday Wednesday, Thursday and Friday. These are different terms from the street trading consent previously issue to Mr Lightowler restricted only to Saturdays from 09:00 to 17:30 hours.

Financial Services comments:	None
Legal Services comments:	In determining the application, the Licensing Board must consider the Council's policy on street trading. Whilst there is no statutory right of appeal against a decision of the Licensing Board in respect of an application for a Street Trading Consent, the decision may be challenged by way of a Judicial Review.
Service Improvement Plan implications:	None
Corporate Plan:	None
Risk Assessment:	No additional risks have been identified
Background papers:	Minutes of Licensing Board Meeting 07 July 2009 (Item 21) See Appendix C.
Appendices/Enclosures:	
Appendix 'A'	Health and Leisure Committee Report and Policy Document.
Appendix 'B'	Copy Street Trading Consent Mr Peter William Lightowler 08/00376/ST1FLI
Appendix 'C'	Minutes of Licensing Board 7 th July 2009
Appendix 'D'	Street Trading Application from Mr Goulding.
Appendix 'E'	Supporting Letter from Mr Goulding.
Appendix 'F'	Supporting Letter from Mrs Lightowler.
Appendix 'G'	Plan of proposed Location.
Appendix 'H'	Photograph of Ice Cream Tricycle.
Appendix 'I'	Photograph of Mr Goulding's Ice Cream van
Report author/ Lead Officer:	Russell Bray, Senior Licensing Officer, ext.

