

MINUTE

A & B

Licensing Committee
Council Chamber, Town Hall, Lerwick
Thursday 24 August 2017 at 10.30 am

Present:

M Bell
A Cooper
C Hughson
I Scott
C Smith
G Smith
B Wishart

Apologies:

S Leask

In Attendance (Officers):

K Adam, Solicitor
P Dinsdale, Team Leader – Environmental Health
Insp. D Livitt
L Malcolmson, Committee Officer

Chair

Mr I Scott, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

09/17 **Minutes**

The minutes of the Licensing Committee held on 4 July 2017, having been circulated, were confirmed on the motion of Mr C Smith seconded by Mr Scott.

10/17 **Variation of Street Traders Licences**

The Committee considered a report by the Team Leader – Environmental Health (ES-01-17-F) which sought a decision from the Committee on whether to vary three street trader's licences.

During the introduction of the report the Team Leader – Environmental Health provided background information in regard to the licences held by each Trader. She reported that the planning permission now held by Mr Callieu and affects the 50m restriction between Mr Callieu's trading position and Mr Obern's trading position for either of Mr Obern's two trailers. The Committee were advised that Mr Obern's current trading licence only permitted him to trade on this site for a maximum of 28 days per year. The Team Leader – Environmental Health explained that it was within the discretion of the Committee to vary the Street Traders Licences to ensure that the 50m restriction is maintained.

In responding to questions the Team Leader – Environmental Health explained that although she had not made the Planning Service explicitly aware that there could be an issue by

granting planning permission, she advised that the Planning Service are consulted on each Late Hours Catering Licence application.

Mr Callieu was invited by the Chair to address the Committee. Mr Callieu advised that he, and his predecessor, had traded in the same area for 10 years, and up to the recent application Mr Obern had not traded for 9 months including the Christmas period. He explained that for road safety reasons he had been moved several metres away from his usual site but that he intended to set up at the edge of his new site, as close to his original site as possible. He said that he had 4 parking pays from which to choose should there be a parked car when he arrives to set up.

Consideration was given to whether the Committee had discretion to reduce the 50 meter restriction between these traders so they can continue to trade in the positions currently allocated, given that Mr Obern can only trade for up to 28 days per year. In that regard, Mr G Smith moved that the Committee approve Mr Callieu's Street Trader's Licence on the site permitted in the grant of planning permission and that the 50 metre restriction be relaxed, between these two traders at this location only, accepting that Mr Obern can continue to trade in the area permitted, using either the large or small trailer on that site, for 28 days per year under his current license. This would ensure 50 metres separation from both the Indian Takeaway and the Fort Chip Shop. Ms Wishart seconded.

Decision:

The Licensing Committee;

- Approved Mr Callieu's Street Trader's Licence on the site permitted in the grant of planning permission; and
- That, as regards these two traders and at this location only, the 50 metre restriction be relaxed between them, accepting that Mr Obern can continue to trade in the area permitted, using either the large or small trailer on that site, for 28 days per year under his current license. This would ensure 50 metres separation from both the Indian Takeaway and the Fort Chip Shop.

The meeting concluded at 10.50 am.

CHAIR