

Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	FRIDAY 22 MARCH 2024 COMMENCING AT 10.30 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs M Beston (Chairman), D Andre and J Bacon
Also Present	Andrea Bull, Kevin Winchcombe and Ben Gard

32. **Apologies and Changes to Membership (if any)**

There were none.

33. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 13 November 2023 be approved.

34. **Declarations of Interest**

There were none.

35. **Urgent Business**

There were no items of Urgent Business.

36. **Report of the Strategic Director of Community Services**

37. **Application for a Street Trading Consent for The Salty Siren at Princes Esplanade, Gurnard, Isle of Wight**

The licensing officer addressed some alleged discrepancies in the application which had been raised by one of the objectors and confirmed that the application had been valid, prior to presenting a summary of the application.

There had been 19 objections to the application concerning matters such as fumes, noise and vibrations from the generator, disposal of waste water into the sea, residents driveways being blocked by cars of customers stopping to make a

purchase, children wandering off into the road, congestion of the pavement by customers. Confirmation was given that competition and need were not relevant considerations.

The applicant had been provided with the objections and responded to the concerns raised in respect of the generator after concerns raised.

The applicant Carly Sykes gave more information on the application and explained that she was intending to be as eco-friendly as possible with goods and packaging. In response to questions from the Committee Ms Sykes confirmed that she was not intending to dispose of waste water into the sea. There would be no goods placed on the highway but would be sold from within the trading unit, and confirmation was given that the unit would be removed at the end of each day of trading.

There had been several comments of support posted on social media since the application had been publicised.

Environmental Health had made no adverse comment. They had no concerns regarding the items being sold and no safety concerns. It was not expected that any vibration would be detectable from nearby residential premises, nor that any noise from the generator would be loud enough to cause a nuisance.

Island Roads were satisfied that the application would not cause any impact on users of the highway and that there was adequate room for passing pedestrians. They believed that either location marked on the plan would be suitable.

The objectors elaborated on their concerns. In relation to fire concerns it was alleged that the Fire Service did not allow petrol generators for events. However the Licensing Officer confirmed that the Fire Service had not raised any objections.

Other concerns related to public nuisance from noise and vibrations from the proximity of the generator to the residents of Solent Shores, congestion of the pavement and noise from customers, and safety concerns from people possibly having to go into the road if there were a lot of customers. It was reported that the area had also been prone to flooding in the recent past. The applicant confirmed that she was not intending to trade during adverse weather.

The legal advisor reminded the sub-committee that although a street trading consent gave the authorisation to trade, it did not guarantee the opportunity to do so.

Members were also reminded that although noise nuisance was not considered to be a likely outcome, there was separate legislation to deal with any noise issues should they arise.

RESOLVED:

Upon receiving the report of the licensing section, oral and/or written evidence from the applicant, objectors, town and parish councils and the local member, and having

regard to the Isle of Wight Council's Street Trading Policy 2022, the sub-committee hereby:

Grant the street trading consent in accordance with the application in respect of both the preferred location shown marked position 1 on the plan attached to the Committee Report at Appendix 2 and the alternative location shown marked position 2 on the plan attached to the Committee Report marked at Appendix 2, subject to the standard conditions.

In reaching the above decision the sub-committee have had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The sub-committee consider this decision is proportionate and necessary.

There is a no direct right of appeal against this decision but if anyone is dissatisfied with the decision they should seek their own independent legal advice.

CHAIRMAN