

Minutes of the **Licensing Committee**  
of the **Test Valley Borough Council**  
held in Council Chamber, Duttons Road, Romsey  
on Tuesday 14 February 2012 at 5.30 p.m.

Attendance:

<b>Councillor A Hope</b> <b>(Chairman)</b>	(P)	<b>Councillor J N Anderdon</b> <b>(Vice-Chairman)</b>	(P)
Councillor I Andersen	(P)	Councillor A Johnston	(P)
Councillor A Beesley	(A)	Councillor P Lashbrook	(A)
Councillor A Brook	(A)	Councillor N Long	(P)
Councillor J Budzynski	(P)	Councillor I Richards	(P)
Councillor M Cooper	(A)	Councillor A L Tupper	(P)
Councillor B Few Brown	(P)	Councillor J Whiteley	(P)
Councillor A Finlay	(P)		

Also in attendance:

Mr M Kilinc, Applicant  
Mr O Arda  
Mrs C Ruddle, Environmental Health Manager  
Mr M Taylor, Health Protection Officer  
Mr P Slaughter, Environmental Health Officer  
Councillor N Whiteley

314 **Declarations of Interest**

In accordance with the Licensing Procedure Rules, Councillor Johnston, as one of the local ward Members, left the room after the Chairman had read a statement on her behalf and on behalf of Councillor Hibberd in relation to Item 8 of the Agenda.

315 **Minutes**

**Resolved:**

**That the minutes of the meeting held on 12 January 2012 be confirmed and signed as a correct record.**

316 **Consideration of a Street Trading Consent Application**

The Committee considered representations concerning an application for the renewal of a Street Trading Consent by Mr M Kilinc.

The Council's Street Trading Policy allows an applicant for a Street Trading Consent to make representations to the Licensing Committee in circumstances where the Environmental Health Manager decides that she is unable to grant the consent to the application. In this case, the Applicant had requested that his application be considered by the Licensing Committee, because he was not satisfied with the decision of the Environmental Health Manager not to proceed with the granting of the Consent.

The Applicant held a Street Trading Consent from 25 April 2011 – 25 October 2011. The Environmental Health Manager had taken the view that, during that period, conditions attached to the Consent relating to the position of the trading vehicle and the hours of trading had been breached. Accordingly, when the Applicant applied for the Consent to be renewed, the Environmental Health Manager had decided that she could not proceed to grant a renewal.

The Environmental Health Manager, Carol Ruddle, made representations to the Committee in support of her decision not to grant the renewal of the Street Trading Consent. She called two witnesses, Mr Matthew Taylor and Mr Paul Slaughter who both gave evidence of what they considered to be trading after the permitted hours in breach of condition. .

The Committee and the Applicant were then given the opportunity to ask questions of the Environmental Health Manager and the witnesses.

The Chairman then invited the Applicant to present his case. He was accompanied by his business partner Mr O Arda, who, it was claimed, had been working in the van on both occasions when the alleged breaches witnessed by Messrs. Taylor and Slaughter had occurred.

The Committee and the Environmental Health Manager were then given the opportunity to ask questions of the Applicant and his associate.

The Committee then proceeded to deliberate on the matter in private, with only the Legal Officer and Committee Officer present.

The Chairman announced the Committee's decision in public.

**Decision:**

**The Committee considered that on the basis of the evidence, both written and heard, that breaches of the conditions had occurred.**

**However, the Committee considered that, although the breaches were serious, they did not justify a refusal of consent at this time. Consent was granted for six months subject to the same conditions as the previous Consent and the additional condition:**

- 1. That the van shall be removed from the approved site no later than 11.30 pm on any day.**

**Resolved:**

**That the renewal of the Street Trading Consent be granted for a period of six months, subject to the conditions set out above.**

(Meeting terminated at 8.22 pm)