

Minutes of the **Licensing Sub-Committee**  
of the **Test Valley Borough Council**  
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey,  
Hampshire, SO51 8GL  
on Thursday 18 April 2019 at 9.30 am

Attendance:

Councillor J Budzynski  
Councillor C Collier

Councillor P Hurst

1 **Appointment of Chairman**

**Resolved:**

**That Councillor Budzynski be appointed Chairman for the duration of the meeting.**

2 **Application for the Review of a Premises Licence - Kebab and Burger van pitch, Premier Way, Romsey**

The Sub-Committee considered an application by the Environmental Health Service of Test Valley Borough Council asking for the review of the existing Premises Licence in respect of the Kebab and Burger van pitch located in Premier Way, Romsey. The application had requested the review on the basis that the local authority considered the licensing objectives of the prevention of crime and disorder and public safety were currently being harmed by the existence of the licence. The application for a review required the matter to be determined at a hearing.

The Premises Licence was issued in respect of a section of highway in Premier Way upon which a mobile food outlet had previously traded. Premier Way was an industrial estate which had in 2017 been subject to parking restrictions (double yellow lines) which from a practical view prevented the use of the location for future trading. The Premises Licence permitted the provision of late night refreshments only and a copy of the current Licence was attached to the report.

The Licensing Managed explained that the application for review set out the details of the specific concerns relating to the Premises Licence and the reasons for submission of the review application. The Environmental Health Service had requested that the Licence be revoked.

Mr Lee, Test Valley Borough Council's Environmental Health Manager explained that Mr Bora had been a trader on the site for a number of years. On 12 September 2017 the Licensing Committee considered an application from the trader to renew his Street Trading Licence following the decision of the Environmental Health Manager not to proceed with the renewal of the consent. The Licensing Committee had granted an extension of his Street Trading Consent until 31 October 2017 after which parking restrictions would come into force and the trading position would be in conflict with Traffic Orders.

Mr Bora had continually traded despite being told on repeated occasions that even though he had moved his van off the highway the verged area which he traded from was still covered by the need for a Street Trading Licence however and Mr Bora's Street Trading Licence had expired on 31 October 2017.

Subsequent to the submission of the review application it was noted that the licence holder had been prosecuted on 22 March 2019 at Aldershot Magistrates Court for trading without a Street Trading Consent.

Mr Bora was then invited to address the Sub-Committee. He advised members that he did not park on double yellow lines and when he traded there was no traffic. He wasn't affecting anyone else and asked the Sub-Committee to refuse the application to revoke the licence.

It was noted that although Mr Bora was not himself parking on the double yellow lines, his customers were which was in breach of Traffic Orders.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter. The Sub-Committee was briefly reconvened for members to ask the Licensing Manager to clarify whether the Premises Licence applied to the van or the pitch. The Licensing Manager explained that the Premises Licence related to a specific area which allowed late night activity and related to the highway. By moving the van on to the verge Mr Bora was outside the area of the Premises Licence and therefore was committing an offence under the Licensing Act.

## **DECISION**

**In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council's own Statement of Licensing Policy, and together also to the written representations duly made prior to today's hearing, and to the oral representations made here today.**

### **Resolved:**

**That the Premises Licence be revoked for the reason that the existing site on the highway is unsafe in terms of road safety.**

(The meeting terminated at 10.25 am)