



MINUTES

LICENSING COMMITTEE

FRIDAY, 30 DECEMBER 2005

COMMITTEE MEMBERS PRESENT

Councillor Howard
Councillor Parkin
Councillor Mrs M Radley
Councillor Turner

Councillor H G Wheat
Councillor Mrs M E Wheat (in the Chair)
Councillor M G Williams

OFFICERS

Head of Environmental Health & Licensing
Environmental Health Manager
Corporate Manager Democratic and Legal
Services
Committee Support Officer

OTHER MEMBERS

240. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth, Mrs Gaffigan, Mrs Jalili and Mrs Percival.

241. DECLARATIONS OF INTEREST

There were none declared.

242. MINUTES

The minutes of the meeting held on 16th December 2005 were confirmed as a correct record of decisions taken.

243. APPLICATIONS FOR STREET TRADING CONSENTS IN LAYBYS ON THE A15 AND A52

Decision: -

That street trading consents to be issued for the following locations:-

*A15 Eastside, south of Baston; and
A52 Southside, near turning for Horbling and Billingborough.*

and that the Head of Environmental Health and Licensing be authorised to issue licences to:-

- 1. Clifford Brinkley, in respect of the A15 Eastside, south of Baston; and*

2. *John David Gilfoyle, in respect of the A52 Southside, near turning for Horbling and Billingborough.*

subject to the standard conditions and additional conditions requested by Lincolnshire County Council, and to the site being kept in a clean and tidy condition on a daily basis, and to the provision of suitable bins for the disposal of waste food and wrappings.

County Council to be asked to consider a no left turn restriction at the north end and a no right turn restriction at the south end of the A15 side of Baston; and to undertake appropriate tree trimming at both sites in the interest of road safety and not just for the two applications being considered for street trading.

Report ENV335 was presented by the Head of Environmental Health and Licensing, outlining the applications and consultations which had been undertaken. Plans showing the location of the two areas were attached to the report, together with copies of risk assessments undertaken in respect of each site in 2003 and letters from Lincolnshire County Council objecting to the applications, also from 2003. The Corporate Manager welcomed representatives from Lincolnshire County Council, the Area Highway Managers based at Thurlby and Sleaford. For the benefit of the County Council representatives it was noted that the Committee had held a site visit to both lay-bys on the day prior to the Committee.

The Head of Environmental Health and Licensing introduced his report, reminding the Committee that all 'A' roads were consent streets. Street trading had been permitted in both these lay-bys in the past. In the two cases now before the Committee the applicants were not present but the fundamental point to be noted was that the use had been established in principle in the past. He drew attention to his report which set out the basic details of the applications together with risk assessment reports from the Enforcement Officer and the letters from the County Council which were dated from the time of the risk assessment in 2003.

The County Council representatives then spoke to the applications, pointing out that there was no mention in the risk assessments of some of the factors which were discussed when the assessments were carried out in 2003. In particular, with regard to the Baston site, there was no mention of a restriction on the use of the access to the school from the lay-by. It was considered that with regard to the A52, this was a fast and free flowing stretch where trading would only increase the risk. Also on the A52 site, HGVs could only exit west using their mirrors and not with a direct view of traffic. In response to a question from the Head of Environmental Health and Licensing asking why the Highway Authority did not identify safety issues, the Area Highways Managers said that all aspects of safety were considered and that it was not possible to design out all problems. In both the cases now before the Committee intensification of the use by street trading was the problem, specifically slowing down to enter the sites, and the poor exits. If planning permissions were being considered in the area of the lay-bys then improvements via section 278 of Highways Act would be requested. In response to a question as to what sort of improvements would be required, one of the County Council representatives indicated that visibility splays, particularly on the A15, would be required to improve visibility.

Further discussion took place with regard to accidents at or within the vicinity of the lay-bys and the County Council representatives gave statistical information in this regard. Members pointed out that if the lay-bys were so dangerous, why were they there and would it be possible to close them? They were very big areas and some

accidents had occurred when there had been no trading permitted. The Area Highways Managers pointed out that they wished to reduce any likelihood of accidents, and as many lay-bys had property accesses off them they could not be closed. A further question was asked regarding the difference between a rest/refreshment stop, noting that lay-bys were used at present for rest purposes, and the County Council representatives stressed that the main point in their objection was the intensification of use which would be likely if trading was permitted. A further question regarding the moving of the speed limits to improve safety was answered by the County Council representatives as being not very likely, as the areas did not meet the criteria for lower limits.

In summing up, the Head of Environmental Health and Licensing asked the Committee to consider granting permission for Licences in both lay-bys if having heard all the evidence, they considered them to be suitable. The County Council representatives indicated that they had little to add but asked that the Committee consider all risk assessments when future applications were received.

The Officers and County Council representatives then withdrew from the meeting.

The Committee then considered the applications and comments made in detail and, noting that both sites had already been used for street trading, and taking into account the comments from the Lincolnshire County Council, it was considered that both sites were suitable and accordingly it was proposed and seconded that both applications be approved subject to the usual conditions and to the traders being responsible for keeping the sites clean and tidy on a daily basis and to the provision of waste bins. In addition it was suggested that the County Council be asked to consider a no left turn at the north end and a no right turn at the south end at the Baston site and to trees being trimmed at both sites for the general benefit of users of the lay-bys and not just for the two street trading applications.

The Officers and County Council representatives then returned to the meeting, and were advised of the decision as noted above.

244. CLOSE OF MEETING

The meeting closed at 10.21am.