

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	TUESDAY, 18 SEPTEMBER 2007 COMMENCING AT 11.30 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Mat Drake, Claire Van Heerden, April West

44. **Minutes**

The minutes of the meeting held on [16 August 2007](#) were approved.

45. **Declarations of Interest**

There were no declarations received at this stage.

46. **Report of the Head of Consumer Protection**

Consideration was given to the report of the Head of Consumer Protection, providing details of an application for the Grant of a Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

The Sub Committee followed the agreed procedure, which had previously been circulated to all parties prior to the meeting. After hearing the application, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the reports of the Licensing section, oral and written evidence from the applicant and interested parties and having regard to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Street Trading, the application be determined as detailed below:

Decision Ref 10 (07/08)

Application: An application for the renewal of a Street Trading Consent submitted by Miss Nina Elphick of 11 Love Lane, Cowes, Isle of Wight.

Resolution: Upon receiving the report of the licensing section, oral and written evidence from the applicant and objectors, the sub committee hereby grant the Street Trading Consent for a mobile shop in accordance with the application.

Conditions: Within 28 days to display signs, previously approved by the Highways Department of the Isle of Wight Council, warning of children crossing and such signs must be prominently displayed at all times trading is taking place.

A bin must be provided for members of the public to put litter in at all times trading is taking place.

Reasons for Decision: Having conducted a balance between the objections relating to healthy eating and the effect upon the viability of the applicants business it would not be proportional to reduce the hours or places of trade, but two conditions were necessary and proportional relating to highway safety and litter.

In reaching the decision the Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6.

All parties were advised there was no direct right of appeal against the decision but if anyone was dissatisfied they did have the right to judicially review the decision.

Details: As per application.

Public Participants: Mr Paul Fuller (Objector)
Mrs Jill Groves (Objector)

Comments : The Committee were acutely aware of the current initiatives driven by central government, the Local Authority and individual schools to promote healthy eating by children.

It was also noted that there are shops in the vicinity of the area applied for that sell similar products which are not subject to any restrictions and that children may buy these items in local shops.

CHAIRMAN