



REGULATORY COMMITTEE

1.00 pm - 2.50 pm

15 September 2009

Present: Councillors Blower (Chair), Dylan (Vice-Chair), Banham, George, Hooke, Lay and Ramsay

Apologies: Councillor Jago

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting of the Regulatory Committee held on 21 July 2009.

2. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - WEST CORNWALL PASTY COMPANY, 21 HAYMARKET/WEAVERS LANE

(Representatives of the applicant and objectors attended the meeting for this item).

The enforcement officer presented the report and referred to the application received from the West Cornwall Pasty Company for a permission to place tables and chairs on the highway to the front and rear of their premises.

A representative of the applicant explained the reasons for this application. The company was looking to provide an enhanced service to the public. He said that some of the objections had arisen from incorrect information in the application. The parasols to be used at the rear of the property were 1.7 metres x 1.7 metres at the top. As the top of the parasols would be more than 7 feet from the ground this should not cause any major obstruction to pedestrians. Two parasols were proposed for the rear of the premises. No parasols were required for the front of the property where the shop already had an awning. The tables proposed for the rear of the premises would extend no more than 1.6 metres. The recycling bins in this lane already extended out 1.2 metres.

The transport planner explained the reasons for his objections to the proposal. His main concerns related to the practical and visual implications for the highway. Gentleman's Walk was pedestrianised between 10.00 am and 5.00 pm with an exceptionally heavy footfall of pedestrians. Although the road was approximately 15 metres wide the current application extended beyond the gutter line taking up 4 metres. Weavers Lane was a much narrower road and the current proposal would take up half the width.

A representative of the applicant said that he would be happy for the hours of the permission to be restricted to between 10.00 am and 5.00 pm Mondays to Fridays and 10.00 am to 4.00 pm on Sundays. There were no food and drinks establishments likely to require permission for tables and chairs on the opposite side of Gentleman's Walk. He would be happy to ensure that the tables and chairs in Weavers Lane did not extend beyond the gutter line. The tables and chairs outside the front of the premises would not result in any additional encroachment above that presently existing. The outside seating area would be fully enclosed by barriers extending no further than the gutter line and the existing 'A' boards would be removed. In reply to a question he said that the proposed barriers had the company logo on one side with more information about the product on the other. He would normally alternate the sides facing outwards but would be happy to turn them round if required.

(The enforcement officer together with the representatives of the applicant and the objectors left the meeting at this point).

Following discussion it was

RESOLVED to -

- (1) grant a permission to the West Cornwall Pasty Company to place 7 tables and 23 chairs to the front of their premises at 21 Haymarket and 3 tables, 6 chairs and 2 parasols to the rear of the property on Weavers Lane between the hours of 10.00 am and 5.00 pm Monday to Saturday and 10.00 am to 4.00 pm on Sundays subject to no tables and chairs encroaching beyond the gutter line; and
- (2) approve the necessary alteration to standard condition 15 to allow the 2 parasols but no other items for example space heaters in Weavers Lane.

3. EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Items 4 - 6 below on the grounds contained in paragraphs 1 and 3 of Schedule 12(A) of the Local Government Act 1972.

***4. APPLICATION FOR THE GRANT OF A 12 MONTH PRIVATE HIRE DRIVER'S LICENCE - CASE NO. 16/31/3/632 (Paragraphs 1 and 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. The applicant had not brought his DVLA licence for inspection by the committee but the enforcement officer circulated a photocopy taken previously).

(Councillors Hooke and Dylan declared the fact that they lived in the same road as the applicant. Councillor Hooke said that he knew the applicant professionally from many years ago and Councillor Dylan said that he did not know the applicant).

The enforcement officer presented the report. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his application. He then answered detailed questions about the circumstances of his convictions for exceeding the statutory speed limit on 10 May 2007, 31 May 2007 and 5 June 2008.

(The applicant and the enforcement officer left the meeting at this point).

Following discussion it was -

RESOLVED to refuse the application on the grounds that the applicant is not a fit and proper person to hold a driver's licence because of both his attitude to speeding and his record.

(The applicant and the enforcement officer were re-admitted to the meeting and informed of the decision minuted above. The applicant was informed that he could appeal against the decision within 28 days).

***5. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO. 16/31/3/704 (Paragraphs 1 and 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.

The enforcement officer presented the report. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his application. He answered a number of detailed questions about the circumstances of his convictions for failing to comply with traffic signals on 7 November 2007 and exceeding the statutory speed limit on 2 April 2008. He apologised for not informing the council of his conviction for exceeding the statutory speed limit on 2 April 2008 in accordance with the conditions attached to his driver's licence.

(The applicant and the enforcement officer left the meeting at this point).

Following discussion it was -

RESOLVED, 5 members voting in favour (Councillors Dylan, Banham, George, Hooke and Lay) and 2 against (Councillors Blower and Ramsay), to approve the renewal of the Hackney Carriage Driver's Licence subject to a suspension of 1 week because of the failure to notify the council of his conviction on 2 April 2008.

(The applicant and the enforcement officer were re-admitted to the meeting and informed of the decision minuted above. The applicant was advised that the suspension would take place following the appeal period of 21 days).

***6. SUSPENSION/REVOCATION OF PRIVATE HIRE DRIVER'S LICENCE -
CASE NO. 16/31/3/703**

RESOLVED to defer consideration of this item to the next meeting when the licence holder would be able to attend.

CHAIR