

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Friday 15 March 2024
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Patrick Oven (Chairperson) Councillor Catherine Houston Councillor Tom Hunt
<b>OFFICERS PRESENT:</b>	Sophie Butcher (Democratic Services Officer) Kate Gillman (Legal Advisor) Mike Smith (Senior Specialist, Licensing)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None.
<b>TRADER:</b>	'The Little Bean', St Marthas Hill, Halfpenny Lane, Surrey, GU4 8PZ
<b>TYPE OF APPLICATION:</b>	Street Trading Consent.
<b>DETAILS OF APPLICATION SOUGHT:</b>	Street Trading Consent for one year, for a mobile coffee van at St Marthas Hill, 8am – 5pm, Monday to Sunday to serve coffee, tea, hot chocolate, cold drinks, packaged snacks, cakes, bakes and biscuits.
<b>APPLICANT:</b>	Ms Rosi Millar
<b>LANDOWNER MANAGERS:</b>	Ms Caroline Price (Countryside Events and Communications Manager SCC)

## GUILDFORD BOROUGH COUNCIL

	Ms Helen Delatouche (Countryside Events and Activities Officer SCC)
<b>OBJECTORS IN ATTENDANCE:</b>	Mrs Clare Price (Chairperson of St Marthas Parish Council) Mrs Mary Rigg

### **DETAILS OF DECISION TAKEN:**

The Chairperson clarified to all attendees that the application was for a street trading consent and as such was governed by Schedule 4 of the Local Government (Miscellaneous Provisions) act 1982 (“the Schedule”) and not the Licensing Act 2003 as detailed in the notice of hearing.

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted verbally and in writing. The Sub-Committee was also made aware that the following criteria applied in order to determine suitable trading sites and applications; public safety, public order, avoidance of nuisance, character of the area, compliance with legal requirements and consultees observations.

The Sub-Committee received a report from the Senior Specialist for Licensing, Mike Smith. An application had been submitted for the grant of a Street Trading Consent for a mobile coffee van at the popular beauty spot of St Martha’s Hill on Halfpenny Lane, Chilworth. The application requested to trade between the hours of 08:00 to 17:00 on Monday to Sundays throughout the year. The land is owned and managed by Surrey County Council’s Countryside Service who had granted permission for the unit to trade from this location. The Sub-Committee noted that there were a number of similar vans which operated at other popular countryside destinations.

A public consultation was held from 19 January and 16 February 2024. Representations were received from the Responsible Authority, the Environmental Health Protection Service, Ward Councillor Bob Hughes and Councillor James Walsh, St Martha’s Parish Council and 11 representations from other persons, 10 of which were in objection and 1 was in support.

## **GUILDFORD BOROUGH COUNCIL**

The Chairperson, Councillor Owen invited the applicant, Rosi Millar to make her representation in support of her application. The Sub-Committee noted that she was the owner and operator of the business 'The Little Bean' which was set up in 2023. To date, she had worked with the National Trust at Petworth Park with the mobile coffee van, which had proven to be successful. She had recently sought additional business opportunities through the Surrey County Council Countryside Service. The Albury Estate identified St Marthas as a suitable location for 'The Little Bean' to operate from.

With regard to concerns raised in relation to waste management, the applicant would set up recycling points for the disposal of cups. She wished for her business to make a positive contribution to the local community. The site was located adjacent to a SANG and was also an accessible point for both cars and walkers from Newlands Corner which was 3km away and a stunning beauty point. The Little Bean would also seek to use local suppliers of milk and handmade cakes so to support other small businesses nearby.

The Sub-Committee noted that the Surrey County Council Countryside Service had made it clear that the site was to be used on a trial basis initially. It was not the applicant's intention to be onsite every day from 8am – 5pm. Whilst these were the days and hours applied for, it allowed for flexibility, in order to work out what days and hours fitted best. It was anticipated that the applicant intended to trade for 3-4 days maximum a week.

The Chairperson asked the applicant for further information on what waste disposal arrangements she had in place, given this was a major concern of many parties who had raised an objection to the application. The applicant confirmed that she had a Waste Transfer Contract in place with Guildford Borough Council. Cans, packaging, cups and crisp packets had all been carefully selected to be compostable. The applicant explained that there were various levels of biodegradable cups. She had chosen cups that could be taken home and be put on a compost heap. In addition, a recyclable depository would be located on the hill and emptied on a daily basis when the van was operating along with a litter sweep.

The applicant also confirmed that she had a 4-wheel drive vehicle that would comfortably tow 'The Little Bean' converted horse box to the site. With regard to concerns regarding potential damage done to the track, the applicant was aware having been told by SCC Countryside Rangers that the site was comprised of free draining sand. The converted horse box

## GUILDFORD BOROUGH COUNCIL

was to be located on an area adjacent to the bridleway and beside the track which would have minimal impact in the Ranger's view.

The applicant confirmed that in relation to security concerns she did currently possess a key to the site on which she traded at Petworth Park. The applicant stressed that she was a diligent person with regard to keeping the key safe and the site locked as appropriate, having been entrusted with this responsibility at Petworth by the National Trust. In relation to St Martha's Hill she would apply the same level of diligence and Surrey County Council would ensure that she was made fully aware of the key system in operation which that would be followed stringently.

The Sub-Committee wished to receive clarification as to whether a waste receptacle would definitely be installed on the hill and if any additional litter that had not been thrown away respectfully would be picked up.

The applicant confirmed that a waste receptacle would be installed on top of the hill and that it was her intention to do a litter sweep at the end of every day on which she traded on the site. The applicant did not envisage 'The Little Bean' becoming an attraction in itself but rather that she would be offering a service that would be of benefit to the community as a whole.

The applicant stated that in relation to concerns about slippery paths during the wintertime, reduced hours of operation would be put into place so that trading only took place during daylight hours. If extreme weather conditions were experienced, then trading would not take place on those occasions.

The applicant hoped to be granted access to a toilet at the local church for her own needs. Members of the public were already served by toilet facilities at Newlands Corner for example and no additional toilet facilities would be provided at St Martha's Hill.

The Chairperson invited Gary Durrant to make his representation as the Responsible Authority for the Environmental Protection Service. The Sub-Committee noted Mr Durrant's concerns raised regarding the potential for increased litter

## **GUILDFORD BOROUGH COUNCIL**

onsite and noted it was encouraging to know that compostable cups would be used by 'The Little Bean.' The car park was very busy, especially at the weekends and there were some residential properties located close-by. Mr Durrant required confirmation as to whether the applicant intended to use a generator onsite. The applicant confirmed that she would utilise solar energy in the first instance for the powering of her appliances and then revert to generator use, if required. The generator would operate at 57 decibels, which was less than a domestic fridge. Mr Durrant commented that despite the generator operating only at 57 decibels, the background levels for the residential properties was less than 30 decibels, owing to the rural surroundings so it could have an impact upon them.

The Chairperson invited Clare Price from St. Martha Parish Council to make her representation. The Sub-Committee noted concerns raised that the landowner, Surrey County Council Countryside Services, had been insensitive and naive in permitting 'The Little Bean' access to the site. It was the Parish Council's assertion that it was only by living near the site that you could appreciate the local issues at stake. St Martha's Hill was very beautiful and therefore the increased activity of a trailer going to the site would damage the soil and surrounding Area of Outstanding Natural Beauty (AONB). The Parish Council was aware of similar set-ups nearby, but this proposal would be harmful to the local setting. Whilst it was reassuring to know that the cups used by 'The Little Bean' would be compostable, the public could still chuck the cups out of their cars into the nearby hedgerows, which would be visible for a period of time. The nearby residential properties already experienced problems with visitors parking across their driveways owing to the lack of parking onsite. The track was also in a terrible state that was not maintained properly by Surrey County Council. The Vicar of the local church also had serious concerns regarding the security of the site with the proposed additional key holder.

Caroline Price of the Surrey County Council Countryside Service was invited to make her representation. The Sub-Committee noted the Countryside Service were very much in support of the application which had been permitted on the basis that it was on a trial basis of 3-6 months. Similar businesses successfully operated at other sites that were also located within the AONB. Coffee vendors such as this often observed first hand, events like fly tipping and other environmental crimes which are reported directly to Surrey County Council. Another site was given as an example where a coffee vendor had started to offer an information service about local walks, he was also a first aider to walkers and users of the park and offered an invaluable service to the local community.

## GUILDFORD BOROUGH COUNCIL

The concerns raised regarding an increase in potential litter caused by 'The Little Bean' was also acknowledged. Given the business was operating on a trial basis, the amount of litter created would be monitored and additional bins could be introduced as required.

With regard to parking and concerns raised regarding the potential damage caused to the track, it was suggested that parking for events held at the church would have had more of a damaging effect upon the track as well as the many visitors to the car park in general which could not be compared to the minimal impact caused by one coffee vendor.

Clare Price of St. Martha's Parish Council was invited to make any last additional comments. These related to the concerns previously raised regarding the potential for increased rubbish onsite, the damage caused by the trailer getting onto site with associated tyre marks. In addition, the higher footfall would erode the natural grass away and turn the area into a sand bath. The church used its overflow car park for events such as funerals and weddings and not the parking area in which 'The Little Bean' would be located. Additional bins onsite would also detract from the natural environment and place of beauty. Newlands Corner would have been a better location given it had a tarmacked road access on and off the site.

The applicant commented that she understood fully the concerns that had been raised. She wanted her business to be a positive contribution to the area and local community.

The Senior Specialist for Licensing, Mike Smith reminded the Sub-Committee that they had heard from the applicant and landowner who were in support of the application. The Street Trading application was for one year, however if Surrey County Council withdrew permission at any point 'The Little Bean' would have to cease trading. The Street Trading Consent, if granted could be revoked at any point. The necessary safeguards had been put in place by the applicant in partnership with the Surrey County Council Countryside Team to ensure that all concerns would be satisfactorily addressed.

## GUILDFORD BOROUGH COUNCIL

The Legal Advisor, Kate Gillman stated that a number of people had made written representations in objection to the proposal as well as one email of support. Whilst a lot of the people who had objected to the proposal were not at the hearing, the Sub-Committee must still take their views into account. The standard conditions attached to a Street Trading licence were stringent and included not permitting any tables or chairs outside 'The Little Bean' as well as significant public liability insurance. The Sub-Committee was reminded that it must take account of whether the location of the proposed street trading activity would present a substantial risk to the public in terms of road safety, obstruction and fire hazard.

Having considered the submissions made by all parties, the Sub-Committee

RESOLVED: To grant a Street Trading Licence to 'The Little Bean' for a period of 6 months.

### **REASON FOR DECISION:**

In reaching their decision to grant the Street Trading Licence to 'The Little Bean', the Sub-Committee had carefully considered both written and oral representations from the applicant, Surrey County Council Countryside Services, the Responsible Authority, The Environmental Protection Service, Ward Councillor and Councillor, St Martha's Parish Council and the 11 representations, 10 of which were objections and 1 email of support.

The Sub-Committee wished to confirm that the Street Trading Licence had been granted for a period of six months so that it was line with the trial period permitted by Surrey County Council Countryside Services who managed the land on which 'The Little Bean' would trade.

The Sub-Committee had carefully considered the valid objections made to the application and therefore had agreed to grant the Street Trading Licence to 'The Little Bean' for a period of 6 months so to assess the businesses viability and its impact. The Sub-Committee was encouraged that the applicant had worked closely and diligently with the Surrey County Council Countryside Services to ensure that the concerns raised in relation to litter had been addressed. In this regard, the Sub-Committee wished for a condition to be added that required one litter bin to be placed on St Martha's Hill on the days

**GUILDFORD BOROUGH COUNCIL**

when 'The Little Bean' was trading which must be emptied at the end of each days trading.

The Sub-Committee emphasised that the Street Trading Licence was granted on a trial basis and if any breaches of the conditions occurred then the licence could be revoked immediately.

Signature of Chairman: .....

Dated: .....