

PRESENT

Councillor Gareth Wilson (Chairman)
Councillor Simon Harries
Councillor Julia Huffer
Councillor Alec Jones
Councillor Alan Sharp

OFFICERS

Lin Bagwell – Licensing Officer (Enforcement)
Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager & Monitoring Officer
Adrian Scaites-Stokes – Democratic Services Officer
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

OTHERS PRESENT

Darren Bentick – Applicant's Supporter
Miloslava Myslikova – Applicant

1. DECLARATIONS OF INTEREST

Councillors Alec Jones and Gareth Wilson each declared a personal interest, as they were Members of the National Trust.

2. DETERMINATION OF AN APPLICATION FOR CONSENT TO TRADE FROM A LOCATION DEFINED AS A CONSENT STREET IN ACCORDANCE WITH THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Chairman introduced the Members of the Sub-Committee, and the Licence Holder and Supporter introduced themselves.

The Sub-Committee considered a report, reference W27 previously circulated, relating to an application to trade from a location defined as a Consent Street within the East Cambridgeshire district boundary.

The Chairman invited the Senior Licensing Officer to present the report.

The Senior Licensing Officer advised the Sub-Committee that it had to determine an application for trading on a consent street. Members were reminded that the Council had adopted every road in the district, with the exception of three trunk

roads, as consent streets. This allowed trading where consent was given by Council officers unless there were any objections, in which case the matter would be brought to a Licensing Sub-Committee.

This new application was to permit the selling of hot and cold food at a permanent location in Lode Lane, Wicken, using a catering unit that would be removed outside of the trading hours. Consultation on the application had taken place with the organisations as listed under paragraph 4.3 of the report. This was in accordance with the Council's Policy, which was not statutory. As a result the Council had received four objections, as shown in Appendix 2 to the report. An additional objection had been received from someone outside the usual 100 metres consultation zone, but as it subsequently was found to be the case that the boundary of the land attached to the property was within 100 metres, this had been included in the report, as Appendix 4. The objections related to the unit being too close to residential properties, public safety, loss of amenity, disturbance of wildlife, littering and that there was adequate food provision in the area. Following the consultation responses, the Applicant had requested the catering unit be re-located and two of the objectors had consequently withdrew their objections.

In determining this application the Sub-Committee had to consider public safety, public order, the avoidance of public nuisance, highway issues and the compliance with legal requirements but not issues relating to trade competition. This was different to 'proliferation', where there could be many similar trading establishments in the area. The Sub-Committee could depart from the Council's Policy but only if it had sufficient reasons to do so. The Sub-Committee could decide to grant this application, as there were no mandatory reasons to refuse it. If the application were to be granted, then the Council would expect it to be subject to the standard conditions, as set out in Appendix 7, and any other extra conditions Members considered appropriate. Or it could be refused, for the reasons set out in the report.

The application could be granted for a twelve month period. The Applicant would have no right of appeal except via the Ombudsman. Once granted the licence could be revoked if any conditions were not adhered to.

The Applicant had provided an additional document after the agenda had been dispatched and Members had been emailed a copy. Copies had also been provided for this meeting.

In response to the Sub-Committee's questions relating to the site photograph contained in the report, it was explained that the National Trust car park was shown top left, the Dragonfly Centre was no longer in operation and Dragonfly Cottage was owned by the National Trust and was run by the lady living at number 26 Lode Lane. The National Trust café was not shown, as it was located further down the lane passed the car park.

The Chairman adjourned the meeting at 2:20pm to allow the Sub-Committee Members to read through the additional document provided. The meeting re-convened at 2:26pm.

The Chairman then invited the Applicant to put forward her case.

The Applicant had applied for the catering unit to be located in the vicinity of her own house. As this would affect her neighbours, she had discussed the issue with them. Due to the valid objections received, she had adjusted the originally suggested location to alleviate the issues over smell and safety concerns. So the location had been moved back 20 metres and there would also be no fried food provided. Consequently the objections from numbers 24 and 26 Lode Lane had been withdrawn.

Other objections related to the potential increase in the volume of visitors. However, the number of food outlets in the village had disappeared but the numbers of visitors was increasing. This application would provide an alternative to the National Trust café and the Maids Head and would provide some competition. The business would also contribute to the local precept.

The catering unit would fit in with the surrounding area and it was felt that it was more sympathetic than the style of unit previously used by the National Trust, when it was doing some extension work to its premises.

People could access around 90% of Wicken Fen without paying or holding National Trust membership. A survey the Applicant had carried out showed that 51 parties of people had visited and 96% of them had arrived by car. They had paid to use the National Trust car park, had used local walks, also paying the National Trust, and most had purchased food and drink. So the proposed new business would not affect the income from the car park.

The application had met all the conditions set out in the Council's Policy. Whilst there had been a small number of objections, most had been mitigated. If granted, the new catering unit would have a positive impact on the local economy.

The Applicant queried the inclusion of comments from those outside of the 100 metres limit overlooking the proposed site. To explain, the Senior Licensing Officer stated that this was not stated or defined in the Policy but it related to buildings within 100 metres of the site that did not have any obstruction between i.e. other houses/buildings/dense wooded areas. The Council's Policy also set out the consultants it would use, but other relevant people could also be consulted for specific reasons, hence the inclusion of one objection from outside the 100 metre zone.

The Applicant's Supporter declared that there was a building between that objector's home and the proposed location.

The Applicant thought pressure had been put on the objectors, as they lived in National Trust properties and one was a National Trust employee.

In reply to queries from the Sub-Committee, the Applicant and Supporter confirmed that the majority of customers would use the National Trust car park.

Because of the volume of visitors, the trade would be focused on the current footfall but it would not in itself attract more people. It was in the Applicant's interests not to attract more, due to potential traffic problems. Rubbish bins would be provided. The new catering unit would be visible and a poster might be erected in the drove or in the field but not on Lode Lane. A lot of residents had stated they would use the new facility, as they would not use the National Trust café, because it was too expensive. The Applicant's land was next to that owned by the National Trust and they had their drainage across it. The family had good relations with the National Trust and there was not expected to be any future problems. Both the neighbours and National Trust had been spoken to about potential littering and it was in the interests of the business to ensure the area was kept clean. There was no current litter problem with the normal visitors.

It was not worthwhile locating the new business in the village, as there was no viable location, no suitable parking available and the visitors would not be interested in visiting it. In theory people could drive up to the catering unit but there would be no room for them to turn their vehicle round. Although the business would pay its yearly fee, it was not expected to remain open all year round. Initially it was expected to open 20 hours a week during the busiest periods around the school holidays and at weekends. The provision of food and drink would be designed to be taken away, so it was unlikely that tables would be provided. Electricity would be provided directly from the Applicant's house, so no generators would be used.

The Senior Licensing Officer advised that a pavement licence would be required if anyone wanted to use tables and chairs on the public highway, and the Chairman commented on the possible need for planning permission for any signage.

The Chairman asked the Applicant and Supporter to make their closing statement.

The Applicant stated that in their opinion the Sub-Committee had seen all the evidence, and that all the criteria to meet the Council's Policy had been met and all of the objections had been mitigated.

The Sub-Committee then retired to consider the verbal and written evidence, and make its decision, and all other participants left the meeting at this point, 3:12pm.

The Sub-Committee reconvened at this point, 3:20pm. The Applicant, Supporter and officers returned to the meeting. The Chairman thanked the Applicant for the excellence of their application and documentation.

It was resolved:

That the application to trade from a catering unit located in a consent street, Lode Lane in Wicken, be granted subject to the Council's standard conditions.

The meeting concluded at 3:21pm.