

PRESENT

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

OFFICERS

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

OTHERS PRESENT

Sezgin Idriz – Licence Applicant
Emma Darnell – Applicant's Supporter

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

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, Council officers and the Licence Holder and Supporter introduced themselves.

The Sub-Committee considered a report, reference W57 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 reminded the Sub-Committee that the Council had designated all streets within the district as Consent Streets with a few exceptions. Anyone wishing to trade in one of the streets had to apply for consent and the definition of streets in these cases included car parks.

The application to be considered related to re-locating a catering unit within the car park at the Burwell Ex-Servicemen's Club. The proposed times the unit would be open for trading was shown in the table under paragraph 4.1 of the report. The Applicant had been running this business since 2017, though the catering van had been operating since at least 2014, with no incidents reported. The Applicant was required to re-locate the van at the request of the Club, therefore had to submit a new application for the new location so it could be consulted on. The full application was shown in Appendix 1 of the report. The Council had subsequently consulted the stakeholders, as listed under paragraph 4.3 of the report, and had received back two valid objections from nearby property owners. Their objections, as set out in Appendix 2, related to smells and noise. As a result of those objections the Council's Senior Environmental Health Officer was consulted, whose opinion was that there would be measures already in place to mitigate those issues.

In considering the application, the Sub-Committee had to take account of the effects on public safety, public order, public nuisance, highways issues and legal requirements. Normally applications were granted, if there were no issues. However, if there were significant issues then other options could be taken. This included granting the application with standard or with a variation of conditions or to reject the application. The Council's policy allowed for a departure from the standard conditions for legitimate reasons. There were no mandatory grounds to refuse this particular application. When making its decision, the Sub-Committee had to give its reasons or grounds for doing so.

In response to the Sub-Committee queries, it was revealed that the van would be re-located into the Club's owned (rear) car park area from an area owned by East Cambridgeshire District Council (at the front). As the local parish council had expressed its desire to use the front car park it was considered a better option to move the van to the rear. Trading from that location may have been continuous prior to the Council granting a street trading licence in 2016, as consent before that date had not been required.

The Chairman then invited the Applicant to make their statement.

The Applicant explained that they had been operating the business for 5 years and had worked hard and professionally. It had been serving the community and had been doing well. A new van, better equipped, would be coming and would be used at the new location.

In reply to the Sub-Committee's questions, the Applicant highlighted the photographs of the new van included within the report, showing its facilities.

Although it provided food, there had been no complaints. From the new location the houses would be 30 metres away and would be screened by trees.

The Chairman then asked the Licensing Officer (Enforcement) to read out a letter received from the Secretary of the Burwell Ex-Servicemen's Club that had been received that morning by email and tabled at the meeting. The Licensing Officer read out the statement which supported the application to move the van to its new location. It stated that the van would still face away from neighbouring houses, would be screened by shrubs, trees and fencing to reduce noise and smells, noted that no complaints had been received from the operation of the food unit, had provided a valuable service to the Club and would free up a number of car parking spaces.

In response to further Sub-Committee questions, it was explained that the new application requested extended trading hours by beginning earlier each day. Trading after 11pm required an additional licence, under a Premises Licence, and the Applicant had already been granted this in 2014. This was because there were two different regimes covering those licences. Holding both licences would give permission for trading until midnight. The Sub-Committee was only concerned with the Street Trading application and not the Premises Licence. There had been no objections to that application from statutory authorities.

The Chairman asked the Applicant to make a closing statement but they had nothing to add.

The Sub-Committee adjourned at 10:05am to consider its decision.

The Sub-Committee reconvened at 10:13am and the Chairman declared that the Sub-Committee were satisfied with the application and were content to grant it.

The meeting concluded at 10:14am.

ADDENDUM –

Copy of the Decision Notice

Local Government (Miscellaneous Provisions) Act 1982
Re: Determination of an application for a Street Trading Consent

I write to confirm the result of the Licensing (Non-Statutory) Licensing Sub-Committee hearing held on 25 August 2021 to determine your application for a Street Trading Consent in Burwell.

DECISION:

That Consent is granted, as applied for, subject only to the standard conditions of Street Trading, and that the use of a generator shall only be used in exceptional circumstances i.e. if a power cut was to occur rendering the electrical supply from Burwell Ex-servicemen's Club redundant.

REASON:

Having considered all the evidence, and the Officer's report, Members determined that there were suitable measures in place to ensure that the activity (if conducted from the proposed location) would not lead to a detrimental impact on the area. In particular Members noted the existence of superior extraction and filtering systems in the new van, the use of a permanent electrical supply, and the siting of the serving hatch to be facing into the car park.