



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING (NON-STATUTORY) SUB-COMMITTEE**
TIME: 2:00pm
DATE: 11th June 2021
VENUE: Council Chamber, The Grange, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcambbs.gov.uk

Conservative Members:

Councillor Julia Huffer
Councillor Alan Sharp

Liberal Democrat Member:

Councillor Simon Harries
Councillor John Trapp
Councillor Gareth Wilson

Quorum: 3 Members

A G E N D A

- 1. Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 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**
To consider the above matter in accordance with the Hearings Procedure (attached)

NOTES:

| | |
|----|--|
| 1. | The maximum capacity for meetings in the Council Chamber has been set, due to restrictions because of the COVID pandemic, at 23 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 5. |
| 2. | <p>Fire instructions for meetings:</p> <ul style="list-style-type: none">▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.▪ The fire assembly point is in the front staff car park by the exit barrier.▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p> |
| 3. | Reports are attached for each agenda item unless marked “oral”. |
| 4. | <p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail:</p> <p>translate@eastcambs.gov.uk</p> |
| 5. | <p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>“That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1, 2 and 7 Part I Schedule 12A to the Local Government Act 1972 (as Amended).”</p> |

In-person Council and Committee Meeting Protocol

Background

This protocol applies to in-person meetings held whilst restrictions due to the COVID-19 pandemic are in place. This protocol has been written to align to Government guidance and regulations and will be updated as these evolve.

General Principles

The Council will seek to hold its public meetings in ways that are lawful, transparent and safe for all who are involved.

Whilst coronavirus restrictions are in place, this means:

- Holding meetings in person when we are legally required to do so, or there is a clear necessity to do so.
- Holding meetings virtually in all other situations.

Practices when operating in-person meetings

Prior to the meeting, the room will have been set up by the Facilities Management staff and no furniture should subsequently be re-arranged. All desks and microphones will have been sanitised for your use. There will be a dedicated desk and microphone for public speaking and both will be sanitised between uses. Disposable masks will be available for anyone who doesn't have their own and hand sanitiser will be provided.

Government guidelines encourage all adults without COVID-19 symptoms to take regular rapid lateral flow tests in order to help prevent the spread of infection as restrictions ease. Tests can be obtained easily in the following ways:

- By going to a test centre. In East Cambs there is a test site at Soham Town Rangers Football Club, Julius Martin Lane, Soham, Ely, East Cambridgeshire, CB7 5EQ
- By collecting a free pack of tests from many pharmacies – more information about local collection points is available at <https://maps.test-and-trace.nhs.uk/>
- By ordering a free set of tests online at <https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests>

Arriving at the meeting:

- Please arrive no more than 10 minutes before the start of the meeting (or, if you are only attending for part of the meeting, the time you have been advised by Officers).
- Please wear a facemask upon entry to the building and follow all instructions such as the one-way system and lift capacity. Where applicable, these are clearly indicated on signs throughout the building.
- Please maintain social distancing when inside the building.
- Please record your attendance via the track and trace function that will be available upon arrival at the meeting room.
- Please use hand sanitiser from the station or bring your own if you prefer.
- Please take a seat in the public seating area promptly and do not wander around.
- Once you are seated, you may remove your facemask.

In the meeting:

- If you are registered to speak at the meeting then please remain seated until the Chairman invites your contribution. Please wear your mask when moving between the seating area and the public speaking desk.
- Please bring a drink with you. You are welcome to bring hot or cold drinks but no drinks will be supplied in order to reduce handling and avoid congestion.

- If a meeting is due to last for a long period, there will be designated breaks which will be announced at the meeting. Please follow instructions from the Officers and endeavour to maintain social distancing. Please wear your mask whenever you move away from your seat.
- You are welcome to use the facilities at any time. Remember to put your mask back on to do so.

After the meeting

- Please put your mask back on as soon as you leave your seat.
- Please take all belongings and any rubbish with you.
- Please leave the meeting promptly in accordance with the instructions from Officers.

FAQs

Many of us have already been vaccinated. Do we really need some of the suggested restrictions and protocols?

As a Council, it is important that we support efforts to restrict the spread of the coronavirus. Even though many people have been vaccinated, they can still spread the disease and catch it.

When we run Committee meetings in person, we have to comply with the current guidance on holding meetings in the workplace. This requires us to keep attendees to only those who are necessary, have 2m social distancing between participants (or 1m+ with risk mitigation), and enact these types of protocols.

Why are we so restricted in the amount of people in committee meetings when indoor venues can now operate events with higher capacity?

The government has different guidance according to the type of events being held. The guidance related to holding workplace meetings recommends 2m distance between participants, or 1m+ with risk mitigation where 2m is not viable. This in turn restricts the capacity of venues.

What about public participation?

By law all meetings have to be "open to the public" and of course, we want to make our meetings as open and transparent as we can. We have to balance the requirement to be open to the public with government guidance and health and safety restrictions. We are therefore encouraging the public to register in advance, where possible, so that we have an idea of expected numbers, and to consider attending only for the specific item(s) of relevance to them rather than for the whole meeting.

Why are some meetings being held in person and some meetings virtually?

Our meetings work under different legal frameworks.

The High Court has decided that Council, and meetings of Council Committees (such as Planning Committee), must be held in a specific, geographic place and those attending the meeting must be physically present at that place. It has also ruled that any meetings which require public attendance must be in-person too. If we continued to meet virtually, any decisions we make could be legally challenged.

Meetings that do not make decisions and/or do not require public attendance can continue to operate virtually.

There is a specific exemption relating to premises hearings under the Licensing Act 2003: they can continue to meet virtually.

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed.
3. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*

- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive matter may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

TITLE: 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.

Applicant: Miloslava Myslikova

Date: 11 June 2021

Committee: Licensing (Non-Statutory) Sub-Committee

Author: Senior Licensing Officer – Stewart Broome

[W27]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To consider an application to trade from a location defined as a Consent Street within the East Cambridgeshire district boundary.

2.0 RECOMMENDATION(S)

2.1 That Members consider the report, and determine:

- (i) To grant the application as applied for; or
- (ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate.
- (ii) To refuse the application.

3.0 BACKGROUND

3.1 The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.

3.2 Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence or consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council, or in areas covered by one of the exemptions within the legislation.

3.3 The Council reviewed its street trading resolutions in 2015, and following a consultation exercise all streets (as defined by the "1982 Act") in the district were designated as Consent Streets, with the exception of the A10, A11 and A14 trunk roads which were designated as Prohibited Streets. This change took effect from 1 April 2016.

3.4 In accordance with the Council's Street Trading Policy, applications that do not attract objections can be dealt with via delegated powers to officers. However, if an objection is received, the application must be determined by Members.

3.5 In April 2018 minor amendments were made to the Street Trading Policy, to enable the Licensing Sub-Committee, or the main Licensing Committee to determine such applications. These amendments came into effect on 11 April 2018.

4.0 THE APPLICATION

4.1 A new application has been received from a Miloslava Myslikova of 22 Lode Lane, Wicken, Ely, CB7 5XP to sell hot and cold food and drink from a catering unit to be permanently located on the highway outside number 24 Lode Lane, Wicken, during the times listed in the table below:

| Day | Hours |
|------------------|----------------|
| Monday to Sunday | 09:00 to 17:00 |

4.2 The full application form, location plan, and a photo of the trading unit can be found in **Appendix 1**.

4.3 In accordance with the Council's policy the following organisations/ people were consulted:

- Cambridgeshire Constabulary
- Cambridge County Council highways department,
- Environmental Services
- Planning
- Relevant Ward Cllr(s), and Parish Council(s)
- Property owners within 100metres who directly overlook the proposed location

4.4 During the consultation period for the original proposed location site at the side of 24 Lode Lane, Wicken, Officers received a total of four valid objections from consultees to the granting of consent (**see Appendix 2**). Officers also received a comment they considered to be neutral from Cambridgeshire County Council Highways Department. Although considered neutral, it has been included, as it provides information that may be useful to Members (**see Appendix 3**).

4.5 In addition to the objections mentioned in paragraph 4.4, Officers also received an objection from a local resident whose property was originally considered to be outside of the 100metre consultation zone, however, it has been argued that part of the resident's land attached to the property is within the 100m limit, and for this reason officers have agreed to validate the objection for Members' consideration (**see Appendix 4**).

4.7 Those opposing the application cited that the location was too close to residential properties, raised public safety issues including vehicle movement and parking, and also cited loss of amenity, disturbance to wildlife, litter and existing adequate food vending provision, as reasons for their objections.

4.8 As a result of communication through the consultation period, the applicant requested the location of their proposed pitch be moved to the location indicated with a white box in **Appendix 5**. On the relocation of the proposed trading site to outside 22 Lode Lane Wicken (the applicant's home address), the owner of 24 and 26 Lode Lane Wicken withdrew his previous objection (**see Appendix 6**).

5 CONSIDERATIONS

5.1 In considering applications for the grant of a Street Trading Consent, as well as the individual merits of the application and the relevant legislation, the Street Trading Policy provides that the Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application, and

when determining an application for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

b) Public Order

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

e) Compliance with legal requirements

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

5.2 The Council's Street Trading Policy states that the Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;

- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

5.3 The Street Trading Policy allows Members and Officers to depart from the policy where there are clear and compelling reasons for doing so.

6.0 LEGISLATIVE POSITION/LEGAL IMPLICATIONS

6.1 Schedule 4 paragraph 7(2) of the "1982 Act" provides that the Council may grant a consent if they think fit, subject to observing the mandatory grounds for refusal at subparagraph 7(3). No mandatory grounds of refusal are applicable to this application.

6.2. The Council is not under any duty to grant a Street Trading Consent and need not specify any of the statutory grounds for refusal. Therefore, the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council. However, the Council must have regard to its Street Trading Policy, which outlines the approach that it will take in determining applications of this sort, and any comments submitted in support of, or in opposition to the granting of the application. Members will need to give full reasons for their decision.

6.3. Accordingly the Committee may:

- (i) Grant the application as it stands in which case it will be subject to the Council's approved standard conditions (**see Appendix 7**).
- (ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate.
- (iii) Refuse the application.

6.4 Street Trading Consents can be issued for a maximum of twelve months, but can be issued for shorter periods.

6.5 Street Trading Consents can be revoked at any time.

7.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

7.1 There are no costs associated with this report, other than the author's time. However, should the Council's decision be subject to a judicial review, legal fees to defend the review would be accrued.

7.2 An Equality Impact Assessment (EIA) is not required as this does not relate to a service provided by the Council or a decision on a change of policy, but a regulatory disciplinary matter relating to an individual.

8.0 APPENDICES

- 8.1 Appendix 1 - Application, location plan, and trading unit photo
Appendix 2 - Consultee objections
Appendix 3 - Neutral comment from Highways
Appendix 4 - Other objections
Appendix 5 - New location plan
Appendix 6 - Objection withdrawal
Appendix 7 - Standard trading conditions

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer</u> |
|--|---------------------------------|---|
| Local Government (Miscellaneous Provisions) Act 1982 | Room SF208 The Grange Ely | Stewart Broome Senior Licensing Officer 01353 616477 stewart.broome@eastcambs.gov.uk |
| East Cambs Street Trading Policy 2018 | | |



East Cambridgeshire
District Council

Local Government (Miscellaneous Provisions) Act 1982

APPLICATION FOR STREET TRADING CONSENT

- Please familiarise yourself with our terms and conditions before completing this application
- It is an offence to give false information - all questions must be answered.
- An application will not be deemed valid unless the Licensing Authority receives the following documents in addition to a completed and signed application form, and the relevant fee:
 1. One Passport style photo for each applicant
 2. Proof of right to work in the UK¹ for each applicant
 3. A copy of a map clearly identifying the proposed trading location(s) and trading unit boundaries with a red line.
 4. A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
 5. Proof of third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
 6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
 7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
 8. Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
 9. Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
 10. Where the proposed street trading is from a fixed position, written permission from the land owner of the proposed trading location.

¹ Consents will not be issued to any person who does not have a right to work in the UK at the time of application. In order to confirm your right to work, all applicants must supply suitable documentation such as, a Passport, Biometric Residence Permit, birth certificate, or other approved home office documents.

Please Note

The Licensing Authority reserves the right to request a DBS criminal record certificate from all applicants stated on the application form. If such a check is required the Licensing Authority recognises the DBS "Update Service" scheme. For more information, please see our website www.eastcambs.gov.uk.

METHOD OF COMMUNICATION

- The Council's primary method of communication is by email.
- The Council may also communicate with you via text message to your mobile phone. As the Council is not a telecommunications company it will be necessary to use the services of a 3rd party such as BT or Virgin to provide this facility. Where text messaging is used the Council will observe the principles of General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- By signing this application form you are agreeing to permit the Council to contact you using email, phone, text, and traditional paper based communication.

CONSENT PERIOD

Street trading consents will last 12 months, or until the last daily permit date requested has passed in all cases, unless surrendered by the consent holder, or withdrawn by the Licensing Authority. The period between the first daily permit and the final daily permit cannot exceed 12 months. Street trading consent fees can be found on www.eastcambs.gov.uk.

APPLICANT TYPE

Please indicate who will be the proprietor of the business:

- Sole trader (complete sections 1 to 8, and 24 onwards)
- Partnership (complete sections 1 to 16, and 24 onwards)
- Limited Liability Partnership (LLP) (complete sections 17 onwards)
- Limited Company (complete sections 17 onwards)

PROPRIETOR DETAILS

| | |
|---|---------------------------------|
| 1. Surname: <u>MYSLIKOVA</u> | 2. Forename(s) <u>MILOSLAVA</u> |
| 3. Current registered address: <u>22 LODGE LANE, WICKEN</u> | |
| Postcode: <u>CB7 5XP</u> | |
| 4. Date of birth: <u>16/12/1979</u> | 5. Telephone: <u>---</u> |
| 6. Mobile: <u>[REDACTED]</u> | 7. Email: <u>[REDACTED]</u> |
| 8(a). Are you permitted to work in the UK?: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 8(b). Are there any restrictions?: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please detail them below) | |

ADDITIONAL PROPRIETOR DETAILS

| | |
|---|-----------------|
| 9. Surname: | 10. Forename(s) |
| 11. Current registered address. | |
| Postcode: | |
| 12. Date of birth: | 13. Telephone: |
| 14. Mobile: | 15. Email: |
| 16(a). Are you permitted to work in the UK?: Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 16(b). Are there any restrictions?: Yes <input type="checkbox"/> No <input type="checkbox"/> (If yes, please detail them below) | |

| | | | |
|---|--|------------|-------------|
| Please indicate whether you wish to apply for a daily permit or an annual consent?: | Annual: <input checked="" type="checkbox"/> Permit: <input type="checkbox"/> | | |
| Annual consent trading days and times? | Day | Start time | Finish time |
| | Monday | 9 AM | 5 PM |
| | Tuesday | 9 AM | 5 PM |
| | Wednesday | 9 AM | 5 PM |
| | Thursday | 9 AM | 5 PM |
| | Friday | 9 AM | 5 PM |
| | Saturday | 9 AM | 5 PM |
| | Sunday | 9 AM | 5 PM |
| Please enter all daily permit trading dates and times (e.g. 4 th July – 9am to 7pm, or 4 th to 10 th July – 9am to 7pm): | | | |

| GOODS TO BE SOLD (please tick all relevant boxes) | |
|---|--|
| Clothing | <input type="checkbox"/> |
| Electrical spares | <input type="checkbox"/> |
| DIY products | <input type="checkbox"/> |
| Hot food and drink (please tick all relevant boxes) | Baked Potatoes <input type="checkbox"/> Fish/Chips <input type="checkbox"/> Curry <input type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input checked="" type="checkbox"/> Kebabs <input type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input checked="" type="checkbox"/> Sausage/Bacon/Eggs etc <input type="checkbox"/> Other (please state below) <input type="checkbox"/> |
| Furniture | <input type="checkbox"/> |
| Records, CD's and DVD | <input type="checkbox"/> |
| Household cleaning goods | <input type="checkbox"/> |
| Books | <input type="checkbox"/> |
| Fresh fish | <input type="checkbox"/> |
| Fresh meat | <input type="checkbox"/> |
| Fruit and Veg | <input type="checkbox"/> |
| Delicatessen | <input type="checkbox"/> |
| Flowers and plants | <input type="checkbox"/> |
| Ice-cream vendor | <input type="checkbox"/> |
| Cakes/bakery | <input checked="" type="checkbox"/> |
| Arts and crafts | <input type="checkbox"/> |
| Other (please state type of goods) | SAUSAGE ROLLS, PANINI, FRESH SANDWICHES, TOAST, SOUP, WAFFLES, FRUIT, VEG, HOT DRINKS (COFFEE, TEAS, HOT CHOCOLATE), ICED COFFEE, PRE-PACKED ICE-CREAM AND KE LOLLIES, PRE-PACKED SNACKS |

| DETAILS OF TRADING UNIT | |
|---------------------------------------|---|
| Type of trading unit: | Mobile Catering Unit <input checked="" type="checkbox"/> Barrow <input type="checkbox"/> Ice-Cream Van <input type="checkbox"/> Cart <input type="checkbox"/> Stall <input type="checkbox"/> Other (please state) <input type="checkbox"/> <u>SMALL HORSE TRAILER TYPE</u> |
| Vehicle registration (if applicable): | N/A |
| Trading unit measurements: | Height: <u>2</u> mtrs. <u>50</u> cms Width: <u>2</u> mtrs. <u>20</u> cms Length: <u>4</u> mtrs. <u>15</u> cms |

| SUPPORTING DOCUMENTS CHECKLIST | |
|--|---|
| 1. One Passport style photo for each applicant endorsed as a true likeness by a person of professional standing. | Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> |
| 2. Proof of right to work in the UK for each applicant | Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> |
| 3. A copy of a map clearly identifying the proposed trading location(s) and trading unit boundaries with a red line. | Enclosed: <input type="checkbox"/> To follow: <input type="checkbox"/> |
| 4. A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place. | Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> |
| 5. Proof of third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity. | Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> |
| 6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable. | Enclosed: <input type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input checked="" type="checkbox"/> |
| 7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable. | Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/> |
| 8. Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable. | Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/> |
| 9. Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable. | Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/> |
| 10. Written permission from landowner of trading location → <u>HIGHWAY</u> | Enclosed: <input type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input checked="" type="checkbox"/> |

| DECLARATION |
|--|
| <p>Fraud Act 2006</p> <p>I hereby declare that I fully understand, have read and checked the details and questions on this application form and the foregoing statements are true. I understand that it is a criminal offence if I or anyone else gives false information, or makes a false representation, or fails to disclose information in order for me to obtain street trading consent. I am fully aware that the provision of a false statement, or information in order to obtain a licence is an offence under the above Act which may result in the refusal of this consent application and any subsequent consent applications for a period of one to three years. I am also aware that any consent granted as a result of breaching the above Act will be immediately withdrawn. A refusal or revocation decision is not reliant on a formal conviction under the above Act being secured.</p> |

I have read the Street Trading Policy, and I undertake, in the event of a consent being granted, to observe and comply with such conditions.

Signed by or on behalf of the applicant²

Signed (by the applicant):



Date:

17/3/21

Print

name:

MUSLI KOVA

Capacity:

OWNER

Signed (by the applicant):

Date:

Print

name:

Capacity:

² If signing on behalf of a Ltd Company or LLP only one responsible person needs to sign.

GDPR AND THE DATA PROTECTION ACT 2018

In line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, East Cambridgeshire District Council is fully committed to protect the privacy of our constituents, staff and members. We ensure the safe processing of personal data through strict guidelines for collection, storage and retention of information. Where appropriate, data sharing protocols are entered into and robust security measures are in place. The council maintains its Public Services Network (PSN) compliance, demonstrating its on-going commitment to supporting best practice in the maintenance and handling of data.

For further information contact: The Data Protection Officer, The Grange, Nutholt Lane, Ely, Cambs., CB7 4EE (email: dataprotection@eastcambs.gov.uk)

The Licensing Authority maintains a data retention and sharing policy in accordance with GDPR rules, which explains how your information could be used by the Licensing Authority. Further details are available on the Council's website www.eastcambs.gov.uk.







**National
Trust**

sarah.smith@eastcambs.gov.uk

21st April 2021

Lin Bagwell
lin.bagwell@eastcambs.gov.uk

Ref: 21/00144/STRCON ECDC Street Trading Consent Consultation adjacent to 24 Lode Lane, Wicken, CB7 5XP.

Dear Lin,

Thank you for the opportunity to respond to the application for Street Trading Consent adjacent to 24 Lode Lane, Wicken, CB7 5XP

The National Trust (NT) is a charity that looks after Wicken Fen Nature Reserve. The Street Trader Consent application is approximately 100m from Wicken Fen, a National Nature Reserve and designated SSSI and an internationally designated Special Area for Conservation and Ramsar site. The application site is also within the immediate vicinity of the National Trust car park, visitor toilets, 3 NT-owned residential properties, the 'Fen Cottage' and sits beside the main visitor route from the car park to the nature reserve and its visitor centre.

We object to the application for the following reasons:

Public safety

Lode Lane is a public highway with a speed limit of 30mph, regularly used by HGVs, agricultural machinery and equipment. There is no space for customers of the proposed outlet to wait, queue or consume their purchases that is not on a public highway representing a substantial safety risk to the public when visiting the outlet.

Highway safety

Customers waiting, queuing, or consuming their purchases on the highway also present a potential obstruction for vehicle or emergency access to residential properties further down Lode Lane and the National Trust visitor centre and nature reserve. With the location being on the public highway we also raise the question whether consent has been sought from the Highways Authority?

Waste and litter

Wicken Fen National Nature Reserve
 Lode Lane
 Wicken
 Ely
 Cambridgeshire CB7 5XP
 Tel: +44 (0)1353 720274
 Fax: +44 (0)1353 724700
www.nationaltrust.org.uk

President: HRH The Prince of Wales
 Regional Chairman: Inga Grimsey
 Director, East of England: Paul Forecast

Registered office:
 Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA
 Registered charity number 205846

The proposed location of the outlet is on the main visitor route from the National Trust car park to its visitor centre. There are no public litter bins in the area. Customers of the proposed outlet will inevitably walk down Lode Lane onto National Trust land and either deposit their rubbish in bins for NT visitors, the cost of emptying these lies with the charity, or onto the nature reserve creating litter on the nature reserve with NNR, SSSI and SAC status. The expense for disposing of this litter will once again rest with the charity.

Parking

There is no safe public parking associated with the proposed site. The nearest car park is the National Trust car park. This is a private car park for use by visitors to the nature reserve. We are currently installing security measures to help deal with existing problems without taking on the customers of other outlets and any associated problems that may arise. Any parking outside of the NT car park on the single lane highway would introduce obstructions to the public highway for vehicle or emergency access.

Residential area

The area of Lode Lane proposed for the outlet is residential not commercial in nature. We are concerned for impact on local residents which include National Trust staff and tenants. The proposal has the potential to adversely impact on residential amenity by virtue of the additional traffic, noise and smell associated with the outlet. It would also add a very urban feel to a rural residential lane; the proposed unit would not be compatible with the character of the area.

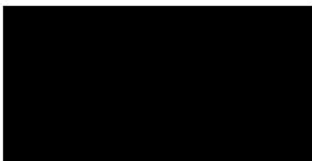
Existing adequate provision

There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes. The Docky Hut café lies approximately 100m from the proposed site and offers a similar range of snacks and hot drinks across the same hours. The Docky Hut café adequately serves the residents of and visitors to Lode Lane and the Wicken Fen Nature Reserve.

Having regard to the above, we consider this application is contrary to the East Cambridgeshire District Council Street Trading Policy.

I hope you understand our concerns and reasons for objecting to this Street Trading Consent application. I would be grateful if you would inform me of the outcome of this application.

Yours faithfully,



Sarah Smith
General Manager, Wicken Fen

Cont/d

2

Lin.bagwell@eastcambs.gov.uk

Licensing@eastcambs.gov.uk

RE: 21/00144/STRCON – ECDC Street Trading Application – Land adjacent to 24 Lode Lane, Wicken.

Dear Lin,

Thank you for your letter inviting comment on the above application for a Street Trading Licence.

We live directly opposite the proposed site, and wish to object to the application for the following reasons:-

Public Safety Risk: Lode Lane is a narrow rural residential lane, one vehicle wide, with a 30mph limit. It is used by vehicle and cycle traffic, walkers, horse riders, visitors to Wicken Fen Nature Reserve, local residential traffic, agricultural vehicles, and Large Goods Vehicles. Breed Fen Drove is a Public Byway, open to all traffic. The surface of Breed Fen Drove is un-edged “Green Lane” used by walkers, horse riders, cyclists, agricultural vehicles and equipment, and Off-Road vehicles on 2 and 4 wheels. Customers queueing for food will only be able to do so on either the public highway or byway, placing them in potential conflict with road users and residents wishing to enter and park at their own properties.

Vehicles wishing to access the public byway from lode lane will find their turning arc restricted by customers waiting for food, or the food outlet itself. All vehicles could be forced to drive closer to the edge of the byway, which is not suitable for vehicle weights due to the open field drainage ditches at either side of the byway.

There is no public parking available at the site, apart from the privately owned National Trust chargeable car park. Customers wishing to avoid this charge may try to park in Lode Lane, thereby causing an obstruction on an already narrow lane.

Loss of Amenity: This is a rural residential area, situated next to a National Nature Reserve and Site of Special Scientific Interest. The visual impact, smells, noise, and litter likely to be associated with a mobile food outlet will adversely affect immediate residential neighbours, as well as members of the public wishing to access the rural countryside.

There are no public litter bins nearby, either on Lode Lane or the byway. By their nature, the foodstuffs are all portable, and would be carried from the site for consumption, and litter or food dropped in the immediate area. The boundary of the SSSI and NNR mentioned above is within 150 metres of the proposed site and would be adversely affected by large amounts of litter and discarded foodstuffs, in addition to the attraction of vermin.

We are aware that the National Trust already takes responsibility for controlling vermin on their property. Despite this, there has been an increase in the number of vermin sighted (and controlled) in the locality in the past year. The likely increase in food waste and litter because of an additional food outlet in this area will only attract more vermin.

Rural nature of the area: The area of Lode Lane and Breed Fen Drove is a unique historic area of residential and rural green space. Wicken Fen Nature Reserve is a rare chance to engage with open countryside without the intrusion of urban commercialisation. The addition of a mobile food outlet to this area is likely to be detrimental to the rural nature of the locality, whether it operates 7 days per week all day, or just a few hours on an ad-hoc basis.

Disturbance to wildlife There are swift nest boxes located in the immediate vicinity of the proposed food outlet which have been used by swifts (a protected species) and other birds in the last two years. There is a significant risk of disturbance to the nest sites caused by the presence of customers to the food outlet lingering in this area as they queue or wait for food.

Existing adequate provision There is already existing like provision supplied by the café at the Wicken Fen Visitor Centre, approximately 100m away from the proposed food outlet, which serves hot and cold food and drinks for eat-in or takeaway (per any prevailing Covid-restrictions). This site has full provision of refuse and recycling, and visitor amenities for its customers. Further in the centre of the village, there is also provision for hot food and beverages approximately 600m away at the Maid's Head pub.

We are concerned about the impact of the proposed food outlet on the local area for the above reasons and believe that the objections raised outweigh any need for a street trading outlet in this location.

Yours faithfully,

Gerrard Smallwood
Carol Laidlaw

Sent by email.

Stewart Broome

From: Licensing <Licensing@eastcambs.gov.uk>
Sent: 26 April 2021 07:54
To: Lin Bagwell
Subject: FW: Lapwing Cafe Lode Lane Wicken

From: Rachel Earl <wickenparishcouncil@hotmail.com>
Sent: 26 April 2021 05:48
To: Licensing <Licensing@eastcambs.gov.uk>
Subject: [EXTERNAL] Lapwing Cafe Lode Lane Wicken

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Wicken Parish Council (SMTP) <wickenparishcouncil@hotmail.com>

Good morning

Thank you for inviting us to comment on the proposed Lapwing Cafe.

Wicken Parish Council met on Tuesday 13 April 2021 and discussed the proposal. Due to the timing the subsequent move to a slightly different location has not been discussed by the Parish Council and therefore these comments are for the general idea and original location:

In principal, the Parish Council supports the idea of a local person starting a business and felt the competition with the National Trust Café would be positive. However, the Parish Council had the following concerns:

Location – the café is situated too close to neighbouring properties

Vehicle movements and parking – the only parking near to the proposed cafe is the National Trust car park.

This area of Lode Lane is particularly narrow and vehicles would need to reverse which is a health and safety concern with the large numbers of walkers and cyclists.

Litter – the additional café would generate extra litter and there is a limited number of litter bins in the area.

Kind regards

Rachel

[Rachel Earl](#)

Parish Clerk

Wicken Parish Council

Jack White

07 April 2021

Licensing Officer
East Cambs District Council

Dear Ms. Bagwell,

Street Trading Consultation - Ref. 21/00144/STRCON

Thank you for the opportunity to submit a representation on Ms. Myslikova's application to trade from a mobile café next to 24 Lode lane, Wicken.

I am the owner of no 24 Lode Lane and until recently lived there for 25 years. I now live next door at no 26 following my recent marriage and I rent no 24 to my step daughter.

I have no objection in principal to the operation of a mobile café in this general area but I am afraid I object strongly to the location chosen. There are several reasons why I feel this location is not suitable and is contrary to your street trading policy:

Firstly, the vehicle would be parked very close to the end wall of my house and would in fact be about 2 metres below the main bedroom window. You can see this clearly on photos 1 and 2 attached. This would represent a significant loss of amenity caused by noise, odour or fumes, together with the fire safety hazard. The potential customers of the café who would normally pass by on Lode Lane will be encouraged to come to the rear of the house where they look directly into the back garden, thus intruding on our privacy.

Secondly there is no space for parking in Lode Lane which is single track. Although there is a large carpark, this is provided by the National Trust for their customers. The residents of no 24 have space for one car in a short driveway, but the only place for a second car is next to the end of the house where the café will be. You can see this in photos 2 and 3. Any visitors to the house normally park behind the residents' car in the exact spot where the café would be during the day. Again, this would affect the amenity of the residents.

The above are the issues that directly affect our amenity, however, there are other areas that probably conflict with your policies: the entrance to the drove is used a lot by delivery vehicles and visitors for backing and turning and there is a small road safety hazard to queuing customers. The proposed site does not allow the required adequate parking for potential customers, although they could use the National Trust car park for a £3 fee. Finally, there is already adequate like café provision in the area

in the shape of the National Trust café 100 metres further down the lane. However, a little competition would do them no harm!

Breeds Fen Drove (the highway we are talking about) is a very wide grassy drove much used by walkers as you can see from photo 4. There is plenty of room further down the drove adjacent to the applicant's own property (partly seen on the left of photo 4 and in photo 3. We would have no objection to the siting of the café further down the drove where it would have only a minor effect on our amenity.

Yours sincerely

Jack White

Copy to: Chairman, Wicken Parish Council

Enc: Photos 1, 2, 3 and 4







Subject: FW: Street Trading Consent - Lapwing Cafe - Lode Lane Wicken CB7 5XP

From: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Sent: 08 April 2021 19:48
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: FW: Street Trading Consent - Lapwing Cafe - Lode Lane Wicken CB7 5XP

From: Laise Facada
Sent: 07 April 2021 20:12
To: Licensing (SCDC) <Licensing@scambs.gov.uk>
Subject: RE: Street Trading Consent - Lapwing Cafe - Lode Lane Wicken CB7 5XP

Dear Lin,

I do not have objections to this application. However, licence should be approved with the following conditions:

1. The applicant must keep to the area stated on their plan so as to allow unobstructed use of the remainder of the footway.
2. The applicant must police their area strictly to make sure any item of object placed outside the area by a member of public is quickly returned.
3. The applicant must keep the area clear of litter.
4. The applicant must provide a bin for litter that they must empty at least daily.
5. The applicant must be able to contain the noise produced by customers visiting, in order to not disturb the neighbouring residences.

Kind regards,

Laise Facada
Technical Administrator
Policy and Regulation
Highways Service
Cambridgeshire County Council



22nd April, 2021

Ms Lin Bagwell

Re: Lapwing Café – Licensing and Street Trading Application, Lode Lane, Wicken CB7 5XP

Case No. 21/00144/STRCON

PREAMBLE

Firstly, I would like to thank you for your helpful and totally impartial advice that you gave me regarding this application and how there could be implications beyond Licensing, therefore I will concentrate on matters of relevance to Planning and Highways.

I should point out, however, that part of my property boundary does fall within the 100m. radius of the proposed development but, as you know, I was not included in the original notification.

MATERIAL OBJECTIONS

The establishment of an outlet of the type of business proposed has a number of disadvantages and these have been raised by various parties at Parish Council level, and the latter has sent its report to you.

1. The existence of a food outlet at the above location will generate smells, a possible increase in rodent activity and almost certainly cause a litter problem.
2. Of particular concern is that of road access. Lode Lane is a single-track road leading to a large National Trust car park. The additional traffic generated would be wholly inappropriate and undesirable; the road is often congested with no adequate passing places and to this would be added frequent deliveries by van.

ECDC have recently had to implement measures to control parking on the road and Highway Safety is a major consideration in connection with this development. There is a great danger to pedestrians from vehicles that will be reversing and turning near the facility added to those already visiting the aforementioned car park.

Clearly there will be added noise and disturbance resulting from the use of the café.

Whilst I acknowledge that competition in itself is not grounds for objection, I feel that the proposal would result in unfair competition for the National Trust's establishment which has to pay Council Tax, and employ cleaners for its toilet facility which will inevitably be used by patrons of the Lapwing Café.

3. Character and Appearance of the Area. The proposed outlet is totally alien to the ambience of the local area which is very close to a nature reserve internationally recognised as of great importance. Consequently, it must be contrary to several policies of ECDC's Local Plan, the submitted Local Plan and Central Government advice in the NPPF (2018).

To conclude, I must add that whilst this objection is not of a petitionary nature I have been asked that you kindly note that my remarks are endorsed by the following:

Mrs. Elaine Boyd, [REDACTED]

Mr. Nicol Henderson, [REDACTED]

Mr. and Mrs. R Setchell, [REDACTED]

Mrs. Gillian Hamilton, [REDACTED]

Ms. Jennifer Hudson, [REDACTED]

all of whom acknowledge that they'll thereby be entered on the publicly-accessible Council Planning web site.

In the event of this application going to Committee I confirm that I would be happy to attend in person or be represented by my solicitor.

Thank you

Yours sincerely

David Werner.

Photo 1 - The alternative location proposal, view from Lode Lane towards 22 Lode Lane and Breed Fen Drove



Photo 2 - The alternative location proposal, view towards 22 Lode Lane



Photo 3 - The alternative location proposal, view from the Breed Fen Drove towards Lode Lane



Subject: FW: [EXTERNAL] Re: Street Trading Consultation - 21/00144/STRCON - Lapwing Cafe

From: Licensing <Licensing@eastcambs.gov.uk>
Sent: 21 April 2021 13:31
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: FW: [EXTERNAL] Re: Street Trading Consultation - 21/00144/STRCON - Lapwing Cafe

From: Jack White
Sent: 21 April 2021 10:05
To: Licensing <Licensing@eastcambs.gov.uk>
Subject: [EXTERNAL] Re: Street Trading Consultation - 21/00144/STRCON - Lapwing Cafe

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Jack White

Dear Ms Bagwell,

Thank you for the opportunity to submit a representation on the revised location for the cafe above. We have no objections to new location which addresses the main issues concerning the amenity of the residents of No 24 Lode Lane.

Regards

Mr and Mrs Jack White



On 20/04/2021 16:59, Lin Bagwell wrote:

Dear Consultees

Further to my previous email of 29 March 2021, regarding the street trading consent application received from Miloslava Myslikova, the owner of Lapwing Cafe, to trade as a mobile food vendor selling hot dogs, crepes, paninis, sandwiches, snacks and associated products from the highway, an alternative trading location has been proposed by the applicant which will now be adjacent to 22 Lode Lane Wicken CB7 5XP during the following days and times:

Monday to Sunday 09:00 to 17:00 hours

Please find attached the location map + the applicant's description and photos of the proposed trading area to assist you.

The vending unit will be renovated and painted to the satisfaction of the Licensing Authority and in keeping with the ambience of the location.

If you wish to submit a representation for our consideration regarding this application please do so to licensing@eastcambs.gov.uk by **26 April 2021**.

If you require any further information please do not hesitate to contact me.

Thank you for your co-operation in this matter.

Best wishes

Lin

Lin Bagwell
Licensing Officer (Enforcement)
East Cambridgeshire District Council
Tel: 01353 616477
Mobile: 07776244488

Email: lin.bagwell@eastcambs.gov.uk

[Pay, report, apply online 24 hours a day](#)



Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-riden by the special conditions for special events/markets.

Standard Conditions

1. Definitions

i. 'street' includes

- a) any road, footway, beach or other area to which the public have access without payment and
- b) a service area as defined in Section 329 of the Highways Act 1980 and also includes any part of a street

ii. 'street trading' means

the selling or exposing for sale of any article (including a living thing) in a street

2. The Consent granted by the Council is personal to the holder.

3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.

4. The street trading consent only relates to the vehicle/premises stipulated within the consent.

5. The consent holder can only trade in the goods stipulated in the consent.

6. Ancillary items can be sold where relevant to the goods being traded.

7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the consent, and goods should not migrate outside of the permitted area.

8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.

9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.

10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the consent.
15. Unless stipulated within the consent the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this consent, other than as specified in the consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.

23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst in resident.
24. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.
30. No signage or objects shall be placed on the highway or area surrounding the vehicle/premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
33. The holder shall notify the Environmental Services Manager at the Council Officer, The Grange, Nutholt Lane, Ely, CB7 4EE in writing of any criminal

convictions or other legal proceedings arising out of the use or enjoyment of the consent.

34. The holder of a consent shall carry public liability insurance of not less than £2 million, evidence of which shall be supplied to the Council prior to the grant of the consent.
35. The Council may revoke the consent at any time.
36. The holder will return the consent to the Council immediately upon revocation or surrender.
37. In the event of the consent being surrendered or revoked no refunds will be given. Where consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Trades from any Council Land he/she shall indemnify the Council from and against all lose, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage to the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, standard fire-arms, airguns, swords and crossbows).
44. The consent holder must not allow the sale of materials considered offensive, indecent or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.