

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

Committee: Licensing (Non-Statutory) Sub-Committee

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Issue

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

Recommendations

2. That Members consider the content of this report, and all the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.7 of this report.

Background/Options

Street Trading Policy

3. 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'.
4. 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.
5. 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, except for the A10, A11 and A14 trunk roads which were designated as Prohibited Streets. This change took effect from 1st April 2016.
6. In accordance with the Council's Street Trading Policy (the '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.

The application

7. A new application for an annual static street trading consent was received from Tracy Gordon of 52 East Fen Common, Soham, Cambridgeshire CB7 5JJ, trading as 'Tracy's Tasty Treats', to sell cakes/baked items from a 'cake shed' located at the side of her premises, during the following times:

Day	Hours
Friday to Sunday	08:00 to 18:00

8. The applicant provided all necessary supporting documentation including evidence of food business registration, sufficient food hygiene training, business insurance and permission from the property owner to trade at the address.
9. The application form, location plan, and photos of the trading unit can be found in **Appendices 1, 2 and 3** respectively.
10. In accordance with the 'Policy', a 28-day consultation process was carried out with property owners within 100 metres who directly overlook the proposed location. The consultation period concluded on 1st July 2026.
11. During the consultation period officers received three representations, consisting of one objection and two comments. Copies of the representations are attached as **Appendix 4**.
12. The objection asks for the application to be refused citing potential issues arising under the categories of 'public safety', 'highway' and 'compliance with legal requirements'. These principally relate to the potential impact of increased traffic and parking on the common due to customers accessing the applicant's property.
13. The first comment raises concerns regarding the condition of the track on the common, used to access residential properties, and how this would deteriorate with increased traffic. It was also remarked upon that there is no street lighting on the highway access to the common, or on the common itself, which may make it unsafe to access or egress from the site bearing in mind the operating hours made in the application.
14. The second comment was received from Cheffins who represent the landowner ('Lord of the Manor'). Concerns were raised regarding customers accessing the applicant's property, which would result in an intensification of use that would likely result in degradation of the common and impact on neighbouring properties. A suggestion is also made with respect to the proposed trading hours in that these be reviewed to cause minimal impact to residents who live on the common.
15. Following the conclusion of the consultation period, the applicant provided a supporting representation, which is attached as **Appendix 5**. Within this document, the applicant addresses the objections received and presents additional photos of the site and supporting letters from residents.
16. There is currently one other cake shed operation in Soham that has been granted a street trading consent.

Arguments/Conclusions

17. In considering applications for the grant of a Street Trading Consent, the Council will have regard of the individual merits of the application and the relevant legislation, as well as the following key considerations:

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.

18. The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
19. The '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.
20. The 'Policy' allows Members and Officers to depart from the policy where there are clear and compelling reasons for doing so.
21. 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 sub-paragraph 7(3). No mandatory grounds of refusal are applicable to this application.
22. 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 '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.
23. 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 6**).
 - (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.
24. Street Trading Consents are issued for a maximum of twelve months but can be given for shorter periods.
25. Street Trading Consents can be revoked at any time.

Additional Implications Assessment

Financial Implications Yes	Legal Implications Yes	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

Financial and legal implications

26. The cost of convening a Licensing (Non-Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.
27. Where an application is refused, reasons for refusal will be provided. The decision of the committee is final. The '1982 Act' does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary.
28. The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
29. Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Appendices

- Appendix 1 – Application form
- Appendix 2 – Premises plan
- Appendix 3 – Photos of trading unit
- Appendix 4 – Comments
- Appendix 5 – Applicant's supporting representation
- Appendix 6 – Standard conditions applicable to street trading consents

Background documents

- [Local Government \(Miscellaneous Provisions\) Act 1982](#)
- [Street Trading Policy – October 2025](#)