



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **LICENSING (NON-STATUTORY) SUB-COMMITTEE**
TIME: 11:00am (or later, if required, following Licensing Committee meeting)
DATE: 10th November 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 Christine Ambrose Smith
Councillor Julia Huffer
Councillor Alan Sharp

Liberal Democrat Member:

Councillor Gareth Wilson (Chairman)
Councillor Alec Jones

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>

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.

AGENDA ITEM NO. 2

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: Mr Miguel Silveira

Date: 11:00 hours (or the conclusion of the preceding meeting) on 10 November 2021

Author: Senior Licensing Officer – Stewart Broome

[W95]

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.
- (iii) 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.

4.0 THE APPLICATION

4.1 A new application has been received from Mr Miguel Silveira of 120 New Barns Avenue, Ely, Cambridgeshire, CB7 4RF to sell hot and cold food and drink from 120

New Barns Avenue, Ely, Cambridgeshire, CB7 4RF, during the times listed in the table below:

Day	Hours
Monday to Sunday	11:00 to 21:00

- 4.2 The full application form, location plan, and photos 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 Officers received six valid objections from property owners to the granting of consent (**see Appendix 2**), and two objections from organisation consultees (Environmental Health, and City of Ely Council) (**see Appendix 3**).
- 4.5 The comments opposing the application cited that the location was too close to residential properties resulting in possible noise disturbance and littering from customers, noxious cooking smells in their properties and gardens, safety and access issues from increased traffic, and the general unsuitability of the location due to the residential nature of the area.
- 4.6 To assist Members a bird's eye view map is included showing the proposed van location and the location of the objectors (**see Appendix 4**).

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 sub-paragraph 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 5**).
- (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.

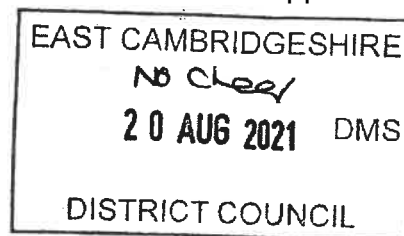
8.0 APPENDICES

- 8.1 Appendix 1 - Application, location plan, and trading unit photo
Appendix 2 - Consultee objections
Appendix 3 - Organisation consultee objections
Appendix 4 - Bird’s eye map of location
Appendix 5 - 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
East Cambs Street Trading Policy 2018		stewart.broome@eastcambs.gov.uk



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: SILVEIRA | 2. Forename(s) MIGUEL |
| 3. Current registered address: 120 NEW BARN'S AVENUE
ELY CAMBS | |
| Postcode: CB7 4RF | |
| 4. Date of birth: 04-11-1970 | 5. Telephone: |
| 6. Mobile: | 7. Email: |
| 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 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) | |

OTHER PROPRIETOR DETAILS

17. Ltd Company/LLP name:

18. Current registered address of Ltd Company/LLP:

Postcode:

19. Ltd Company/LLP registration number:

20. Mobile:

21. Telephone:

22. Email:

23. Director/ Partner/Company Secretary names:

(please indicate all persons registered with Companies House, in the order you would like us to contact you)

PENDING PROSECUTIONS

24. Does any person named on this application form have any foreign or domestic prosecutions pending against them? Yes No (If yes, please give details and continue on a separate sheet if needed)

Date of Court hearing	Offence	Court

CRIMINAL CONVICTIONS, CAUTIONS, and/or WARNINGS

25. Has any person named on this application been convicted of any foreign or domestic offences, or received any Police caution or warnings? Yes No (If yes, please give details and continue on a separate sheet if needed)

NB: There is no need to declare any offences considered "spent" under the Rehabilitations of Offenders Act 1974.

Date	Offence	Court	Sentence

TRADING DETAILS

Trading name (if applicable):

Street name (fixed location), or the name of all the streets you wish to trade (mobile trading):	120 NEW BARNES AVENUE ELY CAMBRIDGESHIRE CB7 4RF		
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	11.00	21.00
	Tuesday	11.00	21.00
	Wednesday	11.00	21.00
	Thursday	11.00	21.00
	Friday	11.00	21.00
	Saturday	11.00	21.00
	Sunday	11.00	21.00
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 checked="" type="checkbox"/> Curry <input checked="" type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input checked="" type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausage/Bacon/Eggs etc <input type="checkbox"/> RICE Other (please state below) <input type="checkbox"/>
Furniture	<input type="checkbox"/>
Records, CD's and DVD	<input type="checkbox"/>
Household cleaning goods	
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	
Cakes/bakery	<input type="checkbox"/>
Arts and crafts	<input type="checkbox"/>
Other (please state type of goods)	RICE

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"/>
Vehicle registration (if applicable):	
Trading unit measurements:	Height: <u>2</u> mtrs <u>60</u> cms Width: <u>2</u> mtrs <u>10</u> cms Length: <u>5</u> mtrs <u>50</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 checked="" 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 checked="" type="checkbox"/> To follow: <input type="checkbox"/>
6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>
7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input 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 checked="" type="checkbox"/> To follow: <input 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	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>

DECLARATION

Fraud Act 2006

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.

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:

19.08.2021

Print

name: Capacity:

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.

Proposed trading location



Proposed trading van





Objection 1 – Mr Geering

From: terrygeering

Sent: 24 September 2021 10:29

To: Licensing

Subject: [EXTERNAL] 120 New Barns Avenue Mobile Food Van

Dear Sir/ Madam,

I'm writing to object to the planning application to operate a mobile food van from the driveway of 120 New Barns Avenue.

I live at 116 New Barns Avenue (2 doors from the applicant) and I don't want to have to live with the smell of curry, kebabs and fish & chips being cooked all day, just 2 door away. There is also the noise that operating the van will cause, plus this is a very difficult road to find a parking space on.

So with the additional traffic caused by people collecting their food or the food being delivered to people. It's going to cause problems for residents parking their cars. And also become more dangerous for children to play outside.

As this is not a through road and cars have to drive down towards the Lynn Road end in order to reach a turning, to turn around.

I like Mr Silveira and his family. They're nice people and good neighbours.

I wish him luck with his mobile food business if he runs it at markets and events.

But a residential driveway is not a suitable location for a takeaway food establishment.

Yours sincerely,

Terry Geering

Objection 2 – Mrs Graham

From: Noel Graham

Sent: 10 October 2021 22:02

To: Licensing

Cc: Lin Bagwell

Subject: [EXTERNAL] Street Vending application 120 New Barnes Ave Ely CB7 4RF -ECDC street trading consultation

Attn: Lin Bagwell

Your Ref: 21/00452/STRCON

From: V. Graham, 127 New Barnes Ave, Ely, CB7 4RD.

10th October 2021

Please be advised that I have written in the strongest possible terms to the planning authority and local Councillor to object to this proposed development.

It is in my view, ill-conceived and totally 'out of character' with the entire area and local development plan.

Additionally, it poses a clear and present danger, regarding:

- Safety (particularly fire and gas explosion risk)
- Noise
- gaseous discharge from cooking
- No parking or waiting areas for cars in what is functionally a single-track road due to high on-street parking.

I find it difficult to conceive how the proposed business would obtain adequate insurance to cover these issues, let alone consequential damages to his own and adjacent properties.

It is worth noting that there no shortage of 'fast food' outlets within one mile of the proposed location, therefore no 'social' need is being met.

The issues concerning the dimensions and colouration of the proposed temporary premises are really a minor concern when considered alongside the substantive issues above.

Victoria Graham (Mrs)

Objection 3 – Diane Copeland

From: diane copeland

Sent: 11 October 2021 13:15

To: Licensing

Subject: [EXTERNAL] Mr JJ Spices, 120 New Barns Avenue, Ely.

Dear Sir/Madam.

I am contacting you regarding the Mobile food van at 120 New Barns Avenue, Ely.

Firstly i want to check that Mr Silveira intends to sell food from his drive way?.

I have some worries about this, mainly about the parking for his customers.

Parking on this street is at a premium. (we even have vehicles from High barns over flowing on to New Barns as they do not have enough space on their road).

I live opposite Mr Silveira, and know that if my daughter has to take her car out, her space will then be taken (we have a dropped kerb because we have a drive way, but people still park there) they also park in front of my neighbour's house that too is an opening to her drive way.

Parking on the pavement opposite us is also a concern. There are many people, wheel chair users and people with children and buggies that use the pavement, a vehicle parked on the pavement will be very dangerous as they will have to move to the road to pass, and although this is an estate, some vehicle use it as a race track and drive at very high speeds, it does not bear thinking about if a child or anyone stepped out to pass.

There is also a worry of vehicles being parked opposite which would make the road very narrow, and people trying to squeeze through could damage the cars legally parked on our side of the road.

I wish Mr Silveira all the very best, but i must voice my concerns about the parking situation, from which i know will cause many problems.

yours sincerely,

Diane Copeland.

Objection 4 – Mr Palmer

From: Nik Palmer

Sent: 05 October 2021 19:20

To: Licensing

Subject: [EXTERNAL] Your ref: 21/00452/STRCON

Dear Lin Bagwell

With regards to your letter dated the 17 September (your ref: 21/00452/STRCON) i would like to object to the application to have a steet trader on the drive way of 120 New Barns Ave on several grounds.

Firstly the noise from the van itself is a concern (will it have a generator buzzing away all day as some do?) and also the noise from having customers hanging around practically in my front garden waiting for food to be cooked/served will be very irritating. As I live so close to the proposed site the smell coming from the van could become overbearing, especially as it will be trading for 10 hours a day 7 days a week, and in the summer mean local residents are unable to open their windows during these hours without stinking their houses out.

I am already at present regularly having to pick up fast food wrappers, bottles, cans etc from my garden and having a fast food vendor nearby will only increase this problem. Or are they going to go around picking up any litter their customers drop as some of fast food chains do?

The on street parking in the area is already a huge problem, my driveway is consistently being block as it is, and having a food vender with many customers likely to drive to collect their food in the area will only make this worse. Also the added traffic will make crossing the road more dangerous especially considering the high number of children that live in the area.

I'm not sure if it's relevant but I am also very concerned that having a food vender pretty much permanently located opposite my house will decrease the value of my property. This will make it harder for me to move in the future as it will be an eyesore and no matter how they paint/decorate it will it never be in keeping with the ambience of the location.

Finally the property adjoining to 120 New Barns Ave, which I believe is currently vacant, has a legal right of access to their garden through the drive way of number 120 and if the van in question is the one currently parked there it would be incredibly tricky if not impossible for them to get their wheelie bins, push chairs, bicycles etc into their rear garden, as they are entitled to do, whilst the van is trading.

I know New Barns Avenue has a reputation but it is still a residential area after all and adding a street trader can only add more problems and resentment to an already troubled area.

Kind Regards

Nik

New Barns Avenue

Objection 5 – Mr & Mrs Gazeley

Dear Lin Bagwell,

I'm writing to you about the street trading consent at 120 New Barns Avenue. We would like to object to this due to a number of things ,parking around here for tenants and owners is bad enough so this would make it even harder to park, around this area there is already a problem with rats about so we also would make this worse , there is also a lot of traffic that comes down this road, at a speed too and with the kids that play near their house's this may be a problem with having this van selling the food which may also cause accidents . The mess that would be left around would also make this area not nice as there is only one bin around this road which I know this does not matter as we see the rubbish that gets left behind from other places . We understand everybody wants to make a living but I'm sure there is better places to do than down a housing estate .

Yours Sincerely

Mr S Gazeley and Mrs s Gazeley

Objection 6 – Ms Berger

From: Francoise Berger
Sent: 12 October 2021 12:40
To: Licensing
Cc: Lin Bagwell
Subject: [EXTERNAL] 21/00452/STRCON

Good morning,

I would like to raise my strong objection to Mr Silveira's application to locate his mobile food van on the driveway of 120 New Barns Avenue in Ely to sell food there for the following reasons:

- this is a residential area, not a commercial one;
- I already have a hard time with noisy neighbours and their dogs, I am not keen to have food / frying / curry smells floating about, on top of the noise nuisance, particularly as the van would be located near the back of my house;
- the customers' movements would attract more noise, traffic (pollution) and possible disturbances, particularly at night;
- the hours of business being every day 11.00 to 21.00hrs, it would be operating all the time, 70 hours, so there would be no let-up in the nuisances;
- I intend to sell my house - this would only make my house less attractive to prospective buyers.

I sincerely hope Mr Silveira will not be allowed to carry out his plan and will be able to find an alternate location.

Please could you let me know the outcome of his application, when it has been decided?

Kind regards
Françoise Berger (Ms)

From: Tracey Coulson
Sent: 28 September 2021 12:55
To: Lin Bagwell
Subject: [EXTERNAL] RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Dear Lin

The above application was considered at the Full Council meeting on the 27th September.

Councillor unanimously agreed this application should be refused on the grounds of:-

It being in a residential area and close to a school so is an inappropriate location. It is likely to attract noise and disturbance to neighbours and also litter. Councillors were also concerned this will increase traffic in this area.

Kind regards.

Mrs Tracey Coulson
Clerk to the Council

From: Karen See
Sent: 17 September 2021 10:04
To: Lin Bagwell
Cc: Christopher Smith
Subject: RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Hello,

I object to this application on the grounds of potential public nuisance from the operation of a hot food takeaway van. The proposal is to operate the unit from the driveway of a residential property that is surrounded by neighbouring residential properties, with the gardens of some being only a few metres away from a unit that will produce noise and odours from commercial cooking. I consider there are no practical means to control such adverse impacts from a mobile unit, to a level likely to be acceptable to neighbours so close by. Adverse impact from such units can be mitigated by ensuring the position of them is of sufficient distance from sensitive receptors. This is not an option with this application. The disturbance caused by customers to this unit would also be unacceptable due to the position of the unit on a residential driveway.

Kind regards

Karen See
Senior Environmental Health Officer (P/T) Alternate Weds, Thurs and Fridays.
East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE



Appendix 5

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-ridden 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.

AGENDA ITEM NO. 2

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: Mr Miguel Silveira

Date: 11:00 hours (or the conclusion of the preceding meeting) on 10 November 2021

Author: Senior Licensing Officer – Stewart Broome

[W95]

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.
- (iii) 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.

4.0 THE APPLICATION

4.1 A new application has been received from Mr Miguel Silveira of 120 New Barns Avenue, Ely, Cambridgeshire, CB7 4RF to sell hot and cold food and drink from 120

New Barns Avenue, Ely, Cambridgeshire, CB7 4RF, during the times listed in the table below:

Day	Hours
Monday to Sunday	11:00 to 21:00

- 4.2 The full application form, location plan, and photos 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 Officers received six valid objections from property owners to the granting of consent (**see Appendix 2**), and two objections from organisation consultees (Environmental Health, and City of Ely Council) (**see Appendix 3**).
- 4.5 The comments opposing the application cited that the location was too close to residential properties resulting in possible noise disturbance and littering from customers, noxious cooking smells in their properties and gardens, safety and access issues from increased traffic, and the general unsuitability of the location due to the residential nature of the area.
- 4.6 To assist Members a bird's eye view map is included showing the proposed van location and the location of the objectors (**see Appendix 4**).

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 sub-paragraph 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 5**).
- (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.

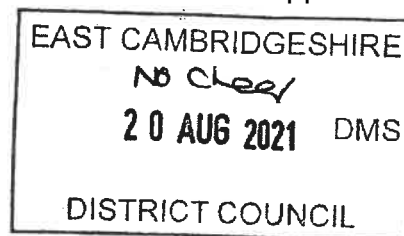
8.0 APPENDICES

- 8.1 Appendix 1 - Application, location plan, and trading unit photo
Appendix 2 - Consultee objections
Appendix 3 - Organisation consultee objections
Appendix 4 - Bird’s eye map of location
Appendix 5 - 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
East Cambs Street Trading Policy 2018		stewart.broome@eastcambs.gov.uk



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: SILVEIRA | 2. Forename(s) MIGUEL |
| 3. Current registered address: 120 NEW BARNES AVENUE
ELY CAMBS | |
| Postcode: CB7 4RF | |
| 4. Date of birth: 04-11-1970 | 5. Telephone: |
| 6. Mobile: | 7. Email: |
| 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 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) | |

OTHER PROPRIETOR DETAILS

17. Ltd Company/LLP name:

18. Current registered address of Ltd Company/LLP:

Postcode:

19. Ltd Company/LLP registration number:

20. Mobile:

21. Telephone:

22. Email:

23. Director/ Partner/Company Secretary names:

(please indicate all persons registered with Companies House, in the order you would like us to contact you)

PENDING PROSECUTIONS

24. Does any person named on this application form have any foreign or domestic prosecutions pending against them? Yes No (If yes, please give details and continue on a separate sheet if needed)

Date of Court hearing	Offence	Court

CRIMINAL CONVICTIONS, CAUTIONS, and/or WARNINGS

25. Has any person named on this application been convicted of any foreign or domestic offences, or received any Police caution or warnings? Yes No (If yes, please give details and continue on a separate sheet if needed)

NB: There is no need to declare any offences considered "spent" under the Rehabilitations of Offenders Act 1974.

Date	Offence	Court	Sentence

TRADING DETAILS

Trading name (if applicable):

Street name (fixed location), or the name of all the streets you wish to trade (mobile trading):	120 NEW BARNES AVENUE ELY CAMBRIDGESHIRE CB7 4RF		
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	11.00	21.00
	Tuesday	11.00	21.00
	Wednesday	11.00	21.00
	Thursday	11.00	21.00
	Friday	11.00	21.00
	Saturday	11.00	21.00
	Sunday	11.00	21.00
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 checked="" type="checkbox"/> Curry <input checked="" type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input checked="" type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausage/Bacon/Eggs etc <input type="checkbox"/> RICE Other (please state below) <input type="checkbox"/>
Furniture	<input type="checkbox"/>
Records, CD's and DVD	<input type="checkbox"/>
Household cleaning goods	
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	
Cakes/bakery	<input type="checkbox"/>
Arts and crafts	<input type="checkbox"/>
Other (please state type of goods)	RICE

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"/>
Vehicle registration (if applicable):	
Trading unit measurements:	Height: <u>2</u> mtrs <u>60</u> cms Width: <u>2</u> mtrs <u>10</u> cms Length: <u>5</u> mtrs <u>50</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 checked="" 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 checked="" type="checkbox"/> To follow: <input type="checkbox"/>
6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>
7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input 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 checked="" type="checkbox"/> To follow: <input 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	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>

DECLARATION

Fraud Act 2006

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.

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:

19.08.2021

Print

name: Capacity:

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.

Proposed trading location



Proposed trading van





Objection 1 – Mr Geering

From: terrygeering

Sent: 24 September 2021 10:29

To: Licensing

Subject: [EXTERNAL] 120 New Barns Avenue Mobile Food Van

Dear Sir/ Madam,

I'm writing to object to the planning application to operate a mobile food van from the driveway of 120 New Barns Avenue.

I live at 116 New Barns Avenue (2 doors from the applicant) and I don't want to have to live with the smell of curry, kebabs and fish & chips being cooked all day, just 2 door away. There is also the noise that operating the van will cause, plus this is a very difficult road to find a parking space on.

So with the additional traffic caused by people collecting their food or the food being delivered to people. It's going to cause problems for residents parking their cars. And also become more dangerous for children to play outside.

As this is not a through road and cars have to drive down towards the Lynn Road end in order to reach a turning, to turn around.

I like Mr Silveira and his family. They're nice people and good neighbours.

I wish him luck with his mobile food business if he runs it at markets and events.

But a residential driveway is not a suitable location for a takeaway food establishment.

Yours sincerely,

Terry Geering

Objection 2 – Mrs Graham

From: Noel Graham

Sent: 10 October 2021 22:02

To: Licensing

Cc: Lin Bagwell

Subject: [EXTERNAL] Street Vending application 120 New Barnes Ave Ely CB7 4RF -ECDC street trading consultation

Attn: Lin Bagwell

Your Ref: 21/00452/STRCON

From: V. Graham, 127 New Barnes Ave, Ely, CB7 4RD.

10th October 2021

Please be advised that I have written in the strongest possible terms to the planning authority and local Councillor to object to this proposed development.

It is in my view, ill-conceived and totally 'out of character' with the entire area and local development plan.

Additionally, it poses a clear and present danger, regarding:

- Safety (particularly fire and gas explosion risk)
- Noise
- gaseous discharge from cooking
- No parking or waiting areas for cars in what is functionally a single-track road due to high on-street parking.

I find it difficult to conceive how the proposed business would obtain adequate insurance to cover these issues, let alone consequential damages to his own and adjacent properties.

It is worth noting that there no shortage of 'fast food' outlets within one mile of the proposed location, therefore no 'social' need is being met.

The issues concerning the dimensions and colouration of the proposed temporary premises are really a minor concern when considered alongside the substantive issues above.

Victoria Graham (Mrs)

Objection 3 – Diane Copeland

From: diane copeland

Sent: 11 October 2021 13:15

To: Licensing

Subject: [EXTERNAL] Mr JJ Spices, 120 New Barns Avenue, Ely.

Dear Sir/Madam.

I am contacting you regarding the Mobile food van at 120 New Barns Avenue, Ely.

Firstly i want to check that Mr Silveira intends to sell food from his drive way?.

I have some worries about this, mainly about the parking for his customers.

Parking on this street is at a premium. (we even have vehicles from High barns over flowing on to New Barns as they do not have enough space on their road).

I live opposite Mr Silveira, and know that if my daughter has to take her car out, her space will then be taken (we have a dropped kerb because we have a drive way, but people still park there) they also park in front of my neighbour's house that too is an opening to her drive way.

Parking on the pavement opposite us is also a concern. There are many people, wheel chair users and people with children and buggies that use the pavement, a vehicle parked on the pavement will be very dangerous as they will have to move to the road to pass, and although this is an estate, some vehicle use it as a race track and drive at very high speeds, it does not bear thinking about if a child or anyone stepped out to pass.

There is also a worry of vehicles being parked opposite which would make the road very narrow, and people trying to squeeze through could damage the cars legally parked on our side of the road.

I wish Mr Silveira all the very best, but i must voice my concerns about the parking situation, from which i know will cause many problems.

yours sincerely,

Diane Copeland.

Objection 4 – Mr Palmer

From: Nik Palmer

Sent: 05 October 2021 19:20

To: Licensing

Subject: [EXTERNAL] Your ref: 21/00452/STRCON

Dear Lin Bagwell

With regards to your letter dated the 17 September (your ref: 21/00452/STRCON) i would like to object to the application to have a steet trader on the drive way of 120 New Barns Ave on several grounds.

Firstly the noise from the van itself is a concern (will it have a generator buzzing away all day as some do?) and also the noise from having customers hanging around practically in my front garden waiting for food to be cooked/served will be very irritating. As I live so close to the proposed site the smell coming from the van could become overbearing, especially as it will be trading for 10 hours a day 7 days a week, and in the summer mean local residents are unable to open their windows during these hours without stinking their houses out.

I am already at present regularly having to pick up fast food wrappers, bottles, cans etc from my garden and having a fast food vendor nearby will only increase this problem. Or are they going to go around picking up any litter their customers drop as some of fast food chains do?

The on street parking in the area is already a huge problem, my driveway is consistently being block as it is, and having a food vender with many customers likely to drive to collect their food in the area will only make this worse. Also the added traffic will make crossing the road more dangerous especially considering the high number of children that live in the area.

I'm not sure if it's relevant but I am also very concerned that having a food vender pretty much permanently located opposite my house will decrease the value of my property. This will make it harder for me to move in the future as it will be an eyesore and no matter how they paint/decorate it will it never be in keeping with the ambience of the location.

Finally the property adjoining to 120 New Barns Ave, which I believe is currently vacant, has a legal right of access to their garden through the drive way of number 120 and if the van in question is the one currently parked there it would be incredibly tricky if not impossible for them to get their wheelie bins, push chairs, bicycles etc into their rear garden, as they are entitled to do, whilst the van is trading.

I know New Barns Avenue has a reputation but it is still a residential area after all and adding a street trader can only add more problems and resentment to an already troubled area.

Kind Regards

Nik

New Barns Avenue

Objection 5 – Mr & Mrs Gazeley

Dear Lin Bagwell,

I'm writing to you about the street trading consent at 120 New Barns Avenue. We would like to object to this due to a number of things ,parking around here for tenants and owners is bad enough so this would make it even harder to park, around this area there is already a problem with rats about so we also would make this worse , there is also a lot of traffic that comes down this road, at a speed too and with the kids that play near their house's this may be a problem with having this van selling the food which may also cause accidents . The mess that would be left around would also make this area not nice as there is only one bin around this road which I know this does not matter as we see the rubbish that gets left behind from other places . We understand everybody wants to make a living but I'm sure there is better places to do than down a housing estate .

Yours Sincerely

Mr S Gazeley and Mrs s Gazeley

Objection 6 – Ms Berger

From: Francoise Berger
Sent: 12 October 2021 12:40
To: Licensing
Cc: Lin Bagwell
Subject: [EXTERNAL] 21/00452/STRCON

Good morning,

I would like to raise my strong objection to Mr Silveira's application to locate his mobile food van on the driveway of 120 New Barns Avenue in Ely to sell food there for the following reasons:

- this is a residential area, not a commercial one;
- I already have a hard time with noisy neighbours and their dogs, I am not keen to have food / frying / curry smells floating about, on top of the noise nuisance, particularly as the van would be located near the back of my house;
- the customers' movements would attract more noise, traffic (pollution) and possible disturbances, particularly at night;
- the hours of business being every day 11.00 to 21.00hrs, it would be operating all the time, 70 hours, so there would be no let-up in the nuisances;
- I intend to sell my house - this would only make my house less attractive to prospective buyers.

I sincerely hope Mr Silveira will not be allowed to carry out his plan and will be able to find an alternate location.

Please could you let me know the outcome of his application, when it has been decided?

Kind regards
Françoise Berger (Ms)

From: Tracey Coulson
Sent: 28 September 2021 12:55
To: Lin Bagwell
Subject: [EXTERNAL] RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Dear Lin

The above application was considered at the Full Council meeting on the 27th September.

Councillor unanimously agreed this application should be refused on the grounds of:-

It being in a residential area and close to a school so is an inappropriate location. It is likely to attract noise and disturbance to neighbours and also litter. Councillors were also concerned this will increase traffic in this area.

Kind regards.

Mrs Tracey Coulson
Clerk to the Council

From: Karen See
Sent: 17 September 2021 10:04
To: Lin Bagwell
Cc: Christopher Smith
Subject: RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Hello,

I object to this application on the grounds of potential public nuisance from the operation of a hot food takeaway van. The proposal is to operate the unit from the driveway of a residential property that is surrounded by neighbouring residential properties, with the gardens of some being only a few metres away from a unit that will produce noise and odours from commercial cooking. I consider there are no practical means to control such adverse impacts from a mobile unit, to a level likely to be acceptable to neighbours so close by. Adverse impact from such units can be mitigated by ensuring the position of them is of sufficient distance from sensitive receptors. This is not an option with this application. The disturbance caused by customers to this unit would also be unacceptable due to the position of the unit on a residential driveway.

Kind regards

Karen See
Senior Environmental Health Officer (P/T) Alternate Weds, Thurs and Fridays.
East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE



Appendix 5

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-ridden 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.

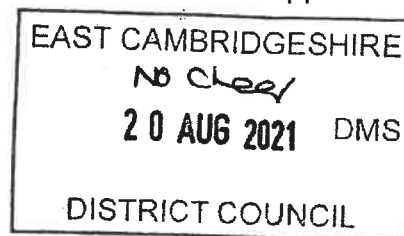
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage to the grass and gardens and/or disturb wildlife.

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.



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: SILVEIRA | 2. Forename(s) MIGUEL |
| 3. Current registered address: 120 NEW BARN'S AVENUE
ELY CAMBS | |
| Postcode: CB7 4RF | |
| 4. Date of birth: 04-11-1970 | 5. Telephone: |
| 6. Mobile: | 7. Email: |
| 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 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) | |

OTHER PROPRIETOR DETAILS

17. Ltd Company/LLP name:

18. Current registered address of Ltd Company/LLP:

Postcode:

19. Ltd Company/LLP registration number:

20. Mobile:

21. Telephone:

22. Email:

23. Director/ Partner/Company Secretary names:

(please indicate all persons registered with Companies House, in the order you would like us to contact you)

PENDING PROSECUTIONS

24. Does any person named on this application form have any foreign or domestic prosecutions pending against them? Yes No (If yes, please give details and continue on a separate sheet if needed)

Date of Court hearing	Offence	Court

CRIMINAL CONVICTIONS, CAUTIONS, and/or WARNINGS

25. Has any person named on this application been convicted of any foreign or domestic offences, or received any Police caution or warnings? Yes No (If yes, please give details and continue on a separate sheet if needed)

NB: There is no need to declare any offences considered "spent" under the Rehabilitations of Offenders Act 1974.

Date	Offence	Court	Sentence

TRADING DETAILS

Trading name (if applicable):

Street name (fixed location), or the name of all the streets you wish to trade (mobile trading):	120 NEW BARNES AVENUE ELY CAMBRIDGESHIRE CB7 4RF		
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	11.00	21.00
	Tuesday	11.00	21.00
	Wednesday	11.00	21.00
	Thursday	11.00	21.00
	Friday	11.00	21.00
	Saturday	11.00	21.00
	Sunday	11.00	21.00
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 checked="" type="checkbox"/> Curry <input checked="" type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input checked="" type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausage/Bacon/Eggs etc <input type="checkbox"/> RICE Other (please state below) <input type="checkbox"/>
Furniture	<input type="checkbox"/>
Records, CD's and DVD	<input type="checkbox"/>
Household cleaning goods	
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	
Cakes/bakery	<input type="checkbox"/>
Arts and crafts	<input type="checkbox"/>
Other (please state type of goods)	RICE

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"/>
Vehicle registration (if applicable):	
Trading unit measurements:	Height: <u>2</u> mtrs <u>60</u> cms Width: <u>2</u> mtrs <u>10</u> cms Length: <u>5</u> mtrs <u>50</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 checked="" 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 checked="" type="checkbox"/> To follow: <input type="checkbox"/>
6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>
7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input 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 checked="" type="checkbox"/> To follow: <input 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	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>

DECLARATION

Fraud Act 2006

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.

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:

19.08.2021

Print

name: Capacity:

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.

Proposed trading location



Proposed trading van





Objection 1 – Mr Geering

From: terrygeering

Sent: 24 September 2021 10:29

To: Licensing

Subject: [EXTERNAL] 120 New Barns Avenue Mobile Food Van

Dear Sir/ Madam,

I'm writing to object to the planning application to operate a mobile food van from the driveway of 120 New Barns Avenue.

I live at 116 New Barns Avenue (2 doors from the applicant) and I don't want to have to live with the smell of curry, kebabs and fish & chips being cooked all day, just 2 door away. There is also the noise that operating the van will cause, plus this is a very difficult road to find a parking space on.

So with the additional traffic caused by people collecting their food or the food being delivered to people. It's going to cause problems for residents parking their cars. And also become more dangerous for children to play outside.

As this is not a through road and cars have to drive down towards the Lynn Road end in order to reach a turning, to turn around.

I like Mr Silveira and his family. They're nice people and good neighbours.

I wish him luck with his mobile food business if he runs it at markets and events.

But a residential driveway is not a suitable location for a takeaway food establishment.

Yours sincerely,

Terry Geering

Objection 2 – Mrs Graham

From: Noel Graham

Sent: 10 October 2021 22:02

To: Licensing

Cc: Lin Bagwell

Subject: [EXTERNAL] Street Vending application 120 New Barnes Ave Ely CB7 4RF -ECDC street trading consultation

Attn: Lin Bagwell

Your Ref: 21/00452/STRCON

From: V. Graham, 127 New Barnes Ave, Ely, CB7 4RD.

10th October 2021

Please be advised that I have written in the strongest possible terms to the planning authority and local Councillor to object to this proposed development.

It is in my view, ill-conceived and totally 'out of character' with the entire area and local development plan.

Additionally, it poses a clear and present danger, regarding:

- Safety (particularly fire and gas explosion risk)
- Noise
- gaseous discharge from cooking
- No parking or waiting areas for cars in what is functionally a single-track road due to high on-street parking.

I find it difficult to conceive how the proposed business would obtain adequate insurance to cover these issues, let alone consequential damages to his own and adjacent properties.

It is worth noting that there no shortage of 'fast food' outlets within one mile of the proposed location, therefore no 'social' need is being met.

The issues concerning the dimensions and colouration of the proposed temporary premises are really a minor concern when considered alongside the substantive issues above.

Victoria Graham (Mrs)

Objection 3 – Diane Copeland

From: diane copeland

Sent: 11 October 2021 13:15

To: Licensing

Subject: [EXTERNAL] Mr JJ Spices, 120 New Barns Avenue, Ely.

Dear Sir/Madam.

I am contacting you regarding the Mobile food van at 120 New Barns Avenue, Ely.

Firstly i want to check that Mr Silveira intends to sell food from his drive way?.

I have some worries about this, mainly about the parking for his customers.

Parking on this street is at a premium. (we even have vehicles from High barns over flowing on to New Barns as they do not have enough space on their road).

I live opposite Mr Silveira, and know that if my daughter has to take her car out, her space will then be taken (we have a dropped kerb because we have a drive way, but people still park there) they also park in front of my neighbour's house that too is an opening to her drive way.

Parking on the pavement opposite us is also a concern. There are many people, wheel chair users and people with children and buggies that use the pavement, a vehicle parked on the pavement will be very dangerous as they will have to move to the road to pass, and although this is an estate, some vehicle use it as a race track and drive at very high speeds, it does not bear thinking about if a child or anyone stepped out to pass.

There is also a worry of vehicles being parked opposite which would make the road very narrow, and people trying to squeeze through could damage the cars legally parked on our side of the road.

I wish Mr Silveira all the very best, but i must voice my concerns about the parking situation, from which i know will cause many problems.

yours sincerely,

Diane Copeland.

Objection 4 – Mr Palmer

From: Nik Palmer

Sent: 05 October 2021 19:20

To: Licensing

Subject: [EXTERNAL] Your ref: 21/00452/STRCON

Dear Lin Bagwell

With regards to your letter dated the 17 September (your ref: 21/00452/STRCON) i would like to object to the application to have a steet trader on the drive way of 120 New Barns Ave on several grounds.

Firstly the noise from the van itself is a concern (will it have a generator buzzing away all day as some do?) and also the noise from having customers hanging around practically in my front garden waiting for food to be cooked/served will be very irritating. As I live so close to the proposed site the smell coming from the van could become overbearing, especially as it will be trading for 10 hours a day 7 days a week, and in the summer mean local residents are unable to open their windows during these hours without stinking their houses out.

I am already at present regularly having to pick up fast food wrappers, bottles, cans etc from my garden and having a fast food vendor nearby will only increase this problem. Or are they going to go around picking up any litter their customers drop as some of fast food chains do?

The on street parking in the area is already a huge problem, my driveway is consistently being block as it is, and having a food vender with many customers likely to drive to collect their food in the area will only make this worse. Also the added traffic will make crossing the road more dangerous especially considering the high number of children that live in the area.

I'm not sure if it's relevant but I am also very concerned that having a food vender pretty much permanently located opposite my house will decrease the value of my property. This will make it harder for me to move in the future as it will be an eyesore and no matter how they paint/decorate it will it never be in keeping with the ambience of the location.

Finally the property adjoining to 120 New Barns Ave, which I believe is currently vacant, has a legal right of access to their garden through the drive way of number 120 and if the van in question is the one currently parked there it would be incredibly tricky if not impossible for them to get their wheelie bins, push chairs, bicycles etc into their rear garden, as they are entitled to do, whilst the van is trading.

I know New Barns Avenue has a reputation but it is still a residential area after all and adding a street trader can only add more problems and resentment to an already troubled area.

Kind Regards

Nik

New Barns Avenue

Objection 5 – Mr & Mrs Gazeley

Dear Lin Bagwell,

I'm writing to you about the street trading consent at 120 New Barns Avenue. We would like to object to this due to a number of things ,parking around here for tenants and owners is bad enough so this would make it even harder to park, around this area there is already a problem with rats about so we also would make this worse , there is also a lot of traffic that comes down this road, at a speed too and with the kids that play near their house's this may be a problem with having this van selling the food which may also cause accidents . The mess that would be left around would also make this area not nice as there is only one bin around this road which I know this does not matter as we see the rubbish that gets left behind from other places . We understand everybody wants to make a living but I'm sure there is better places to do than down a housing estate .

Yours Sincerely

Mr S Gazeley and Mrs s Gazeley

Objection 6 – Ms Berger

From: Francoise Berger
Sent: 12 October 2021 12:40
To: Licensing
Cc: Lin Bagwell
Subject: [EXTERNAL] 21/00452/STRCON

Good morning,

I would like to raise my strong objection to Mr Silveira's application to locate his mobile food van on the driveway of 120 New Barns Avenue in Ely to sell food there for the following reasons:

- this is a residential area, not a commercial one;
- I already have a hard time with noisy neighbours and their dogs, I am not keen to have food / frying / curry smells floating about, on top of the noise nuisance, particularly as the van would be located near the back of my house;
- the customers' movements would attract more noise, traffic (pollution) and possible disturbances, particularly at night;
- the hours of business being every day 11.00 to 21.00hrs, it would be operating all the time, 70 hours, so there would be no let-up in the nuisances;
- I intend to sell my house - this would only make my house less attractive to prospective buyers.

I sincerely hope Mr Silveira will not be allowed to carry out his plan and will be able to find an alternate location.

Please could you let me know the outcome of his application, when it has been decided?

Kind regards
Françoise Berger (Ms)

From: Tracey Coulson
Sent: 28 September 2021 12:55
To: Lin Bagwell
Subject: [EXTERNAL] RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Dear Lin

The above application was considered at the Full Council meeting on the 27th September.

Councillor unanimously agreed this application should be refused on the grounds of:-

It being in a residential area and close to a school so is an inappropriate location. It is likely to attract noise and disturbance to neighbours and also litter. Councillors were also concerned this will increase traffic in this area.

Kind regards.

Mrs Tracey Coulson
Clerk to the Council

From: Karen See
Sent: 17 September 2021 10:04
To: Lin Bagwell
Cc: Christopher Smith
Subject: RE: Street Trading Consent - Mr JJ Spices - 120 New Barnes Avenue CB7 4RF - 28-day Consultation

Hello,

I object to this application on the grounds of potential public nuisance from the operation of a hot food takeaway van. The proposal is to operate the unit from the driveway of a residential property that is surrounded by neighbouring residential properties, with the gardens of some being only a few metres away from a unit that will produce noise and odours from commercial cooking. I consider there are no practical means to control such adverse impacts from a mobile unit, to a level likely to be acceptable to neighbours so close by. Adverse impact from such units can be mitigated by ensuring the position of them is of sufficient distance from sensitive receptors. This is not an option with this application. The disturbance caused by customers to this unit would also be unacceptable due to the position of the unit on a residential driveway.

Kind regards

Karen See
Senior Environmental Health Officer (P/T) Alternate Weds, Thurs and Fridays.
East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE



Appendix 5

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-ridden 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.