

PRESENT

Councillor Gareth Wilson (Chairman)
Councillor Christine Ambrose-Smith
Councillor Julia Huffer
Councillor Alec Jones
Councillor Alan Sharp

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager & Monitoring Officer
Karen See – Senior Environmental Health Officer
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

OTHERS PRESENT

Francoise Berger – Objector
Caroline Evans – Democratic Services Officer
Councillor Anna Bailey

1. DECLARATIONS OF INTEREST

No declarations of interests were made.

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

The Chairman introduced the Members of the Sub-Committee, and the Objector introduced themselves. It was noted that the Applicant Miguel Silveira had been invited to attend but was not present.

The Sub-Committee considered a report, reference W95 previously circulated, relating to an application to trade from a location defined as a Consent Street, to sell hot and cold food and drink from a mobile catering vehicle at 120 New Barns Avenue, Ely.

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

The Senior Licensing Officer advised the Sub-Committee that it had to determine an application for trading on a consent street. Members were reminded that the

Council had adopted every road in the district, with the exception of three trunk roads, as consent streets. This allowed trading where consent was given by Council officers unless there were any objections, in which case the matter would be brought to a Licensing Sub-Committee.

This new application was to permit the selling of hot and cold food and drink from the applicant's home address, using a mobile catering unit, from the hours 11:00 to 21:00. Consultation on the application had taken place with organisations/adjacent properties, as listed under paragraph 4.3 of the report. As a result, the Council had received six objections from local residents and two from organisation consultees, as shown in Appendix 2 and 3 to the report. The objections 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.

In determining the application, the Sub-Committee was reminded that it had to consider public safety, public order, the avoidance of public nuisance, highway issues and the compliance with legal requirements, and to adhere to the Council's Street Trading Policy unless there were clear and compelling reasons not to do so.

In response to a question, the Senior Licensing Officer confirmed that the Highways Authority had been consulted but had not submitted any comments.

As the Applicant was not in attendance to present their case, the Chairman invited Karen See, Senior Environmental Health Officer, to speak in her capacity as a responsible authority consultee. She stated that Environmental Health was objecting to the application in a residential area in close proximity to properties and gardens on the grounds of noise, odours, when no practical mitigation measures such as ducting, filters, distancing from properties, etc, were possible. This would cause unacceptable disturbance and adverse impact on residential amenity, which was the reason she would recommend refusal of the application.

A Member raised the issue of littering and possible mitigation measures and Ms See stated that littering was likely to occur even with potential mitigation by the provision of disposal bins/bags by the applicant. Another Member also questioned the potential for other nuisances and Ms See stated that this could take the form of parking issues, doors slamming and noise from people congregating. A Member asked if there had been similar applications for residential areas and Ms See reported that she was not aware of any to operate from a residential driveway in such a populous area.

The Senior Licensing Officer then read out a statement from the other responsible authority consultee, City of Ely Council, as contained in Appendix 3 to the report, in accordance with a request by that body.

The Chairman then invited the local resident objector, Françoise Berger, to speak. She explained the proximity of her house and garden to the application

site and stated that, whilst not against the applicant or principle of such a business, she believed it to be an unsuitable location in such a residential area, due to nuisance, smells, noise from customers, cars arriving and parking, rubbish and litter, and additional traffic in an area with children. She was pleased that other objectors had made similar comments.

A Member questioned Ms Berger on the width and parking on the residential roads and she commented that there would be limited space for parking on both sides of the roads.

The Sub-Committee then retired to consider the verbal and written evidence, and make its decision, and all other participants left the meeting at this point, 11.20am.

The Sub-Committee reconvened at 11.26am. The Objector and officers returned to the meeting.

It was resolved:

That the application from Mr Miguel Silveira to trade from a location defined as a Consent Street, to sell hot and cold food and drink from a mobile catering vehicle at 120 New Barns Avenue, Ely, be refused on the grounds that:

- 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;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.

The meeting concluded at 11:27am.