



Minutes of a Meeting of the Licensing (Non-Statutory) Sub-Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Tuesday 24 May 2022 at 10.00am.

PRESENT

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

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager & Monitoring Officer
Lin Bagwell – Licensing Officer
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant

OTHERS PRESENT

Matthew Howard – Brother and business partner of applicant

1. ELECTION OF CHAIRMAN

Councillors Huffer and Wilson were duly proposed and seconded. Upon being put to the vote,

It was resolved:

That Councillor Julia Huffer be elected Chairman of the Sub-Committee for the ensuing Municipal Year.

2. APOLOGIES FOR ABSENCE

No apologies were received.

3. DECLARATIONS OF INTEREST

No declarations of interests were made.

Councillor Jones stated that he was a District Councillor for the Soham North Ward and currently an applicant for co-option to the Town Council, but did not know the applicant and was able to consider the matter with an open mind.

4. 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 explained the procedure to be followed at the meeting.

The Sub-Committee considered a report, reference X6 previously circulated, relating to an application by Mr Samuel Taylor Howard to trade from a location defined as a Consent Street, to sell hot and cold food and drink from a mobile catering vehicle at the car park of The Fountain Public House, 1 Churchgate Street, Soham.

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, using a mobile catering unit, from the hours 06:30 to 23:00. 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 two objections from local residents and one comment from County Highways as an organisation consultee, 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.

Matthew Howard then spoke in support of the application on behalf of his brother and business partner. He thanked the Sub-Committee for the opportunity to do so and stated that he intended to address the points raised by the 2 objectors. As background, he stated that his brother was an experienced chef, working previously in restaurants in Cambridge, and as such had put a great deal of knowledge and thought into this new venture.

On the objections raised, he stated that:

Food trucks had operated previously in the Soham town area and there were a number of food outlets in the town centre, despite it being a Conservation Area. In addition, there was a skatepark in the same area, that equally could generate

litter and anti-social activities. The food offer by the vehicle was different in nature and quality to the other outlets in the town.

With regard to noise, the vehicle operation would be virtually silent, as it relied on electrical power from a hook-up to the public house and the cooking facilities operated on LPG gas. The public house already had customers visiting and leaving and had timetabled live music, so already there was a higher level of ambient noise than would be generated from any cooking activities by the vehicle.

Orders would be placed via an App designed by Matthew Howard and limited orders to 5 per 30-minute slot, meaning that there would be controlled numbers of visits for collection. Disruptive customers could be blacklisted from using the App, if necessary.

On operating hours, it was clarified that there would be a breakfast service commencing from 7am to 12pm, with preparation from 6.30am, and a dinner service from 4.30pm to 9pm on weekdays and 4.30pm to 10pm at weekends, with 1 hour for clean-down in each case. It was not intended at this stage to have a lunch service, leaving an operating gap from 12pm to 4.30pm.

With regard to smells, the vehicle had high standard extraction and filtration systems fitted. The public house was licensed to serve food already, but was not currently doing so, and other food trucks had operated in the car park in the past.

On the issue of childhood obesity, this was an issue outside of the control of this and other food retail outlets, but the vehicle would be providing high quality, personal recipe food using locally sourced, fresh ingredients, and the higher price point this required also was unlikely to attract very young people.

Mr Howard stated that the traffic/parking issues already had been addressed in the response from County Highways, who were raising no objections, subject to the conditions they were requesting.

In concluding, Mr Taylor stated that the public house were welcoming the vehicle to its premises as a valuable addition to the operation of their existing business, since it was not serving food at present. He thanked Members again for the opportunity to speak.

Questions were raised by Members and responded to by Mr Howard as follows:

Vehicle – this was a self-contained vehicle with a high standard filtration system, which would be cleaned regularly as part of the ‘clean-down’ routine each night. There was a gate system and a serving hatch to prevent the public accessing the van when picking up food orders. Staff could use toilet facilities in the public house relating to the currently disused kitchen.

Mr Howard responded to detailed questions on the operation of the App and arrangements for 'walk-ups'. He confirmed that it was not intended to operate a delivery service at present.

With regard to the siting of the vehicle and parking issues, Mr Howard stated that the car park was well-sized and the siting of the vehicle had been considered to minimise disruption. In addition, the App limitations should control the number of vehicles arriving, but signage could be considered to assist in movements/flow through the car park. Mr Howard confirmed that it was intended for the vehicle to remain on-site each evening.

On operating hours, Mr Howard stated that it was intended to have a breakfast service from 7am to 12pm, with arrival for preparation from 6.30am, and a dinner service from 4pm to 9pm on weekdays and 4pm to 10pm at weekends, with 1 hour at the end for 'clean-down'. It was not intended to operate a lunch service at this stage. In response to a question by the Senior Licensing Officer, Mr Howard stated that the weekend would comprise Friday and Saturday nights.

Food packaging – this would be packed in robust, eco-friendly cardboard packaging and brown paper bags, which would all be sealed and stapled with the order details, no facilities would be available in the car park to eat.

In response to the above information, the Senior Licensing Officer stated that the standard Licensing conditions would require slight amendment to allow for the vehicle remaining on-site and to clarify the operating/trading hours issue.

With regard to a question by a Member, the Senior Licensing Officer confirmed that the vehicle would be subject to food hygiene rules and inspection by the Council's Commercial Team.

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, 10:55am.

The Sub-Committee reconvened at 11.10am. The applicant's representative and officers returned to the meeting.

The Sub-Committee commended Mr Howard for his comprehensive presentation and well-thought out project and stated that they had agreed to approve the application, subject to the additions to the standard conditions outlined above by the Senior Licensing Officer.

It was resolved:

That the application from Mr Samuel Taylor Howard to trade from a location defined as a Consent Street, to sell hot and cold food and drink from a mobile catering vehicle at the car park of The Fountain Public House, 1 Churchgate Street, Soham, be granted and the Senior Licensing Officer be authorised to amend the Council's approved standard conditions as follows, to reflect discussions at the meeting:

- Condition 15: to reflect the vehicle remaining on-site at the end of trading.
- Condition 16: to reflect the revised trading hours of 7am to 9pm Sunday to Thursday, and 7am to 10pm on Friday and Saturday, with 1 hour to vacate the site at the end of permitted trading hours.

The meeting concluded at 11:12am.