

Minutes of a Meeting of the Licensing Sub-Committee
held in the Council Chamber, The Grange, Nutholt Lane, Ely
on Thursday, 28th August 2014 at 10.00am

P R E S E N T

Councillor Allen Alderson
Councillor Michael Allan
Councillor Christine Ambrose Smith
Councillor Colin Fordham (Reserve Member)

I N A T T E N D A N C E

Miss Linda Hitchings - Applicant
Mr David Baker – Applicant's Partner/Supporter

O F F I C E R S

Lin Bagwell – Licensing Officer (Enforcement)
Janis Murfet – Democratic Services Officer
Sarah Steed – Senior Legal Assistant

(Having entered the Council Chamber, Councillor Fordham realised that both the Applicant and her partner were known to him; he therefore withdrew from the Chamber for the duration of the Hearing)

1. **ELECTION OF CHAIRMAN**

It was RESOLVED:

That Councillor Michael Allan be elected as Chairman for the duration of the Sub-Committee Hearing.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members of the Sub-Committee.

3. **INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and invited those seated to introduce themselves. He then made reference to the Hearings Procedure contained within the agenda papers.

In response to a question from the Chairman, the Applicant confirmed that she had received a copy of the Sub-Committee report.

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: APPLICATION FOR A STREET TRADING LICENCE**

The Sub-Committee was asked to consider an application, submitted by Miss Linda Hitchings, for a street trading licence to trade from the lay-by on the A142 between Soham and Stuntney, providing hot and cold food and drinks 8.00am to 3.00pm, Monday to Saturday.

Presenting the report on behalf of her colleague Stephen Carrington, the Licensing Officer summarised the main points and reminded Members of the options available to them and the legislative/legal factors to be taken into consideration when making their decision.

It was noted that there was currently one street trading licence in force at the lay-by on the A142, issued to the current Licence Holder trading from a trailer marked "Oasis".

Under the Local Government (Miscellaneous Provisions) Act 1982 a street trading licence could not be transferred from one person/trader to another and therefore a new application had to be submitted by the Applicant.

The current Licence Holder wished to sell her business to the Applicant and was willing to surrender the current street trading licence should the Applicant's application be successful. A letter to this effect (attached as Appendix 3 to the report) had been submitted.

Members were informed that Miss Hitchings proposed to trade from the same trailer at the same location, selling the same hot and cold food and drinks as the current Licence Holder was permitted by their street trading licence. It was also noted that she had volunteered the following condition for the new street trading licence:

"That the licence shall not come into force and the Applicant will be unable to act under the licence until such time as the present licence is surrendered, not renewed or revoked."

Miss Hitchings confirmed that the content of the report was correct.

Councillor Ambrose Smith noted that any potential alterations to the new licence would have to be assessed, but she asked what would happen if, for example, the Applicant wanted to go away on holiday. The Licensing Officer replied that Miss Hitchings would still be expected to trade, but the Act did allow for substitutes. The Licensing Section would need to be kept informed of who would be responsible for the trailer and it was strongly suggested that that person should be aged 18 or over. Miss Hitchings said that her sister would most probably cover for any absences.

The Licensing Officer reiterated the importance of Miss Hitchings advising either herself or Mr Carrington of anything “out of the ordinary”, especially if it involved employing anyone else or adding something else to her trading, as she was only permitted to trade in what was specified in the street trading licence.

Councillor Alderson remarked that the A142 lay-by was a good place to have a food and drink stand and it was important to retain the facility as it was very well used. He asked Miss Hitchings if she intended carrying on exactly the same as the current licence Holder and she confirmed that it was her intention to do so.

The Chairman enquired if Miss Hitchings was going to trade from the “Oasis” trailer. She replied that she might, but one of her trailers was slightly larger and was more modern in that it had its own hot water system. The Licensing Officer informed Members that the application did not specify the “Oasis” trailer and she was content with this, but she asked that Miss Hitchings inform the Licensing Department which trailer she would be using when she started trading.

The Chairman then asked Miss Hitchings if she intended setting out any chairs and tables by the trailer. Miss Hitchings said she had thought about putting out a table and 2 chairs in the summer. The Licensing Officer reminded Members that this was a matter for the County Council Highways department; the District Council could only give permission for the street trading licence. Miss Hitchings was advised to contact the County Council, as they might ask for a payment or impose a condition; she was also cautioned that if she did put out the furniture, she should take out public liability insurance to cover herself in the event of any accidents.

At the invitation of the Chairman, Miss Hitchings addressed the Sub-Committee. She told Members that she had bought her business “Appetize Catering”, 6 years ago and she now had 5 trailers. She traded at weekend events such as the carnivals in Soham and Newmarket, Mildenhall Cycle Rally, Fordham Car Boot Sale (she had 4 trailers at this venue), motorcycle racing events and at Thetford Forest. She employed 13 staff. If Members were minded to grant her the street trading licence, she intended giving up some of the weekend work and possibly selling a couple of the trailers.

The Chairman, having established that Miss Hitchings did not have anything further to add, announced that the Sub-Committee would retire to deliberate on the application and then return to announce the decision.

The Sub-Committee retired from the Council Chamber at 10.25am and returned to the Council Chamber at 10.47am.

At the request of the Chairman, the Senior Legal Assistant read out the following decision:

“Members are minded to grant the Street Trading Licence application in full for those days and times included in the application form subject to the conditions detailed at 4.2.1 and 4.2.2 of the Committee report dated 28th August 2014 regarding refuse and for the existing Licence Holder to surrender their Licence before this Licence comes into force.

Members have noted that you have confirmed that alcoholic drinks will not be served and Members would also remind you to contact Cambridgeshire Highways Department if you intend to place any equipment, including tables and chairs, on the Highways.

Please liaise with the Licensing Department for any changes in personnel or any absences.”

The Chairman informed Miss Hitchings that she would receive a notice confirming the decision to grant the Licence.

Whereupon,

It was resolved:

That Miss L Hitchings be granted a Street Trading Licence in full for those days and times included in the application form, subject to the conditions detailed at paragraphs 4.2.1 and 4.2.2 of the Committee report dated 28th August 2014 regarding refuse, and the requirement for the existing licence holder to surrender their licence before this licence can come into force.

The Hearing concluded at 10.50am