



South Cambridgeshire District Council

Report to: Licensing Sub-Committee
Author/s: Licensing Technical Officer
Date: 15 August 2023
Lead Officer: Natasha Wade-Guest

Application for the Grant of a Street Trader Consent – Unal Teksin, T/A Kebab Wrap

Purpose

1. To request the Sub-Committee determine a street trader consent application which has been subject to representation.

Background

2. On 17 April 2023, an application for a static street trader consent was submitted to trade Tuesday to Saturday between 16:00 and 23:00 every week at Abington Social Club, Pampisford Road, Great Abington, CB21 6AH.
3. The application form is attached as **Appendix A**, and a copy of the location plan is attached as **Appendix B**. (A previous application was submitted to trade in Bar Hill, however as the Parish Council had a blanket ban of street trading, this was refused in February 2023, and not progressed further).
4. In line with the Council's current Street Trading Policy, views were sought on the application by consulting with:
 - Ward & Division Councillors
 - Parish or Town Councils
 - South Cambridgeshire Council Environmental Health
 - Cambridgeshire Constabulary
 - Shared Planning Service
 - Cambridgeshire County Council Highways

5. Where valid representations have been received against an application, the application will be referred to the Licensing Sub-Committee for determination. There is no formal right of appeal against refusal of an application following the decision.
6. The application has been opposed by a local business and Great Abington Parish Council. A copy of the representations are attached as **Appendices C1 and C2**.

Key Considerations

7. A representation against an application must relate to one of the following criteria; Public Safety, Public Nuisance or “General”.
8. The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified.

(a) Public Safety

- (i) Road Safety: A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers using, visiting or leaving the site;
- (ii) Accidents: Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- (iii) Traffic Orders: There is a conflict with traffic orders such as waiting restrictions;
- (iv) Access: 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;
- (v) Obstruction: The trading unit obstructs the safe passage of users of the footway or carriageway;
- (vi) Food Safety: the trader has failed to meet adequate food safety/hygiene standards.
- (vii) Health and Safety: the trader has breached or failed to meet any health and safety standards

(b) Public Nuisance

- (i) Loss of amenity: There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

(c) General

- (i) Commodity duplication: That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. Competition issues will not be a consideration;
- (ii) Unit unsuitability: The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- (iii) Fees: In the case of a renewal application the previous year's fees have not been paid.
- (iv) Complaints: The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above
- (v) Suitability of applicant: This Licensing Authority will only issue a street trader consent to an applicant which it considers to be 'fit and proper' to hold a consent i.e. they have not disclosed any convictions that would bring into question their suitability to be issued a licence and has the right to work under UK immigration law,

9. All applications will be determined on their own merit.

Recommendations

10. The Sub-Committee are requested to determine this application.

11. When determining an application, the Sub-Committee may:

- (a) Grant consent to the applicant as applied for;
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place; attach additional conditions to the consent
- (c) Refuse to grant the Consent

Legal Implications

12. The Committee must have regards to the Policy, and only take into consideration the relevant factors of the representation. There is no right of appeal to a Magistrate's Court should the application be refused.

Contact Officer: Natasha Wade-Guest

Appendix A Copy of application form
 Appendix B Location map
 Appendix C1-C2 Copy of representations.

Background Paper: South Cambridgeshire District Council Street Trading Policy effective March 2022 [Street Trading Policy March 2022 \(scambs.gov.uk\)](https://www.scambs.gov.uk)