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Cherwell District Council

Licensing Sub Committee

Minutes of a meeting of the Licensing Sub Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 29 March 2017 at 10.00 am

Present:

Councillor Richard Mould
Councillor Douglas Webb
Councillor Bryn Williams

Officers: Matt Marsh, Solicitor
Sophie Phillips, Solicitor
Aaron Hetherington, Democratic and Elections Officer

13 **Appointment of Chairman of the Sub-Committee**

Resolved

That Councillor Douglas Webb be appointed Chairman of the Sub-Committee.

14 **Declarations of Interest**

There were no declarations of interest.

15 **Application for a Street Trading Consent**

The Public Protection Manager submitted a report which provided to consider an application from Victoria Elkington t/a Munchies for a consent to operate a mobile food unit in the lay by on Bretch Hill (opposite Bramber Close) in Banbury.

Resolved

- (1) That the application for the grant of a street trading licence in relation to Victoria Elkington t/a Munchies be granted as detailed in the attached decision letter.

The meeting ended at 10.30 am

Public Protection

Jackie Fitzsimons – Shared Public Protection Manager

Minute Item 15
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mrs Victoria Elkington
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www.cherwell.gov.uk

Please ask for: Charlotte.Johnson
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Direct Dial: 01295 753744
Our Ref: Munchies

30 March 2017

Dear Mrs Elkington

NOTICE OF DETERMINATION – STREET TRADING CONSENT – MUNCHIES

Sub-Committee Hearing Date – Wednesday, 29 March 2017

In respect of an application for Street trading consent for: Munchies, layby on Bretch Hill, opposite Bramber Close

I write to confirm the outcome of the above hearing.

Decision

The Licensing Panel have taken note of the written representations raised in respect of the application and have listened carefully to the submissions made at the hearing.

The panel recognised there were representations both for and against the application.

The panel considered the main concern related to public safety and the safety of customers of Munchies as a result of the positioning of the van near to the road. The panel noted that there were no representations received from Oxfordshire County Council Highways or Highways England and on balance, did not consider it likely to represent a substantial risk to the public or to customers of Munchies.

The panel noted that there was no objection from Thames Valley Police in relation to the risk of Public Order and no comment from the Council's Public Protection department regarding risk of Public Nuisance. Whilst the panel did take into account the concerns raised in regard to litter, noise and odour the panel did not consider the van likely to represent a substantial risk of nuisance to the public.

On balance, the panel did not consider it was appropriate to refuse to grant a Street Trading Consent. However, the consent is granted subject to the following:

- The conditions contained in Cherwell District Council's Street Trading Policy at Appendix A being attached to the consent;
- The applicant acquiring a gas safety certificate issued by a GAS SAFE registered engineer (certificate to be approved by the Council).

Although the panel recognised there were limited concerns raised about the appearance of the van, the panel noted the van would not be removed from the layby at night and therefore encourages the applicant to consider covering the van when it is not in use with a suitable cover in keeping with the surrounding area.

A written notice of this determination will be given to all parties within 5 working days.

There is no legal right of appeal against the decision of the Council in relation to the issue of Street Trading Consents.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'JF', with a flourish extending to the right.

Jackie Fitzsimons
Public Protection Manager