

Cherwell District Council

Licensing Sub Committee

Wednesday 29 March 2017

Application for a Street Trading Consent

Report of Public Protection Manager

This report is public

Purpose of report

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.

1.0 Recommendations

- 1.1 There is no recommendation, but in considering the representations received the committee are asked to bear in mind the following;
- Public Safety – whether the activity represents, or is likely to represent a substantial risk to the public. Factors taken into account will include; obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
 - Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
 - Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
 - Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

2.0 Introduction

- 2.1 To consider an application from Victoria Elkington t/a Munchies for a Street Trading Consent to operate a mobile food unit in the lay by on Bretch Hill (opposite Bramber Close) in Banbury.

3.0 Report Details

- 3.1 On the 2 of March 2017, an application for a Street Trading Consent was received from Victoria Elkington. She wishes to operate a mobile food van in the lay by opposite Bramber Close on Bretch Hill in Banbury. She is proposing to sell hot and cold food and hot and cold drinks between 7am and 3pm Monday to Saturday. Power to the unit will be supplied by way of petrol generator.
- 3.2 The application was then subject to a 14 day consultation period and the following were consulted;
- Thames Valley Police;
 - Oxfordshire County Council Highways
 - Cherwell District Council Development Management
 - Cherwell District Council Public Protection;
 - Cherwell District Council Street Scene;
 - the ward member;
 - the appropriate parish or town council;
 - neighbouring businesses or properties;
 - all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) *
- 3.3 As a result of the consultation, a number of representations both objecting to and in support of the application were received from members of the public. These are listed in Appendix A.
- 3.4 In accordance with Cherwell District Council's Street Trading policy, when representations to an application are received the application will be considered by the licensing sub-committee.
- 3.5 To further assist the members the following documents are also enclosed;
- The application (Appendix B)
 - A map and photograph showing the proposed location (Appendix B)
 - Cherwell District Council's Street Trading Policy (Appendix C)

4.0 Conclusion and Reasons for Recommendations

- 4.1 There is no recommendation

5.0 Consultation

- 5.1 There has been no consultation in relation to this report.

6.0 Alternative Options and Reasons for Rejection

6.1 If representations to an application are received, Cherwell District Council's Street Trading policy dictates that the application will be considered by the licensing sub-committee. The committee need to bear in mind the four factors outlined in paragraph 1.1 above when making their decision

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by Kelly Wheeler, Principal Accountant for Operations and Delivery, 01327 322230, kelly.wheeler@cherwellandsouthnorthants.gov.uk

7.2 Legal Implications

The decision must comply with relevant legislation and Council Policy.

Comments checked by Sophie Phillips, Solicitor, 01295 753701, sophie.phillips@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Banbury Ruscote

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor Tony Illot

Document Information

Appendix No	Title
A	Representations
B	Application and location
C	Street Trading Policy
Background Papers	
None	
Report Author	Nicholas Sutcliffe, Licensing Manager
Contact Information	01327 322278 licensing@southnorthants.gov.uk