

The Chairman welcomed the participants and introduced the members and officers present, and then requested that the participants introduce themselves to the Sub-Committee.

In attendance on behalf of the application were Mr J Fitzpatrick of Simba Softy, trading at Chester Road, Loughton IG10 2LR and in support Mr D Walker.

Representing Essex County Council, Highways and Transportation was Mr K Barrett, Highways Enforcement Officer. Also in attendance was Councillor A Lion.

(a) The Application before the Sub-Committee.

The Legal Officer informed the Sub-Committee that an application had been received for a Street Trading Consent from a Mr J Fitzpatrick of Simba Softy for trading in Chester Road, Loughton. Representations had been made by the District Council's Environment and Street Scene Directorate, Loughton resident's Association (subsequently withdrawn), Loughton Town Council, Essex County Council Highways and Transportation, Mr Adams, Mr D Walker, Roisin Hyland, Sondra Dear, Mrs J Cooper and Mr a Sergeant.

(b) Presentation of the Applicant's Case

Mr D Walker read a statement on behalf of Mr J Fitzpatrick.

Mr J Fitzpatrick had traded in Chester Road for over 10 years at a position generally local to Chester Close, selling to local residents and pupils of Davenant School. He traded at this location Monday to Friday 07.30 to 08.30 and from 15.30 to 16.30. He operated under a valid Hawkers License issued by the District Council in September 1990. He had been granted a Certificate of Hygiene and held public liability (Catering) insurance.

He had traded as an Ice Cream Vendor in the district for 25 years. He had been regularly invited by a number of schools and other public organisations in the district providing vending services at functions.

The location in Chester Road where Mr J Fitzpatrick parked his van was against a double pavement approximately 4.0 metres wide. This location presented no hazards to customers on the road.

Any litter dropped was minimal and it was his practice to collect any litter deposited around his van. He advised that 7 residents had sent letters in support of Mr J Fitzpatrick, in contrast it was understood that no letters of complaint had been received by the District Council.

Mr J Fitzpatrick informed the Sub-Committee that he was supporting his youngest son, due to go to university and therefore needed the work of the vendor.

(c) Questions for the Applicant from the Sub-Committee

Councillor Mrs P Brooks asked under what circumstances he had traded at Davenant School. Mr J Fitzpatrick replied that he had a contract stipulating that he could trade on their property.

(d) Questions for the Applicant from the Objector

Mr K Barrett of Essex County Council Highways and Transportation said he had no questions.

(e) Presentation of the Objector's Case

Mr K Barrett, Essex County Council Highways and Transportation, said that initially the county council had objected to this application. However Mr K Barrett had actually seen Mr J Fitzpatrick park his van at the site in Loughton, very carefully and safely, there were no sight lines problems for customers. He acknowledged that there were no complaints made by local residents concerning the business.

(f) Objector's Closing Statement

Mr K Barrett had nothing further to add.

(g) Applicant's Closing Statement

Mr D Walker, on behalf of the applicant asked whether there was a policy to examine ice cream vendors. Mrs K Tuckey, Senior Licensing Officer, advised that under the Street Trading Act 2003, enforcement would be acted upon more vigorously.

(h) Consideration of the Application by the Sub-Committee

The Sub-Committee retired to consider the application in private session. They received no advice from officers. They noted the representations made from the applicant, his supporters in the form of seven letters and emails received, Essex County Council Highways and Transportation, the District Council's Environment and Street Scene and Loughton Town Council.

RESOLVED:

That the application for Street Trading Consent for Chester Road, Loughton, Simba Softy be granted subject to continuation of rubbish being collected in the vicinity of the vendor.

121. BREACH OF TAXI INTERIM TEST

The Licensing Unit had identified a breach in the licensing conditions of the following, in respect of interim vehicle tests not having been completed:

- (a) Mr M Hussain;
- (b) Ms S Bates;
- (c) Olympic Taxis;
- (d) Mr W Massey;
- (e) Mr Harris;
- (f) Mr Sheikh;
- (g) Mr Urhan; and
- (h) Ms C Lawson

However since the agenda for this meeting had been published the Sub-Committee was informed that satisfactory inspections had been completed for all of the above except Mr M Hussain, it was reported that he was currently away and on his return officers would ensure that his interim test was completed.

RESOLVED:

- (1) That the Hackney Carriage Vehicle Licence for Ms S Bates, Olympic Taxis, Mr W Massey, Mr Harris, Mr Sheikh, Mr Urhan and Ms C Lawson continue as an inspection had been satisfactorily carried out; and
- (2) That the Hackney Carriage Vehicle Licence for Mr M Hussain be temporarily suspended until officers can arrange an interim inspection.

CHAIRMAN