

Report to the Licensing Committee

Date of meeting: 17th January 2023



**Epping Forest
District Council**

**Subject: Application for a Street Trading Consent –
El Cafecito Ltd, Loughton Club, 8 Station Road,
Loughton, Essex, IG10 4NX**

Responsible Officer: Peter Jones

Democratic Services Officer: Jackie Leither

Decisions Required:

To consider an application for a Street Trading Consent under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for a Grant of a Street Trading Consent

1. On the 3rd October 2022 the Licensing Department received an application for a Street Trading Consent from Christopher Davies of El Cafecito Ltd, to trade at The Loughton Club, 8 Station Road, Loughton, Essex, IG10 4NX. A copy of the application is attached to this report.

The applicant seeks to sell hot and cold drinks, pastries, baked goods and snacks

Monday to Friday	07:00 – 16:00,
Saturday	09:00 – 15:00, and
Sunday	10:00 – 15:00

Consultation

2. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation, but the Licensing Authority notified Essex Police, Essex Fire and Rescue Service, Environmental Health, Community Resilience, Essex County Council Highways, Loughton Town Council and the ward councillors.
3. A public notice was also placed at the site. A copy of this is attached to the report.
4. The authority has received one (1) representations of objection to this application from Loughton Town Council.

Additional Information

5. It is worthy for the sub-committee to note that a Street Trading Consent at the same location was previously granted. This Consent permitted the sale of hot food and drinks; Monday to Saturday 12:00 – 21:00; and Sunday 12:00 – 20:00. This trader sought not to renew, and the consent expired on 5th April 2022.. This trader was subject to one complaint relating to customers loitering and obstructing the public footpath this was early into their grant of the consent. Following intervention by the Licensing Department this was addressed and rectified. No further complaints were received.
6. This item was originally listed for 6th December 2022; however as no party attended to represent of the application; the committee resolved to adjourn the matter to a later date so the applicant can attend.

Conditions

7. The sub-committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent –
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
8. The Consent can include permission to trade –
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
9. The sub-committee may decide that the Consent is subject to conditions –
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
10. Unless the sub-committee decides otherwise the Authority's standard conditions will apply to this consent. These are:

Standard Consent Conditions:

1. This Consent is valid from **FROM** to **TO** and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder will at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder will not cause any nuisance.
4. No recorded or amplified music or radio will be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material will be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The stall will be kept in a clean, safe and well-maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder will provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, will be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she will immediately comply with that request.
10. The Consent Holder will ensure that persons with a disability people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
12. The Consent Holder will take out and maintain at all times third party insurance cover with a minimum liability of at £1,000,000.
13. The Consent Holder will not place or allow to be placed; on the street or in a public place; any furniture or equipment other than as permitted by the Consent and he/she must maintain the same in a clean and tidy condition and ensure they are not placed so as to obstruct the entrance or exit from any premises.

14. No goods or services other than those authorised by this consent will be carried out at the stall.
15. Litter and trade waste arising from the activities of the Consent Holder in and around the stall, will be removed from the site on a daily basis and disposed of in an approved manner
16. The Consent Holder will ensure adequate provision for pest control.
17. It is the responsibility of the Consent Holder to clarify that any vehicle used under the terms of the consent for the sale of goods has a current MOT and valid motor insurance which must include business use.
18. The Consent Holder is responsible for ensuring that all vehicles associated with the Street Trading Consent are parked so as not to cause an obstruction of the highway.
19. (Ice cream vendors) Vans may not be parked in any one location for more than 20 minutes and must not visit the same location more than twice a day.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission is not required.
3. Indicate that the unit is exempt from business rates.
4. Override parking restrictions or any other traffic regulations.
5. Imply approval from the Highway Authority or any other person or Authority.

11. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

12. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Application for a Street Trading Consent
- Public Liability Insurance
- Google map of proposed trading area
- Details of proposed trading unit
- Images of public notice at site
- Copies of all responses received