

South Cambridgeshire District Council

Licensing Appeals Sub-Committee

Date of Hearing: 24 October 2023
Trading body Between Buns
Premises Address: The Black Horse, 63 Orchard Road, Melbourn,
Royston, SG8 6BP
Application: Application for street trader consent

Those present at the hearing:

Sub-Committee:

[REDACTED]

SCDC Officers:

[REDACTED], Licensing Technical
Officer
[REDACTED], Legal Adviser (attended
virtually)
[REDACTED], Principal Licensing Officer
[REDACTED], Democratic Services Technical
Officer (attended virtually)

Applicant:

[REDACTED] (not in attendance)
[REDACTED] – Owner of Black Horse
pub (in applicant's absence)

Representees:

[REDACTED] – Melbourn Parish Council
(attended virtually)
[REDACTED] – Melbourn Parish Council
(attended virtually)
[REDACTED] – Cambridgeshire Live

The application

To consider the application for street trader consent.

Background

On 15 May 2023, an application for a mobile street trading consent was submitted to trade Fridays (every second week) between 17:30 and 20:30 at The Black Horse, 63 Orchard Road, Melbourn, Royston, SG8 6BP.

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 Cambridge Council Environmental Health
- Cambridgeshire Constabulary
- Shared Planning Service
- Cambridgeshire County Council Highways

In addition, a site visit was undertaken by the Licensing Principal Officer on 18 May 2023, to both assess suitability and to follow up a complaint from a neighbour who had raised concerns regarding trading within the premise car park and had suggested the location was dangerous and a nuisance. The Officer considered the location of the trading unit, space available within the car park and access to the car park to be in a suitable location, and does not impede traffic flow, nor cause a hazard.

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.

The application has been opposed by Melbourn Parish Council.

A petition was handed to the Council by [REDACTED] on behalf of the Black Horse, Melbourn in support of small business food vendors trading at the premises, along with a letter from [REDACTED], landlord of the Black Horse, Melbourn.

The trader has been permitted to trade at the location pending the decision of the Committee, in order to support the business due to a number of factors;

- Trading was not taking place daily, only once a fortnight for a short time period.
- As soon as the trader was advised a Street Trading Consent was required, the application was immediately applied for, and all paperwork and safety checks were in order, therefore suggesting there was no evidence to suggest non-compliance.
- There have been no nuisance complaints lodged with Environmental Health.
- It was advised that the local amenity had been supportive of the business, so to remove without notice may have prejudice those service users.

Observations:

The panel heard representations from the applicant, who explained the details and key points of the application and the events that would take place, including the demographics of these events. The following was explained:

- Between Buns offer a gourmet burger service to their patrons, to provide the experience of going out to eat. The service ends at 8:30pm and after clean-up the vehicle is out of the car park by shortly after 9pm.
- It was admitted that mistakes had been made and that the location of the van had been adjusted to ensure no blockages or access issues were occurring.
- It was noted that the busiest time of operation for the pub was between 4 and 8:30pm on a Friday when the food service is in operation.
- It was noted that traffic is an issue throughout the village and that this was being increased on a Friday due to the operation of the food vendor. The Parish Council commented that there had been issues with cars parking outside of the pub car park, where it is not safe to park, including private property.
- It was commented that the congestion outside of the pub was not as bad as the congestion further down Maple Way and that the pub went to great lengths to ensure this was the case.
- During the previous 7-8 months, the service of Between Buns had changed to allow people to order their food online and collect in a 15-minute window. This

was to lessen the number of people sitting around in the carpark waiting for their order.

- The Black Horse Pub makes sure that there is no rubbish left behind after the hours of operation for the food vans. It was commented that rubbish from the pub and Between Buns was being dealt with commercially and that no rubbish would be allowed to be left in a public waste bin.
- The Parish Council raised concerns around safety, including road safety, and highlighted issues that had been raised with the Parish Council by local residents who had been affected by the food trading.
- It was commented that of those who had signed a petition to support the food van, the majority of those were not residents who lived in the vicinity of the Black Horse Pub.
- South Cambridgeshire District Council had received one complaint regarding street trading at the Black Horse Pub and none regarding Between Buns in particular as a trading outfit.

Decision

Taking all the above into account the Sub-Committee **decided to grant consent to the applicant as applied for.**

Reasons

- The panel sees no substantial reason to not grant the street trading licence to Between Buns.
- The panel acknowledges the increase in traffic in the area, the panel however, does not see that as a reason to prevent the licence being awarded.
- The panel acknowledges the Parish Council's concern with regards to litter but the evidence provided did not tally with this as the bin appeared to be full of dog poo bags and cans.
- The applicant has made efforts to facilitate online ordering to reduce the number of patrons waiting in the carpark for their food.

Signed:

.....
Councillor [REDACTED] (Chair)

Licensing (2003 Act) Sub-Committee

.....
Councillor [REDACTED]

.....
Councillor [REDACTED]

Dated: 24 October 2023