

AGENDA

LICENSING SUB COMMITTEE

MONDAY, 20 OCTOBER 2025

11.30 AM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD**

Committee Officer: Linda Albon
Tel: 01354 622424
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 New Application for a Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982 (Pages 3 - 22)

To consider an application for the grant of a static Street Trading Consent to trade from West End Park, City Road, March – inside or outside the barrier of the park.

Friday, 10 October 2025

Members: Councillor D Oliver (Chairman), Councillor A Miscandlon, Councillor P Murphy and Councillor D Cutler

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Agenda Item No:	3	
Committee:	LICENSING	
Date:	20th October 2025	
Report Title:	This report concerns a new application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982	

1 Purpose / Summary

1.1 To consider an application for the grant of a static street trading Consent submitted by Mr Frank Cannata, to trade from the following location:

- West End Park, City Road, March - Inside or outside the barrier of the park

2 Recommendation

2.1 That the Licensing Sub Committee determine if a street trading consent should be granted for the proposed location.

2.2 That the list of standard conditions in Appendix C, be attached to the consent if it is granted

Wards Affected	March South
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Sam Hoy, Portfolio Holder with responsibilities for Licensing
Report Originator(s)	Andy Fox Senior Licensing & Compliance Officer, Tel: 01354 602162, Email: afox@fenland.gov.uk
Contact Officer(s)	Amy Brown, Assistant Director Deputy Monitoring Officer Tel, 01354 622450 amybrown@fenland.gov.uk Peter Catchpole, Corporate Director & Section 151 Officer, Tel 01354 622201. petercatchpole@fenland.gov.uk
Background Paper(s)	Fenland District Council's Street Trading Consent Policy 2025 - Street Trading Policy 2015 Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

Report:

1 Background / introduction

- 1.1 Street Trading Consents are governed under the Local Government (Miscellaneous Provisions) Act 1982. Fenland District Council has adopted provisions in the Act so that it can effectively control street trading. This means that it is an offence to trade without a consent granted by the Council.
- 1.2 On 2nd September 2025 Licensing received an application for a street trading consent from Mr Frank Cannata - [REDACTED] Cambs, PE26 [REDACTED]. A copy of the application and supporting documentation is attached at **Appendix A**.
- 1.3 The application is requesting to sell Ice Creams, Cold Drinks and Slushies from Ice Cream Van, from Monday to Saturday, between the hours of 07:00 - 15:00Hrs.
- 1.4 The applicant is seeking to trade from a unit in a fixed static location West End Park, City Road, March - either inside or outside the barrier of the park . A copy of the Plan Location is shown at **Appendix B**
- 1.5 Officers can confirm that the application has been advertised in the correct manner by way of a public notice, which has been displayed on the site.
- 1.6 On 4th September 2025, licensing in line with the street trading application procedure consulted with a number all statutory consultees these being:
- Cambridgeshire Police
 - The Highways Authority
 - Cambs Fire Authority
 - Environmental Health
- In response to the public notice and the email to the statutory consultees, Licensing received one representation which has been submitted by CCC Policy and Regulation objecting to the grant of a licence stating the double yellow lines undermine the TRO and also, that area is a turning head that could prevent large vehicles turning. A further comment that a key would be needed for the barrier A copy of the representation is attached as **Appendix D**.
- 1.7 No other representations have been received from any other interested parties.

2 Assessment Criteria

- 2.1 In considering applications for the grant or renewal of a consent, the following factors will be considered, along with any other matters considered reasonably relevant: -
- Site Suitability
 - Public Order
 - Avoidance of Nuisance
 - Consultee Observations
 - Permitted Trading Hours
 - Planning Permission
 - Suitability of Applicant
 - Proximity to Schools and Colleges

- Proximity to existing Consent Holders

3 Considerations

3.1 The Licensing Sub Committee can take any of the following actions it considers appropriate in determining the application:

- Grant consent;
- Grant consent with additional conditions and or amended times of trading;
- Reject the application

4 legal Considerations

- 4.1 The relevant legislation relating to street trading licences is contained within the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, the pertinent sections being set out below:
- 4.2 Section 2 of Schedule 4 to the Act provides for a council to designate any street as a) a prohibited street; b) a licence street or c) a consent street.
- 4.3 Fenland District Council resolved that for the purposes of street trading all current and future streets, council car parks, recreation grounds and open spaces along with public parks, gardens, amenity areas, sports areas and parking bays adopted by the council in the Fenland District be adopted as “consent streets”.
- 4.4 Paragraph 7(2): Subject to paragraph (3) below, the council may grant a consent if they see fit.
- 4.5 Paragraph 7(4): when granting or renewing a street trading consent, the council may attach such conditions to it as they consider reasonably necessary.
- 4.6 Paragraph 7(5): Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).
- 4.7 Paragraph 7(8): The council may include in a street trading consent permission for its holder to trade in a consent street from a stationary van, cart, barrow or other vehicle, or from a portable stall.
- 4.8 Paragraph 7(9): If they include such a permission, they may make the consent subject to conditions as to where the holder of a street trading consent may trade by virtue of the permission; and as to the times between which or periods for which he may so trade.
- 4.9 Paragraph 7(10): A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 4.10 Local opposition or support (in whatever form) for a proposal is not in itself grounds for refusing or granting a licensing permission, unless that opposition or support is based upon valid reasons and concerns, which can be sustained.
- 4.11 Applicants who feel aggrieved by the Licensing Sub-Committee’s decision to refuse an application or to introduce additional conditions may appeal to the Licensing Committee within 21 days starting from the day they are advised of the refusal or the additional conditions applied.
- 4.12 The Sub-Committee should have due regard to the legislation when considering this application and should give full consideration to the information supplied by the applicant in both his application and at the hearing, and to the representations made by other interested parties, where they are relevant to the matters set out in the legislation.

Street Trading Licence Application

Before you start	
Please tick this box to confirm you have fully read and understood the above information:	Yes

Application type	
I am applying:	new
Current consent number:	
How many people are applying?	1
Personal details - first applicant	
Surname:	Cannata
First Name(s):	Frank
Home address including postcode:	[REDACTED]
Date of Birth:	[REDACTED]
National Insurance Number:	[REDACTED]
Home Telephone Number:	[REDACTED]
Mobile Telephone Number:	[REDACTED]
Email address:	[REDACTED]
Has this applicant ever been refused a street trading consent by this or any other local authority?	No
If yes, please give dates and details:	
Passport sized photograph of applicant:	[REDACTED]
Personal details - second applicant	
Surname:	
First Name(s):	
Home address including postcode:	
Date of Birth:	
National Insurance Number:	
Home Telephone Number:	
Mobile Telephone Number:	
Email address:	
Has this applicant ever been refused a street trading consent by this or any other local authority?	
If yes, please give dates and details:	
Passport sized photograph of applicant:	
Personal details - third applicant	
Surname:	

First Name(s):	
Home address including postcode:	
Date of Birth:	
National Insurance Number:	
Home Telephone Number:	
Mobile Telephone Number:	
Email address:	
Has this applicant ever been refused a street trading consent by this or any other local authority?	
If yes, please give dates and details:	
Passport sized photograph of applicant:	
Personal details - fourth applicant	
Surname:	
First Name(s):	
Home address including postcode:	
Date of Birth:	
National Insurance Number:	
Home Telephone Number:	
Mobile Telephone Number:	
Email address:	
Has this applicant ever been refused a street trading consent by this or any other local authority?	
If yes, please give dates and details:	
Passport sized photograph of applicant:	

Trading details	
Trading Name:	Franks ices
Fixed Location Trading	
Street Name and precise location on the street of where trading will take place:	West end park City road March pe15 5lt Either inside the barrier in the park or directly outside
Please upload a map to show the exact location	e28b19b7-1c0b-49d0-9413-2a967cccc5f4.jpeg (download)
Mobile Location Trading	
Streets where trading will take place:	
You may upload a file to show the streets where trading will take place	

Application Type	
This application is for an Annual Street Trading Consent:	Yes
This application is for a Daily Street Trading Consent:	No
If your application is for Daily Street Trading Consent, please specify the dates you would like:	
Trading Days and Times	
Monday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Tuesday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Wednesday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Thursday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Friday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Saturday	
Start (AM)	
Finish (AM)	
Start (PM)	
Finish (PM)	
Sunday	
Start (AM)	
Finish (AM)	
Start (PM)	

Finish (PM)	
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Goods to be sold	
Ice cream	Yes
Details:	Whippy ice cream, sorbets traditonal scoops. cold cans/bottle, slush ,
Confectionary	Yes
Details:	Sweets candy floss popcorn
Fresh Fruit / Vegetables	
Details:	
Flowers	
Details:	
Hot Drinks	
Details:	
Cold Drinks	Yes
Details:	Cans and bottles, slush
Wet and Dry Fish	
Details:	
Seafood	
Details:	
Cold Food	
Cold Food	
Details:	
Hot Food (select all that apply)	
Details of other items:	

Details of Food Business Registration	
Do you intend to trade in any food items?	Yes
Food Registration Details	
Local Authority Name:	Huntingdonshire county council
Local Authority Address:	
Registration reference:	
Food Hygiene Rating	5
Date first registered:	
Date of last inspection:	
Please upload a copy of your Food Business Registration Certificate:	Food reg form .jpeg (download)
Trading Unit details	
Type of Trading Unit	Ice Cream Van

If you've said 'Other', please give further details:	
Vehicle Registration:	
Colour(s) of Trading Unit:	Cream/blue
Please explain the proposed arrangements for the storage, collection, removal and disposal of refuse:	All refuse will be taken back to our yard and disposed of
Unit measurements	
Height	
Meters	3
Cms	0
Width	
Meters	2
Cms	0
Length	
Meters	5
Cms	0
Photographs of trading unit	
Photo 1:	f4451f1a-0d02-40fb-ab9f-b7a6e8b40172.jpeg (download)
Photo 2:	1a9139d7-0727-45ac-8ece-b426c436b4bc.jpeg (download)
Photo 3:	8627a1ab-f54b-436f-adf7-2000114a7357.jpeg (download)
Supporting documents	
If you need to include written permissions, certificates relating to advertisements, or information about power sources /generators please do so here:	
Document 1:	
Document 2:	
Document 3:	
Notes to accompany documents:	

Public Liability Insurance	
Insurance Company:	Mobilers
Policy Number:	E25C545W
Period of Cover:	1 year
Amount of cover (£m)	10m
Please upload a copy of your public liability insurance:	Public liability 2025 .pdf (download)
Declaration	
I have read and understood the declaration above:	Yes
Once you press 'Submit', you will be taken to the Capita portal to make the application non-refundable deposit payment of £50.	
SUCCESS	

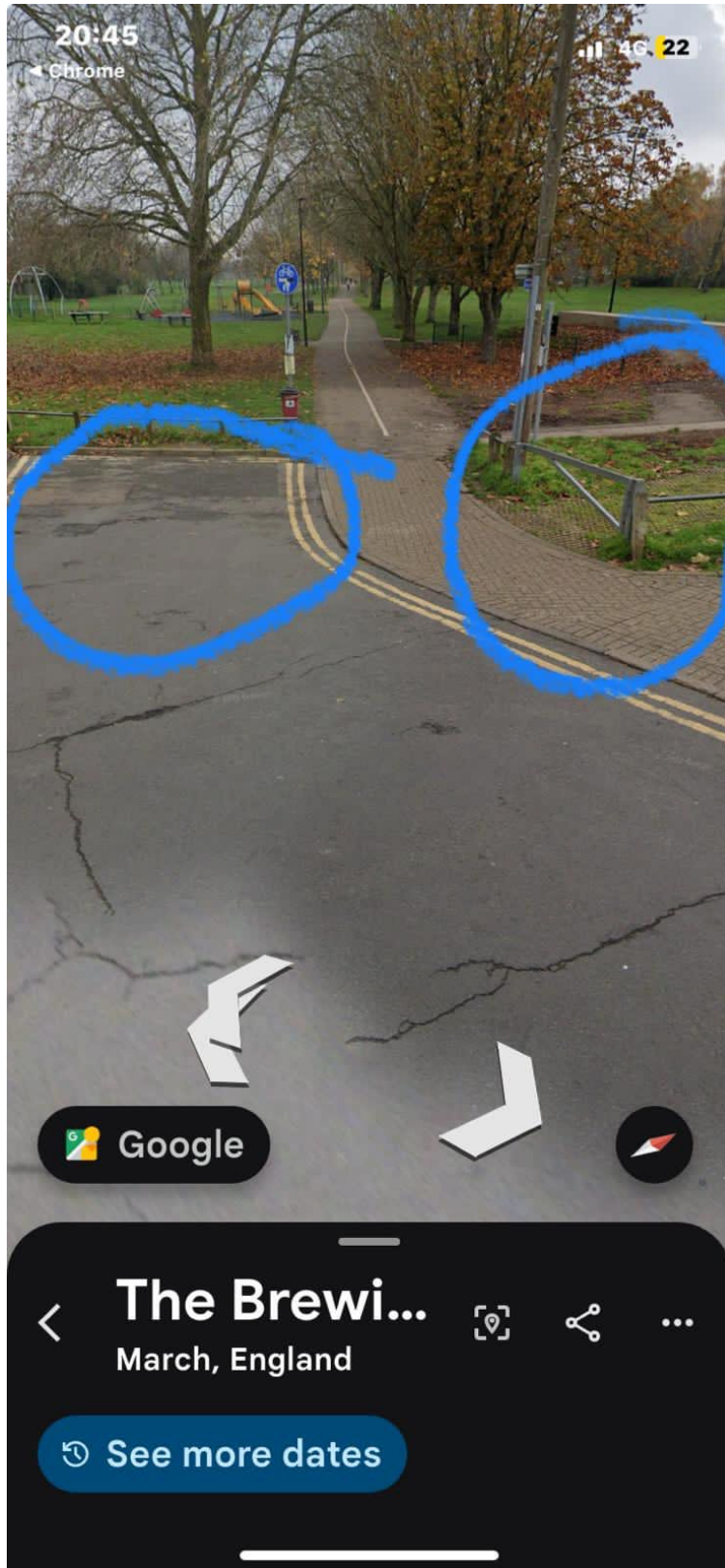
Appendix A – Photos of the vehicle







Appendix B – Plan and photos of location









APPENDIX C

STREET TRADING STANDARD CONDITIONS

STANDARD CONDITIONS FOR ALL CONSENT HOLDERS

1. A Street Trader trading with the consent of Fenland District Council shall prominently display on his/her stall/receptacle/mobile his/her name, a copy of the consent including a plan showing the permitted trading site and a complete price list of the goods being sold.
2. The Consent Holder shall wear the Street Trader Identity Badge during all trading hours.
3. The Consent Holder must inform Fenland District Council if trading is to stop for a period of 3 weeks or more (should Fenland District Council not be informed this may result in the consent being revoked and the pitch being recorded as vacant)
4. The Consent Holder must return the consent issued, to Fenland District Council immediately if they are to cease (stop) trading. Fenland District Council must be notified in writing if trading is to cease. In the event of the death of a consent holder, the Street Trading Consent is deemed null and void.
5. The Consent Holder must be on site during trading hours for the majority of the time on each trading day.
6. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Fenland District Council in writing. Any unit/stall must be removed from the highway or trading area out of permitted trading hours.
7. Any Unit/stall/mobile must:
 - be purpose built and should any alteration be needed they must be approved by Fenland District Council.
 - Be kept in good and clean repair both inside (interior) and out (exterior)
 - Contain suitable firefighting equipment pertaining to the nature of the business to reduce the risk of an outbreak of fire.
 - Comply with the Control of Pollution Act 1974, Code of Practice on noise from ice cream van chimes etc. 1982 Chimes must not sound
 - before 12 noon or after 7.00pm
 - for no longer than 4 seconds at a time
 - no more often than once every 3 minutes
 - no more often than once in every 2 hours in the same length of street
 - when the mobile unit is stationary • When in sight of another unit which is trading
 - within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship)
 - As loudly in quiet areas or narrow streets as elsewhere
8. The siting of the street trading stall/receptacle/mobile shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
9. The Consent Holder shall pay all Street Trading Consent fees in advance.

10.The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised officer.

11.Trading may only take place when the Consent Holder is at the trading area for the majority of the time on each trading day.

12.The Consent Holder must have written permission from the owner of the land to trade on private land which is not part of the public highway.

13.Consent Holders shall not trade outside of the designated trading area.

14.The trading area must be located:

- In the general area specified in the street trading consent
- At least 3 metres away from any ground floor window, door or other opening of any premises, except where those premises are occupied by the person holding the street trading consent unless agreed in writing by Fenland District Council
- At a place which does not obstruct access to any other premises by vehicles or pedestrians.
- At any exact location specified by a Licensing Officer.

15.All activities of storage and display and any temporary structure such as a stall or tables and chairs, must be contained within the trading area specified on the Street Trading Consent.

16.The Consent Holder must not cause or allow anyone to cause damage to the street surface, street furniture, lighting and landscaping within the trading area and will be responsible for making good any such damage.

17.The Consent Holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

18.A clear pedestrian route of at least 2 metres shall be maintained along the highway, adjacent to the building line. A minimum distance of 2 metres width should be kept between the edge of the trafficked route and the street trading unit boundary. The street trading activity shall not impede any existing driver or pedestrian sight lines.

19.The Consent Holder shall not do anything that is likely to cause danger, nuisance, annoyance, obstruction, damage or inconvenience to the council, adjacent/ neighbouring premises, road users or members of the public. This includes noise, smoke fume or odour.

20.A rubbish bin must be provided in the Trading Area where goods are sold that are for immediate use or consumption. Waste must not be place in litter bins provided for public use. Any waste arising from the trading activity within 100metres of the stall in any direction must be removed and properly disposed of at the end of each trading day.

21.Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.

22.The Consent Holder shall pay to the District Council any charges payable for the removal of refuse or other services rendered, and any expenses incurred by the District Council in the administration of Part III of the 1982 Act.

23.No live or recorded music shall be played at any time.

24.Advertisements or other notices must not be placed outside of the trading area.

25.The use of generators is not permitted, unless permission has been specifically granted by the Senior Licensing Officer/Licensing Manager. If permitted, the generator will be reasonably silent running, will not leak fuel (any spillage would be the consent holders responsibility) and will create a tripping hazard.

26.Consent Holders and their employees shall not trade under the influence of any illegal or intoxicating substance.

27.The Consent Holder must not employ any person under the age of 14 years (Section 20, Children and Young Persons Act 1993).

28.A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Highways Act 1980, the Food Safety Act 1990, the Town and County Planning Acts, the Licensing Act 2003, Street Collection legislation and the Gambling Act 2005.

29.It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with general or local legislation. A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.

30.On receipt of the Consent letter and before trading with the Consent of Fenland District Council the Consent Holder shall inform the Gas Board and Eastern Energy in writing that he/she intends to trade on the street he/she has the Consent of Fenland District Council to trade on.

31.The fee payable for the Street Trading Consent may be reviewed from time to time by Fenland District Council.

Appendix D – CCC Objection

Good morning,

Couple of points to consider:

- The Brewin Chase and surrounding area is not considered public highway.
- Despite being private, the double yellow lines on The Brewin Chase are supported by a traffic regulation Order (TRO) i.e. permission cannot be granted to trade from the double yellow lines as it would undermine the TRO (granted it would undermine the point of having installed double yellow lines regardless of the there being a TRO).
- Ignoring the previous point, the left hand area is a turning head, presumably to allow larger vehicles to turn around, which would not be useable if the ice cream van was parked there.
- Access to the second area is restricted by a gate (presumably in place to allow vehicular access to the park, when necessary, but prevent access at all other times). Permission could be provided to use this area, but FDC (as the presumed landowners) would either have to provide the ice cream van owner with a key to the gate, and trust that they lock it at the end of each day, or they would have to arrange for someone to open and close the gate for the ice cream van owner.

With the above in mind, of the two locations, the gated location is the only viable option, but only if measures can be put in place to ensure the gate is locked when not in use.

Kind regards,

Stephen

Stephen Marshall

Policy & Regulation Engineer | Transport & Connectivity Cambridgeshire County Council

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