



Mr Nigel Male  
NEM Catering

Housing & Environmental Health Service  
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**Contact:** Mark Lee  
**Telephone:** 01264 368035  
**E-mail:** [mlee@testvalley.gov.uk](mailto:mlee@testvalley.gov.uk)  
**Your ref:**  
**Our ref:** 21/00157/COMM  
**Date:** 13 October 2022

By post and e-mail to:

Dear Mr Nigel Male

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING CONSENT APPLICATION: NEM CATERING, T/A NIDGE'S ARTISAN  
PIZZA KITCHEN  
PROPOSED TRADING LOCATION – CAR PARK AT THE HEXAGON, ANDOVER, SP10  
3PR**

Further to your application for a Street Trading Consent at the above location and my email dated 6 October 2022 in which I set out my preliminary decision to refuse the application and inviting any further representation from you within 7 days, I have not received any further representation from you.

Therefore, as person delegated by the Head of Housing & Environmental Health to determine such applications in accordance with the Council's Street Trading Policy, I confirm my preliminary decision and hereby **REFUSE** to grant a Street Trading Consent in this case.

The reasons for the refusal were set out in my email dated 6 October 2022, a copy of which accompanies this letter. The objections were received from the three elected councillors for the Millway Ward, Cllr Z Brooks, Cllr C Ecclestone and Cllr J Neal. You should also be aware that a colleague of mine visited the car park at around 16:30 hrs on Wednesday 12 October 2022 and observed the car park to be around three quarters full and remarked how busy the area was, thereby lending weight to some of the concerns raised in the objection.

For your reference, the Council's Street Trading Policy is published on the Council's website at:

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/street-traders>

Should you be dissatisfied with that decision then, in accordance with this policy, it would be open to you to request that the matter be referred to the Council's Licensing Committee for a final decision as to whether your application is granted or refused.

If you wish the matter to be determined by the Council's Licensing Committee then please write, no later than 28 days of my final decision letter, to:

The Head of Legal & Democratic Services  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
Hampshire  
SP10 3AJ

Alternatively, you can email [complaints@testvalley.gov.uk](mailto:complaints@testvalley.gov.uk) marking it clearly 'Street Trading Consent Application Appeal – FAO Head of Legal & Democratic Services'.

Yours sincerely

Mark Lee  
Environmental Health Manager

Enc.

**From:** Lee, Mark

**Sent:** 06 October 2022 14:01

**To:**

**Subject:** Street Trading Consent Application - Nidges Artisan Pizza Kitchen, The Hexagon, Andover (Our ref. 21/00157/COMM)

Dear Nigel

I refer to our telephone conversation earlier today whereby I notified you of an objection received to your application seeking a Street Trading Consent to trade from a pizza van at the Hexagon. I reproduce the content of the objection, in red-coloured text, below:

“...the following 3 Policies reasons for refusal on the license application from a Pizza company near the Hexagon car park.

1 A significant effects on road safety would either from the siting of the trading activity itself, or from customers visiting or leave the site.

3 There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour of fume

9 The site does not allow the Consent Holder, staff, and customers to park or access in a safe manner.

The Pizza van will be occupying several parking spaces, which will take spaces from the customers for the local shop. (Taking trade away from local Business) this convenience store has a thriving post office/bank which used by local businesses at the end of a Business day

If spaces are unavailable for customers, this will force them to drive to another shop, this will have an impact on the environment, which we all are trying to avoid.

A Major factor is the location of four schools in Floral Way, infants two primaries and a secondary and this parking area was upgraded a few years ago by HCC at the request of local Ward councillors to encourage parents to drop off their children so they could walk to school and be collected at the end of the school day.

This decision was taken by HCC to stop hundreds of parents parking near the schools

Taking parking space creating additional traffic problems at a busy time of the day in pick-up time of children from after school clubs. Parents being parking in this area from 2.25 on any school day disregarding the allotted permitted parking periods and blocking access to post office and store.

The siting of this food van is proposed on the opposite side to the store parallel to the footpath and facing the grass verge. To access the van, children/ customers must cross the site access road, between vehicles closely parked on both sides. It is also important to note that the proposed application is for trading to begin at 4pm during the autumn and winter months it will be dusk/dark with added to road safety.

The Government addressing the need to avoid children consuming high level of fat and sugar in canned drinks, alongside fast food

The Pizza Van will be in situ when the children are walking home from after school activities, many of the older students are unsupervised and this temptation will be beyond resistance after taking part in a very active sport.

Council is already working hard with their communities to live healthier and more active lives, including initiatives such as healthy food scheme in school. Having a pizza van near a school would be defeating the object.”

I am delegated the authority on behalf of Test Valley Borough Council to consider Street Trading Consent applications in accordance with Paragraph 7(2) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council's policy.

A copy of the Council's Street Trading Consent policy is given on the Council's website at: <https://www.testvalley.gov.uk/business/licensingandregulation/licensing/street-traders>

Having considered the objections carefully in accordance with the Council's policy, I am MINDED TO REFUSE the application for the consent to trade at the above location because I am satisfied that some at least of the above grounds are relevant grounds for objection under our policy and appear to have at least some merit.

If you wish to respond to the above objection and make a further representation, I will have regard to that before making my final decision. As discussed, if you ask me to forward your representation on to the objectors then please indicate and I will ask if that alters their view and if they wish to either withdraw their objection or maintain it. In any case, please put forward any further information which you wish me to consider within 7 days.

I must emphasise that you are not obliged to contact me again or provide further information, but if you chose not to do so then I will confirm my preliminary decision to refuse the application after 7 days. Should you be dissatisfied with that decision then it would be open to you to request that the matter be referred to the Council's Licensing Committee for a final decision as to whether your application is granted or refused.

If you wish the matter to be determined by the Council's Licensing Committee then please write, no later than 28 days of my final decision letter, to:

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Kind regards

**Mark Lee**

Environmental Health Manager

Housing and Environmental Health Service

Test Valley Borough Council

Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ

Tel. 01264 368035; Email. [mlee@testvalley.gov.uk](mailto:mlee@testvalley.gov.uk)