

LICENSING PANEL 01 July 2022

Report Title	Application for a Street Trading Consent	
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List of Appendices

- Appendix A – Application Form**
- Appendix B – Location Maps**
- Appendix C – Representations**
- Appendix D – Street Trading Policy**

1. Purpose of Report

- 1.1. To obtain the Panels decision in respect of an application for a Street Trading Consent for the Car Park Area, Wollaston Working Mens Club, 75 London Road, Wollaston, NN29 7QP.

2. Executive Summary

- 2.1 The application for a Street Trading Consent has attracted two representations against granting the application. The report sets out the background to the issue and invites the Panel to determine the application.

3. Recommendations

- 3.1 The Panel is recommended to consider whether to:
- Grant the application as requested
 - Grant the application subject to such conditions that are considered necessary
 - Refuse the application

4. Report Background

- 4.1 An application has been submitted for a Street Trading consent for a mobile food vendor to be sited in the car park of the Wollaston Working Mens Club, 75 London Road, Wollaston. A copy of application is included within Appendix A and a map showing the location of the site is included within Appendix B.
- 4.2 Following consultation, representations were received from two interested parties – a Ward Councillor and Wollaston Parish Council. A copy of the representations are included within Appendix C.
- 4.3 A copy of the relevant Street Trading Policy is included within Appendix D.
- 4.4 The application is for a mobile catering vehicle to trade selling donner kebabs, burgers and chips;
- Thursdays 18:00 hrs to 22:30 hrs
 - Fridays 18:00 hrs to 23:00 hrs
 - Saturdays 18:00 hrs to 23:00 hrs

5. Issues and Choices

- 5.1 Interested parties have raised concerns over the potential impact that the trade for this business could have upon an already busy part of the town, the impact upon other neighbouring businesses, excessive noise from patrons late in the evening and parking considerations.
- 5.2 Members should take into consideration the Councils Street Trading Policy. In particular it should be noted that where relevant representations have been received and/or where the application is for trading later than 6pm in the evening, the application must be considered by the Licensing Panel.
- 5.3 Relevant sections of the councils Street Trading Policy are listed below, although the list is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

Section 5 of the policy states;

Street trading consent from static locations will not normally be granted where:

- 1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.*

- 2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited.*

- 3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes.*

- 4. There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes.*

- 5. There is a conflict with Traffic Orders such as waiting restrictions.*

6. *The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.*
7. *The trading unit obstructs the safe passage of users of the footway or carriageway.*
8. *The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.*
9. *The site does not allow the consent holder, employees, or customers to park in a safe manner.*
10. *The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.*
11. *The supply of hot or cold food and drinks or confectionary between 07:30 hours and 18:00 hours within 100 metres of the boundary of a school or college.*

Section 8 of the policy states;

8.1 Public Safety

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term "public" refers to both customers frequenting the street trading activity, and other members of the public using the street.

8.2 Public Order

The street trading activity should not present a risk to good public order in the locality in which it is situated.

8.3 Avoidance of Nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

8.4 Needs of the Area

The sufficiency of other trading outlets will be taken into consideration in relation to:

(a) The presence of other similar outlets already existing in the locality of the proposed street-trading site.

(b) Applicants will have to demonstrate to the council the need for the proposed street trading activity in relation to either points 8.1 or 8.2 above, whichever applies.

8.5 Appearance of the Stall, Vehicle or Unit

The stall, vehicle or unit must be maintained in good condition, and of smart appearance, and meet the criteria set out in the standard consent conditions. The general appearance of the stall, vehicle or unit will also be considered in respect of whether it is likely to detract from the appearance of the surrounding area.

8.6 Environmental Credentials

The impact of the proposed operation on the local environment, including street surfaces and materials; power supply; carbon footprint; supply chain; packaging; waste minimisation; waste disposal and waste generated by customers. There must be sufficient measures to minimize all environmental impacts of the proposed operation.

8.7 Compliance with legal requirements

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from council officers on the compliance with the requirements of Food Safety/Hygiene, Health & Safety and Environmental Protection legislation shall be taken into consideration.

8.8 Consultees Observations

In relation to points 8.1 – 8.4 above, consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevance and appropriateness to the application that has been made.

8.9 Permitted Trading Hours

The council generally only permit street trading between 07:30 hours and 18:00 hours on any day. Any application for trading outside these hours will have to be determined by the Licensing Sub-Committee. Street trading outside the guideline hours will be assessed in terms of public order, public nuisance, avoidance of nuisance and the needs of the area criteria detailed above.

The council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

5.3 When considering the application, the Licensing Panel will consider the representations made and strive to ensure that all persons receive a proper and fair hearing through:

1. Considering each case on its own merits.
2. Using the Street Trading Policy guidelines to assess applications where it is felt appropriate.
3. Dealing with any application in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an appeal; a reference; or an objection, sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their appeal or objection.

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 There are no financial implications to the authority in relation to this report.

6.2 Legal

6.2.1 Where the council refuses an application, the applicant will be informed in writing of the reasons for not granting. The decision of the Licensing Panel is final. The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the council in relation to the issue of street trading consents.

6.3 **Risk**

6.3.1 A person aggrieved against a decision of the Licensing Panel may seek a Judicial Review of the decision of the Licensing Panel, should the applicant be able to demonstrate that the policy and procedure were not followed correctly.

6.4 **Consultation**

6.4.1 Before any new street trading consent is granted, the council carries out a 21 day consultation process with relevant interested parties.

6.4.2 Following this consultation two representations were received.

6.5 **Consideration by Scrutiny**

6.5.1 None

6.6 **Climate Impact**

6.6.1 None

6.7 **Community Impact**

6.7.1 None

7. Background Papers

7.1 None