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14 November 2014

LICENSING SUBCOMMITTEE

A meeting of the Subcommittee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Littlehampton on **Friday 23 November 2018 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Cates, Mrs Oakley and Wheel.

AGENDA

1. ELECTION OF CHAIRMAN
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating :

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

- 3 ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4 APPLICATION FOR A STREET TRADING CONSENT FOR LONDON ROAD PRECINCT, HIGH STREET, LITTLE HIGH STREET & PLACE ST MAUR, BOGNOR REGIS

This report asks Members to consider the matter of an application for a street trading consent.

5 APPLICATION FOR A STREET TRADING CONSENT FOR LONDON ROAD PRECINCT, BOGNOR REGIS

This report asks Members to consider the matter of an application for a street trading consent.

6 **EXEMPT INFORMATION**

The Committee is asked to consider passing the following resolution:-

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified again the item.

7 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [Exempt – Paragraph 1 – Information Relating to Individuals]

To consider the attached report.

Note : *Indicates report is attached for Members of the Licensing Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via www.arun.gov.uk

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant officer in advance of the meeting.

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 23 NOVEMBER 2018

PART A: REPORT

SUBJECT: Application for a street trading consent

REPORT AUTHOR: Glenn James, Licensing Officer

DATE: 30 October 2018

EXTN: 37681

PORTFOLIO AREA: Place

EXECUTIVE SUMMARY: This report asks Members to consider the matter of an application for a street trading consent.

RECOMMENDATIONS: It is recommended that the members consider the application and make an appropriate decision from the options available to them at section 4.0 of this report.

1. BACKGROUND:

1.0 Introduction

- 1.1 An application for a street trading consent has been received from the Business Improvement District (BID) Bognor Regis. This application is to request a street trading consent for one year for London Road Precinct, High Street, Little High Street and Place St Maur for between the hours of 8am until 11pm. The applicant requests consent for 7 days per week and to include bank holidays.
- 1.2 The application is for consent to hold different types of specialty markets, at various times throughout the year, in London Road precinct, High Street and Little High Street. The type of goods being sold will vary depending on the type of market at that time. A schedule of goods, which is not exhaustive, includes a wide range of good including clothing, electrical goods, soft furnishings, giftware, food, household goods, cosmetics, jewelry, services and toys.
- 1.3 Members are reminded the concessions, markets, street trader and street entertainers' strategy was adopted by Cabinet in 2012 and resolved by this Committee in September 2012 that the strategy would be formally considered when determining applications for street trading.
- 1.4 The Committee has also agreed standard conditions which will apply to the street trading consent if it is agreed. There are also special conditions for farmers' markets and arts and craft stalls and markets, which will apply to the consent if these types of markets are bought into the consented areas.
- 1.5 Consultation has been carried out with a number of organisations and individuals (see Part 2.1). A summary of the comments are at Part 2.

1.6 If the committee refuses to grant the consent there is no right of appeal to a Magistrates Court

2.0 Consultation

2.1

Consultee	Date sent	Date returned	Summary
Cllr Reynolds	16 October	22 October	No comment
Cllr Stanley	16 October	1 November	Support the application as it achieves the aims of the council with regards street trading in the precinct
Cllr Wells	16 October		
Cllr Brooks	16 October	31 October	Support application. Street trading to be controlled by BID to ensure co-operation with other events
Sussex police	16 October		
WSCC Highways	16 October	16 October	Requires permission if vehicles in the precinct after 09.00
ADC regeneration	16 October	1 November	Support the application
BR Town Council	16 October	1 November	Supports the application. This would allow control over street trading in the precinct in line with the aims of the council.
BID Bognor Regis	22 October		

3.0 Legislation

3.1 Local Government (Miscellaneous Provisions) Act 1982

This legislation relating to street trading states that:-

- (i) section 7(1) an application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (ii) section 7(2) subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (iii) section 7(3) a street trading consent shall not be granted -
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply
- (iv) section 7(4) when granting or renewing a street trading consent, the council may

attach such conditions to it as they consider reasonably necessary.

- (v) section 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-
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
 - (vi) section 7(6) the council may at any time vary the conditions of a street trading consent.
 - (vii) section 7(7) subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
 - (viii) section 7(8) the council may include in a street trading consent permission for its holder to trade in a consent street-
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
 - (ix) section 7(9) if they include such a permission, they may make the consent 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 which or periods for which he may so trade.
 - (x) section 7(10) a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
 - (xi) section 7(11) the holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.
- 3.3 There is no right of appeal under the legislation if a street trading consent application is refused.

2. PROPOSAL(S): To consider the application and any comments from the consultees with a view to make an appropriate decision from the options available at section 3.0 of this report.

3. OPTIONS

3.1 To Issue the consent subject to the times and days specified in the application and:-

- (i) The position of the stalls being specified.
- (ii) The articles to be sold by the vendors to be specified.
- (iii) Stalls to be inspected by a Food Safety Officer and to comply with food hygiene and health and safety standards.
- (iv) Standard conditions to be attached to the consent.
- (v) Other conditions deemed appropriate and specified by the committee.
- 3.2 Agree to issue the street trading consent, with the standard conditions and subject to 4.1(i) to (vi) above, but to change any of the proposed trading days or times. The Committee to specify the altered operating days and times.
- 4.3 To refuse the application.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Other groups/persons (please specify) (See 2.1 above)	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6. IMPLICATIONS: There is no right of appeal against refusal of the application

7. REASON FOR THE DECISION: The Council has a statutory duty to determine the application.

8. BACKGROUND PAPERS: None

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 23 NOVEMBER 2018

PART A: REPORT

SUBJECT: Application for a street trading consent

REPORT AUTHOR: Glenn James, Licensing Officer

DATE: 29 October 2018

EXTN: 37681

PORTFOLIO AREA: Place

EXECUTIVE SUMMARY: This report asks Members to consider the matter of an application for a street trading consent.

RECOMMENDATIONS: It is recommended that the Members consider the status of the applicant with a view to public safety and make an appropriate decision from the options available to them at section 3.0 of this report.

1. BACKGROUND:

1.0 Introduction

- 1.1 An application for a street trading consent has been received from Mr Jharnel Singh Landa. This application is to request the consent for a year.
- 1.2 The application is for a consent to sell garments and hosiery from a covered stall, in London Road pedestrian precinct, Bognor Regis, from Monday to Sunday 09.00 hours to 17.30 hours each day.
- 1.3 Members are reminded the concessions, markets, street trader and street entertainers' strategy was adopted by Cabinet in 2012 and resolved by this Committee in September 2012 that the strategy would be formally considered when determining applications for street trading.
- 1.4 The Committee has also agreed standard conditions which will apply to the street trading consent if it is agreed.
- 1.5 Consultation has been carried out with a number of organisations and individuals (see Part 2.0). A summary of the comments are at Part 2.1.
- 1.6 If the committee refuses to grant the consent there is no right of appeal to a Magistrates Court

2.0 Consultation

2.1

Consultee	Date sent	Date returned	Summary
Cllr Reynolds	16 October	22 October	No comment
Cllr Stanley	16 October	1 November	Object to application. Not support long term aspirations of the council with regards street trading and other markets.
Cllr Wells	16 October		
Cllr Brooks	16 October	31 October	Street trading to be controlled by BID to ensure co-operation with other events. Do not support the application
Sussex police	16 October		
WSCC Highways	16 October		
ADC regeneration	16 October		Object to application as they feel the applicant would not meet the standards required under the procedures applied to other traders under the terms of trading in the precinct, set by the Town Centre Manager/BID.
BR Town Council	16 October	1 November	Object to application. Feel street trading consents should be under control of one applicant with overall responsibility for trading in the town centre.
BID Bognor Regis	22 October		

3.0 Legislation**3.1 Local Government (Miscellaneous Provisions) Act 1982**

This legislation relating to street trading states that:-

- (i) section 7(1) an application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (ii) section 7(2) subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (iii) section 7(3) a street trading consent shall not be granted -
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply
- (iv) section 7(4) when granting or renewing a street trading consent, the council may

attach such conditions to it as they consider reasonably necessary.

- (v) section 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-
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
 - (vi) section 7(6) the council may at any time vary the conditions of a street trading consent.
 - (vii) section 7(7) subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
 - (viii) section 7(8) the council may include in a street trading consent permission for its holder to trade in a consent street-
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
 - (ix) section 7(9) if they include such a permission, they may make the consent 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 which or periods for which he may so trade.
 - (x) section 7(10) a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
 - (xi) section 7(11) the holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.
- 3.3 There is no right of appeal under the legislation if a street trading consent application is refused.

2. PROPOSAL(S): To consider the application and any comments from the consultees with a view to make an appropriate decision from the options available at section 3.0 of this report.

3. OPTIONS

3.1 To Issue the consent subject to the times and days specified in the application and:-

(i)	The position of the stall being specified.	
(ii)	The articles to be sold by the vendors to be specified.	
(iii)	Standard conditions to be attached to the consent.	
(vi)	Other conditions deemed appropriate and specified by the committee.	
3.2	Agree to issue the street trading consent, with the standard conditions and subject to 4.1(i) to (vi) above, but to change any of the proposed trading days or times. The Committee to specify the altered operating days and times.	
4.3	To refuse the application.	
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Other groups/persons (please specify)	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS: There is no right of appeal against refusal of the application		

7. REASON FOR THE DECISION: The Council has a statutory duty to determine the application.

8. BACKGROUND PAPERS: <https://www.arun.gov.uk/other-licences> for details of concessions strategy and standard conditions.