

# ARUN DISTRICT COUNCIL

## LICENSING SUBCOMMITTEE – 28 June 2019

### PART A: REPORT

**SUBJECT:** Application for a street trading consent – London Road precinct, Bognor Regis

**REPORT AUTHOR:** Glenn James, Licensing Officer

**DATE:** 12 June 2019

**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 of this report.

#### 1. BACKGROUND:

##### 1.0 Introduction

- 1.1 An application for a street trading consent has been received from Mr Piotr Ciosek. This application is to request the consent for one year (see appendix 1).
- 1.2 The application is for a street trading consent to sell Burgers, Tortillas, hot and cold drinks from a mobile stall in London Road pedestrian precinct, Bognor Regis, on Saturdays and Sundays 08.00 hours to 15.00 hours each day. The applicant has provided photos of the unit. Members are advised to consider these photos in relation to the condition and standard of the trailer (see appendix 2).
- 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 and that the strategy would be formally considered when determining applications for street trading. (see appendix 3)
- 1.4 The Committee has also agreed standard conditions which will apply to the street trading consent if it is agreed. (see appendix 4)
- 1.5 Consultation has been carried out with Sussex police and no comments have been received.
- 1.6 If members are minded to agree the street trading consent the applicant will be required to comply with the Food Safety Regulations and a full inspection of the trailer will be required.

1.7 It should be noted by the members that the Local Authority are the authorised licensing authority for granting, issuing and controlling street trading consents within their district. Only the licensing authority has powers under the Act to apply or vary conditions to a street trading consent.

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

## **2.0 Legislation**

### **2.1 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.
- 2.2 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.
- 3.3 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) Sussex Police	✓	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
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)		✓
<b>6. IMPLICATIONS:</b> 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.