

WEST OXFORDSHIRE DISTRICT COUNCIL

MISCELLANEOUS LICENSING SUB-COMMITTEE

FRIDAY 23 OCTOBER 2015

APPLICATION FOR A STREET TRADING CONSENT

REPORT OF THE PUBLIC PROTECTION MANAGER

(Contact: Nicola Neyhaul, Tel: (01993) 861377)

(The decisions on this matter will be resolutions)

1. PURPOSE

To consider and determine an application for a three month Street Trading Consent.

2. RECOMMENDATIONS

That, the Sub-Committee considers and determines the application in the light of the provisions of the Local Government (Miscellaneous Provisions) Act 1982, the Council's policy and such evidence as may be submitted at the meeting.

3. BACKGROUND

- 3.1. Mrs Pearson has submitted an application for a three month Street Trading Consent for a Christmas paper and card stall. The application is attached at Appendix A along with a letter from the applicant and a plan of the trailer.
- 3.2. The applicant seeks to operate a Christmas Wrapping Paper/Gifts stall on the pavement in the area outside the Nat West Bank (a Consent area) in Witney Mondays-Saturdays 0900hrs to 1700hrs. The stall size takes up a total surface area of 33.44 sq. m and the trailer itself is 10.45 sq. m. As such the stall falls outside our standard scheme of delegation of 9 sq. m. In addition this is the first year an application for this stall has been made in this location.
- 3.3. Consultations have taken place with Witney Town Council, Local Ward Members, Thames Valley Police, Oxfordshire County Council (Highways), Environmental Health (Food and Safety WODC), Environmental Pollution and Enforcement (WODC), Witney Chamber of Commerce, Nat West Bank, Halifax bank and the Congregational Church.
- 3.4. Thames Valley Police have no objections.
- 3.5. Oxfordshire County Council have requested the applicant carries out a photographic survey of the pavement slabs and guarantee to pay for any damage incurred during the trading period. The applicant has complied with this request.
- 3.6. Witney Town Council are concerned about the amount of space the stall will take on the Public Highway and are particularly concerned regarding the obstruction to pedestrian users. They are further concerned the stall will obstruct light into the bank.
- 3.7. Four letters of support for the stall have been received from Members of the Public. Any other responses will be reported verbally at the meeting.
- 3.8. As this is likely to be an annual application, the Public Protection Manager requests that he be given delegated authority to approve further applications providing the details remain unchanged.

4. ALTERNATIVES/OPTIONS

The Sub-Committee could decide to grant the application as submitted or subject to modification or could decide to refuse the application.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1. Paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 permits the Licensing Authority to grant a street trading consent at the discretion of the District Council if they think fit, provided that the applicant is not under 17 years of age, or the application does not relate to any trading on a highway in relation to which a control order has been made. In addition the Authority may attach reasonable conditions as it sees fit.
- 6.2. There is no right of appeal against the decision of the Council, but the Council is under a duty to act fairly and reasonably.

7. RISKS

None

8. REASONS

- 8.1. The decision taken will be made on the basis of the Council's responsibility for determining applications for street trading consents. Although each case must be decided on its merits, any decision made should have regard to objections received and the observations of consultees.
- 8.2. The report supports the Councils corporate aim to protect and enhance the environment.

Phil Measures

Public Protection Manager

(Author: Nicola Neyhaul, Tel: (01993) 861377 Email: community.services@westoxon.gov.uk)

Date: 14 October 2015

Background Papers

None

Application Form

WEST OXFORDSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Renewal/New Application for a Street Trading Consent

To: Licensing Officer
West Oxfordshire District Council
Elmfield
WITNEY
Oxon
OX28 1PB

I/We wish to apply for a Street Trading Consent. I submit the following particulars:-

1. Full Name (Block letters)

IRENEAL PEARSON

Trading name (if any)

2. Address

FAIRFIRE, SOUTH NEWINGTON ROAD
BLOCHAM, BANBURY, OX15 4JB

Telephone No.

Email Address.

3. Description of articles to be sold:

christmas wrapping paper, cards, bows, tags etc.

4. Type of stall or vehicle:

Trailer mounted

Brief description of stall or vehicle:

CREAM with Red Writing

Registration/fleet no (if any):

Type of generator used (if any) e.g. diesel/electric:

NOGE

Will L P G be used? (if yes please submit a Gas Safe inspection report):

NO

5. Address of premises used for storage/ accommodation of food (if any) and Vehicle:

6. Preferred trading site(s) (precise location to be specified using a plan if necessary):

Next to My Catering Unit in Welch Way
If more than one please list in order of preference:
on my old site on Market Square outside
Waterstones/Mountain Warehouse.

Proposed days and times of trading:

Mon - Sat 9am - 5pm

7. Name and address of owner of site if off the highway:

Has owner's consent been given? If so please provide evidence:

8. Have you traded in West Oxfordshire before?

Yes

If the answer to 8(a) is yes, please give details (e.g. the dates, times and areas involved in the trading)

I have traded in this town since 1990,
I traded on the site outside Waterstones from
when street trading consents were introduced up
until 2 years ago, the 1 was moved across the road
in front of the post office.

9. Are you at present registered with West Oxfordshire District Council as a food business under (Regulation (EC) 852/2004 Article 6 (2)?

Not applicable.

If not state which other body or write 'not applicable'.

10. Do you or anyone who is employed in the sale of food hold a certificate or other evidence of having attended an approved course of food hygiene training? If yes, please provide evidence and/or certificate.

11. Will you be the sole operator of the vehicle or stall?

NO

If not, provide names and addresses of those who will help you.

Raymond Pearson

12. Please give any other details you may wish to be considered with your Application

Please read letter attached

13. Do you have the right to work in the UK? YES/~~NO~~

17. Please include with the application an up to date certificate for Public Liability Insurance (10 million pounds) a current Food Hygiene Certificate if applicable and a Gas Safe inspection report if applicable.

I declare that I am not under 17 years of age and I certify that, to the best of my knowledge and belief, the above particulars are correct.

I understand that I am only allowed to trade from one location.

Signature:

Date:

18/9/2015



Nicola Neyhaul

From: Racheal Pearson
Sent: 21 September 2015 11:43
To: Nicola Neyhaul
Subject: Racheal Pearson Street trading application
Attachments: EPSON033.pdf

This file scanned using Epson iPrint.

Hi Nicola, I only need the street trading consent to run from 12th November up to and including 24th December , I also enclose dimensions of the trailer.

Length 28ft

Depth 13 ft

As you can see on the drawing the corners of the canopies are cut off.

Kind Regards

Racheal Pearson.

Rachel Pearson

Fairacme

South Newington Rd

Bloxham

Tanbury OX1545B

Dear Committee,

Referring to question 12
on my application form for a street
trading consent:

I would like you all to consider the
fact that I have been trading in
Witney since 1990, I was moved
from the Market Square (across waterstones
in 2013 to outside the post office,
I traded on that site for 2 years
2013 + 2014. Now that the old post
office has been taken over by Bills
Restaurant I can no longer trade there.

I would like you to consider the fact
that there are many people from
Witney that want the 3m² stall
in the town. I was told back in

January 2015 that the reason
I could not trade outside of
Waterstones (with my catering stall) was
because it was going to be
refurbished, and when the work was
complete, they didn't want to see a
catering unit there anymore.

9 months down the line and all I
can see is a catering stall set up on
my old site outside of Waterstones
and no work being carried out to
refurbish the area, so you see this is
the reason I am applying to go
back on that site with my Xmas stall.
Also bearing in mind that my catering
unit is now down which way it that
would leave even more room outside
of Waterstones to accommodate the
Xmas stall.

Please consider my application carefully
because I have no alternative for my
Xmas stall so this would force
me to cease trading.

Kind Regards R. Brewer.