

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**MISCELLANEOUS LICENSING SUB-COMMITTEE**

**16 MARCH 2016**

**APPLICATION FOR A STREET TRADING CONSENT**

**REPORT OF THE PUBLIC PROTECTION MANAGER**

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

(The Sub-Committee's decision on this matter will be a resolution.)

**1. PURPOSE**

To consider and determine an application for a 3 month Street Trading Consent.

**2. RECOMMENDATION**

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 3 month Street Trading Consent for a Christmas paper and card stall. The application is attached at Appendix A along with a plan of the trailer and pavement area.
- 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.
- 3.3. This is the second year the applicant has applied to trade in this location. At its meeting of 23 October 2015 the Miscellaneous Licensing Sub Committee decided to grant the application for the Christmas stall for 2015 only. In advising of the decision, the Chairman said the Sub-committee had concerns and encouraged the applicants to look at alternative types of unit for future years. It is clear from the comments on page four of the application, however, that Mrs Pearson wants to keep and operate her existing unit.
- 3.4. 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.
- 3.5. Thames Valley Police, Oxfordshire County Council and the Witney Chamber of trade have no objections.
- 3.6. Witney Town Council has concerns about public safety. Specifically, the amount of space the stall will take up and the obstruction for pedestrians including the

disabled on this busy pathway. They were further concerned about the restriction of light into the bank.

- 3.7. 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**

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

#### **5. LEGAL IMPLICATIONS**

- 5.1. 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.
- 5.2. There is no right of appeal against the decision of the Council, but the Council is under a duty to act fairly and reasonably.

#### **6. REASONS**

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 the following:

- Objections received
- Observations of consultees

#### **The report supports the Councils corporate aims to:**

- Protect and enhance the environment

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#### Background Papers

None.