

WEST OXFORDSHIRE DISTRICT COUNCIL

MISCELLANEOUS LICENSING SUB-COMMITTEE

7 APRIL 2016

APPLICATION FOR VARIATION OF 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 a request to vary a Street Trading Consent.

2. RECOMMENDATION

That the Sub-Committee considers and determines the request 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. Mr Salik has traded from a Kebab Van trailer in the Market Place Chipping Norton for a number of years. His current Street Trading consent expires on 12 November 2016. He has submitted a request (attached at Appendix A) to vary the hours of operation of his business.

3.2. The applicant seeks to be able to start trading from 5pm. The time falls outside the scheme of delegation for the commencement hours of kerbside hot food sales which are currently 6.30pm. Consultations have taken place with Chipping Norton Town Council, Local Ward Members, Thames Valley Police, Oxfordshire County Council (Highways), Environmental Health (Food and Safety WODC), Environmental Pollution and Enforcement (WODC), and "Experience Chipping Norton".

3.3. Thames Valley Police have no objections.

3.4. At the time of writing this report there were no other responses to the consultation. Any further responses will be reported verbally at the meeting.

3.5. If the Sub Committee is minded to allow this 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 allow the requests submitted or subject to modification.

4.2 The Sub-Committee could decide to refuse the request to vary the time.

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 Council's priority to protect the environment whilst supporting the local economy.

Phil Measures
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Background Papers

None.