

REPORT TO: LICENSING SUB-COMMITTEE

DATE: 19 SEPTEMBER 2017

TITLE: APPLICATION FOR A STREET TRADING LICENCE

LEAD OFFICER(S): DAVID TAYLOR, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (01279) 446148

CONTRIBUTING OFFICER(S): DEBBIE WRIGHT, LICENSING ADMINISTRATOR (01279) 446005

RECOMMENDED that:

- A** Members of the Licensing Sub-committee approve or reject a Street Trading Licence Application for the placement of a mobile 'hot sausage' trailer in Broad Walk, Harlow, Essex, CM20.

BACKGROUND

1. The Council has adopted Part III (Street Trading) of the Local Government (Miscellaneous Provisions) Act 1982. Part III allows the Council to regulate street trading activities in accordance with Schedule 4 of the Act.
2. Broad Walk is designated by the Council as a 'licensed street' in which trading is prohibited without a licence granted by the Council.
3. Broad Walk is a pedestrianised area in the centre of Harlow. Street trading is conducted by former market traders on the north end of Broad Walk on four days each week. There are also two separate pitches at the southern end of Broad Walk. One pitch is occupied by a flower seller and the second by ice cream sales in the summer and hot dogs in the winter months.
4. The Council also licenses a children's roundabout ride under the provisions of the Highways Act 1980. This ride was moved in 2016 from its former location outside Boots to a new position in the centre of Broad Walk near 'Savers'. This was necessary because a review of land ownership revealed that the Council could no longer offer the position near Boots. The roundabout now occupies much of the space which was formerly used by a 'hot sausage' vendor who ceased trading in March 2015.

5. An application for a street trading licence dated 3 August 2017 has been received from Mrs Zoe Scarrott for the provision of sausages (hot dogs), burgers, pork, turkey and beverages. The application may be seen in Appendix 1.
6. The Council has advertised the application for 14 days in accordance with Council procedures and has received three representations.

ISSUES/PROPOSALS

7. The representations received by the Council raise the following objections to the proposed street trading application:
 - 1) There is insufficient available space;
 - 2) Insufficient space may create dangers for children;
 - 3) The proposed pitch may cause problems with access;
 - 4) The proposed sale of hot food duplicates that already available at another stall;
 - 5) The quality of the stall will detract from the investment in the town;
 - 6) The Council continues to allow poorly run and regulated traders into the town.

The representations may be seen in Appendix 2.

8. In accordance with the Local Government (Miscellaneous Provisions) Act 1982, members of the Licensing Sub-committee may:
 - 1) Grant the Licence in accordance with the application;
 - 2) Where grounds for refusal exist, to grant the licence for fewer days or for shorter periods each day than specified in the application; or
 - 3) Refuse the application. (The Council is obliged to grant the licence unless the application ought to be refused on one or more of the grounds specified in the Act.)

The Council may refuse the application on the following grounds:

- a) That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
- b) That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

- c) That the applicant desires to trade on fewer days than the minimum number resolved by the Council;
 - d) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - e) That the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder;
 - f) That the applicant has at any time been granted a street trading consent by the Council and has persistently refused or neglected to pay fees due to them for it;
 - g) That the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.
9. Where a person is aggrieved by the decision of the Council not to grant a licence, he may appeal to the Magistrates Court within 21 days of that decision.

IMPLICATIONS

Regeneration (includes Sustainability)

None beyond those contained in the report.

Author: **Graeme Bloomer, Head of Regeneration**

Finance (Includes ICT)

None specific.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

As contained in the report.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

When considering whether or not to grant a licence the Sub-Committee should take into account the licensing principles as they apply to the applicant, and only refuse to grant a licence if grounds for refusal under the Act are satisfied. Failure to apply the grounds for refusal correctly could result in the Council not being able to defend an appeal, if made, successfully.

Author: **Brian Keane, Head of Governance**

Background Papers

None.