

HIGH PEAK BOROUGH COUNCIL

Report to Licensing Sub-Committee  
23<sup>rd</sup> March 2017

<b>TITLE:</b>	<b>Application for Street Trading Consent – Tom Pilato trading as Tom’s Super Whip</b>
<b>Portfolio:</b>	<b>Councillor Tony Kemp</b>
<b>Contact:</b>	<b>Alicia Patterson, Operations Manager</b>
<b>WARD:</b>	<b>Non-Specific</b>

Attached documents

Appendix 1 – Application Form for Street Trading Consent – Pilato

Appendix 2 – High Peak Borough Council Street Trading Consent Policy 2014

Appendix 3 – Plan of Proposed Trading Area

**1. Reason for the Report**

- 1.1 To inform the Sub-Committee of an Application for a Street Trading Consent by Tom Pilato trading as Tom’s Super Whip for an area with existing licenced traders.

**2. Recommendation**

- 2.1 That Members consider the application and determine whether to allow an additional trader in the area applied for.

**3. Executive Summary**

- 3.1 The Licensing Authority received an Application for a Street Trading Consent from Tom Pilato trading as Tom’s Super Whip on 2<sup>nd</sup> March 2017. The Application proposed trading times of Monday to Sunday, 10:00 to 18:00. A copy of the Application is attached at Appendix 1.
- 3.2 The Application identified the proposed trading area as The Opera House / Pavilion Gardens / The Square in Buxton. This is an area identified as suitable for a street trading consent, but

there are already licensed traders with consent to operate in this area.

- 3.3 The Council's Street Trading Consent Policy 2014 sets out the means by which the Local Authority will manage street trading within the borough to ensure that the process of consent is fair to traders and local businesses, in consultation with relevant partner agencies. Part 7 of the Policy is concerned with the consideration of Applications, and sets out the criteria against which applications will be assessed. The detail is discussed in Part 6 of this report, and a copy of the Street Trading Consent Policy 2014 is attached at Appendix 2.
- 3.4 The principal consideration is whether to allow an additional trader to operate in the same area as existing licensed traders, based on the application criteria set out in Part 6 of this report and in section 7 of the 2014 Policy.

#### **4 Options and Analysis**

4.1 In determining the Application, the Sub-Committee may;

- 4.1.1 Grant the Application for Street Trading Consent, with or without additional conditions, or
- 4.1.2 Refuse the application. In the case of refusal, the Sub-Committee will set out its reasons for doing so.

#### **5. Implications**

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|-----|---|--|
| 5.1 | <u>Community Safety - (Crime and Disorder Act 1998)</u> | Possible Implications on Community Safety.   |
| 5.2 | <u>Employees</u>  | None.  |
| 5.3 | <u>Equalities</u>                                       | This report has been prepared in accordance with the Council's Equal Opportunities policy. |
| 5.4 | <u>Financial</u>  | None for the Council, but may have financial implications for the applicant.               |
| 5.5 | <u>Legal</u>  | none   |
| 5.6 | <u>Sustainability</u>                                   | None.  |

Mark Trillo  
Director

<b>Background Papers</b>	<b>Location</b>	<b>Contact</b>
Street Trading Consent Policy 2014	Appendix 2	M Towers

## **6. Background and Detail**

- 6.1 The Council's Street Trading Consent Policy 2014 sets out the criteria against which applications will be considered in Part 7 of the Policy document. This states that the Council will consider each individual application on its merits and will normally grant a street trading consent unless, in its opinion;
- 6.1.1 There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street.
  - 6.1.2 There are already enough traders trading in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade.
  - 6.1.3 There is undue concentration of traders trading in the street in which the applicant desires to trade.
  - 6.1.4 The consent, if granted, will result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the consent.
  - 6.1.5 The size, nature or appearance of the proposed stall (and any associated equipment) is inappropriate for the proposed location in terms of amenity or public or highway safety.
  - 6.1.6 The proposed trading hours are outside the usual business hours of shops in the vicinity.
  - 6.1.7 There are any additional issues arising from Consultations.
- 6.2 Part 7.3 of the 2014 Policy goes on to say that any applications for Street Trading Consent on a site where a Consent is already granted, where there are competing applications or where an application for renewal has been received, will be determined by the Licensing Sub Committee.
- 6.3 Part 7.2 of the 2014 Policy sets out other grounds on which an Application may be refused, and states that these are
- 6.3.1 Previous convictions for relevant offences (Dishonesty, Food Safety, Health and Safety, Licensing or other related issues)

- 6.3.2 Failure on a previous occasion to pay street trading consent fees within the agreed timescales.
  - 6.3.3 The applicant must not be under 18 years of age and any employees under the age of 18 must be supervised at all times and any local bye laws adhered to.
- 6.4 The Sub-Committee is asked to consider the application for an additional consent in an area which already has licensed traders, against the criteria set out in paragraph 6.1 above. The current traders are Victoria Zoppi-Chelton trading as Super Whip, and Gillian Zoppi trading as Zoppi's of Buxton. Both consents expire on 31<sup>st</sup> March 2017. Victoria Zoppi-Chelton is licensed to trade at Spring Gardens, The Crescent and Water Street, and Gillian Zoppi is licensed to trade at Water Street and Spring Gardens. which includes the pitch outside the Opera House. It is understood that the two traders do not currently trade at any one site together. The new applicant wishes to trade in the area of the Opera House / Pavilion Gardens / The Square, which partially overlaps the trading area already occupied by the existing traders.
- 6.5 A plan showing the trading area is attached at Appendix 3. Water Street includes the pitch at Buxton Opera House, but does not extend to Pavilion Gardens or The Square, which is a separate address.
- 6.6 The Licensing Service does not currently have renewal applications from either of the two existing traders, but it is understood that neither party wish to surrender their consents at this time. The Licensing Authority has not received any reports to suggest that either of the existing traders are in contravention of any of the grounds for refusal listed in paragraph 6.3 above. The Sub-Committee can therefore reasonably assume that there will be three applications to consider by the end of March 2017 and should consider the matter on those terms.
- 6.7 Part 8 of the 2014 Policy sets out the standard conditions applicable to street trading consents. Members may wish to consider section 8.2 of the 2014 Policy, which states that The Licensing Sub Committee may also impose such other conditions as it considers reasonably necessary and relevant in any particular case.