

HIGH PEAK BOROUGH COUNCIL

Report to Licensing Sub-Committee  
18<sup>th</sup> October 2017

<b>TITLE:</b>	<b>Application for Street Trading Consent – Chunal Lay-By, Glossop</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 – Southworth  
Appendix 2 – Application Form For Street Trading Consent - Haggerty  
Appendix 3 – High Peak Borough Council Street Trading Consent Policy 2014

**1. Reason for the Report**

1.1 To inform the Sub-Committee of two Applications for a Street Trading Consent in connection with the Chunal Lay-by, Glossop

**2. Recommendation**

2.1 That Members consider the applications and award the consent.

**3. Executive Summary**

3.1 The Licensing Authority received notification from the holder of the current Street Trading Consent for the Chunal Lay-by in Glossop that they wished to surrender the Consent from 30<sup>th</sup> September 2017

3.2 The Consent holder advised the Licensing Authority that the trading vehicle and business had been sold to the person currently working on the mobile vehicle on her behalf, and that the new owner wished to apply for consent in her own right.

- 3.3 Since the award of the most recent Consent, a number of parties had contacted the Licensing Authority to express an interest in the site should the consent be surrendered in the future. Once Notice of Surrender of the current Consent was received, those interested parties were contacted and invited to make an application if they wished to be considered for the Consent.
- 3.4 The Licensing Authority received an Application for a Street Trading Consent from Tracey Southworth trading as T's Lush Catering on 21<sup>st</sup> August 2017. The Application proposed trading times of Monday to Sunday, 07:00 to 18:00. A copy of the Application is attached at Appendix 1.
- 3.5 The Licensing Authority received an Application for a Street Trading Consent from Vicky Haggerty trading as Vickie's Cafe on 10<sup>th</sup> September 2017. The Application proposed trading times of Monday to Sunday, but no times were specified. A copy of the Application is attached at Appendix 2
- 3.6 The Applications identified the proposed trading area as the Chunal Lay-by, Glossop. This is an area identified as suitable for a street trading consent.
- 3.7 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 3.
- 3.8 The principal consideration is to award the consent based on the personal statements of the applicants to Committee, and 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 one of the Applications for Street Trading Consent, with or without additional conditions, or
  - 4.1.2 Refuse the applications. In the case of refusal, the Sub-Committee will set out it's reasons for doing so.

## 5. Implications

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

Background Papers	Location	Contact
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 competing applications for consent in the specified location against the criteria set out in paragraph 6.1 above. The current trader, Deborah Cooper has surrendered her Street Trading Consent with effect from 30<sup>th</sup> September 2017 and as the Consent is not transferable between traders and cannot be sold as part of the trading business, any person wishing to trade from this location must make an application to the Local Authority for a Consent in their own right.
- 6.5 The Licensing Authority has not received any reports to suggest that either of the existing traders are currently in contravention of any of the grounds for refusal listed in paragraph 6.3 above. The Sub-Committee can therefore reasonably assume that there two legitimate applications to consider and should consider the matter on those terms.
- 6.6 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.