

 <b>Licensing &amp; Regulatory Panel</b> <b>25 July 2019</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for Little Red Trailer Co.Ltd, 10 Crimscote Square, Hatton Park, Warwickshire, CV31 1RB	
<b>For further information about this report please contact</b>	Tayyibah Daud, Licensing Enforcement Officer. Health and Community Protection. Tayyibah.daud@warwickdc.gov.uk Tel: 01926 456738	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	10.07.2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
None		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps: N/A</b>		

## 1. Summary

- 1.1 Members are asked to consider an application for a street trading consent for the sale of food from a static food unit. The applicant has applied for an annual consent for trading to take place, outside of permitted hours, on Fridays, Saturdays and Sundays.

## 2. Recommendation

- 2.1 That the panel decide whether to accept the application and issue the street trading consent or refuse the application.

## 3. Reasons for the Recommendation

- 3.1 Anyone who exposes goods for sale within the District needs a street trading consent issued by the Council.
- 3.2 On receiving the application Officers refer to the current Street Trading Policy.
- 3.3 The current Policy permits trading between the hours of 08:00 and 18:00.
- 3.4 Mr Sangha has applied for a street trading consent in order to sell hot food. The consent, if granted will permit him to trade from a fixed pitch at Crimscote Square, Hatton Park, Warwickshire CV31 1RB. A copy of the application form is attached as Appendix 1.
- 3.5 The hours applied for are shown in the table below:

	Trading hours
Friday	15:00 to 22:00
Saturday	09:00 to 22:00
Sunday	09:00 to 22:00

## 4. Policy Framework

### 4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
<b>External</b>		
<b>Health, Homes,</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure,</b>

<b>Communities</b>		<b>Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels

<b>Impacts of Proposal</b>		
The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.	None	The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

- 4.2 Street trading can provide people with a flexible way of working and helps to meet the demands of the public where and when that demand arises. Warwick District Council recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the district, some of whom are unable to travel to centralised shopping centres.

4.3 The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully.

#### 4.4 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

#### 4.5 **Impact Assessments**

The impact assessments for this have been considered as part of the policy setting

### 5. **Budgetary Framework**

5.1 There is no statutory right of appeal in respect of a refusal of a street trading consent.

### 6. **Risks**

6.1 There is no statutory right of appeal in respect of a refusal of a street trading consent, other than by means of a judicial review of the administrative action in reaching the decision.

### 7. **Option(s) available to the Panel**

7.1 Mr Sangha's application is accepted and he is permitted to trade for the hours requested.

7.2 Mr Sangha's application is accepted but he is restricted to trading within the standard 08:00 to 18:00 hours.

7.3 Mr Sangha's application is accepted subject to conditions agreed by the Panel, if they deem these to be reasonable necessary.

7.4 Mr Sangha's application is refused.

### 8. **Background**

8.1 Mr Sangha submitted an application for an annual street trading consent on 18<sup>th</sup> June 2019. The proposed dates for which Mr Sangha wishes to supply hot food have also been provided. This is attached as Appendix 1. Alongside his application Mr Sangha has included supporting documents which are attached as Appendix 2.

8.2 Mr Sangha was informed by the Licensing Team that in accordance with the current scheme of delegation Officers would be unable to determine the application due to the request for extended operating hours

Photographs of where the proposed food trailer will be located are attached as Appendix 3.

List of conditions attached to any static street trading consent issued are attached as Appendix 4.

A copy of the Warwick District Council's street trading policy is attached as Appendix 5.

- 8.3 A copy of the application was sent to Warwickshire Police and Warwickshire Highways and Environmental Health, who have not made any representations.
- 8.4 The Street Trading Policy states that *"In considering applications for the grant of a street trading consent the following factors should be considered:*
- a) *Public Safety*  
*Whether the proposed activity represents or could present a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions.*
  - b) *Public Order*  
*Whether the proposed activity presents or could present a risk to public order.*
  - c) *The Avoidance of Public Nuisance*  
*Whether the proposed activity presents or could present a risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.*
  - d) *Local Area Needs*  
*Consideration will be given to the character of the area (eg conservation area)"*
- 8.5 The Street Trading Policy also states that *"The Council generally will only permit street trading between 06:00 and 18:00. Any trading outside these hours will have to be approved by the Licensing and Regulatory Committee. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate."*