

 Licensing and Regulatory Committee 21 December 2016		Agenda Item No. 4
Title	Application for a Street Trading Consent to trade outside the hours set out in Warwick District Council s Policy	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	2/12/2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	3/12/2016	Moira-Ann Grainger
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a Street Trading Consent application to trade outside the permitted hours set out in the policy.

2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the Street Trading Consent should be granted in line with the application.

3. **Reasons for the Recommendation**

- 3.1 Warwick District Council have designated every street within the District as a Consent Street. Any person who wishes to expose goods for sale anywhere the public have free access must apply for a Street Trading Consent.
- 3.2 The Council's Policy permits trading between the hours of 06:00 and 18:00. However, any trading outside these hours may be approved by the Council's Regulatory Committee.
- 3.3 On 1 November 2016 Mr Kendall Munsey applied for a renewal of his street trading consent to trade from his ice cream van from 12:00 to 19:00. If granted this consent would permit Mr Munsey to trade throughout the District during these hours only.
- 3.4 Upon application Mr Munsey was required to provide the Licensing Department with photographs of his vehicle which will be made available at the Licensing and Regulatory Panel. Mr Munsey also provided the Council with a copy of his public liability insurance and a basic disclosure. A copy of the insurance certificate and Basic Disclosure will be made available at the Licensing and Regulatory Panel.

4. **Policy Framework**

- 4.1 **Fit for the Future** – 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.
- 4.2 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.

5. **Budgetary Framework**

- 5.1 There would be no budgetary impact.

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. Alternative Option(s) considered

- 7.1 The Panel may grant Mr Munsey's application but restricted the consent to trading within the hours set out within the Policy.
- 7.2 The Panel may refuse Mr Munsey's application.

8. Background

- 8.1 When considering the application the panel should consider the following:-

- 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)
- e) The Council's Street Trading Consent Policy (attached as appendix 1)