

Report to the Licensing Committee

Date of meeting: 13th May 2021

Subject: Application for a Street Trading Consent – The Broadway, Loughton

Responsible Officer: Peter Jones

Democratic Services Officer L Kirman (01992 564243)



**Epping Forest
District Council**

Decisions Required:

To consider an application for a Street Trading Consent under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for a Grant of a Street Trading Consent

1. On the 24th March 2021, the Licensing Department received an application for a Street Trading Consent from Stuart Matthews of Debden Traders' Association, to trade at The Broadway, Loughton. A copy of the application is attached to this report. The application sets out the goods and services offered for sale.

Stall for market selling mixed goods including hot and cold food and drink (no alcohol).

Monday to Sunday 08:00 – 17:00.

Consultation

2. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 to carry out any consultation, but the Licensing Officer notified Essex Police, Essex Fire and Rescue Service, Environmental Health, Community Resilience, Essex County Council Highways, Loughton Town Council and the ward councilors.
3. Public notices were also placed along The Broadway at eight (8) locations, four (4) on each side of the road. Copies of these are attached to the report.
4. The authority has received three (3) representations to this application. These are from Essex County Council, a local business and a regular stall holder.
5. Essex Police, Environmental Health, Community Resilience, Essex County Fire and Rescue Service, and Loughton Town Council have no comments or objections to make.

Conditions

6. Section 13 of the Council Policy states:
Street Trading Consents: *The conditions attached to all Street Trading consents stipulate that a consent holder shall not assign, sub-let or part with his interest or possession of Street Trading Consent. And The consent granted is specific to the person to whom it is issued and is **non-transferable and there can be no sub-letting.***

For this reason, any stall holder or trader MUST be a member on the Debden Traders' Association.

7. The sub-committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent –
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
8. Standard Condition 14 of a Street Trading Consent specifies
No business other than that of the sale of food and drink shall be carried on at the stall.

This condition WILL need to be amended, as this application seeks for other items; and the sub-committee should look to make this appropriate if granting a consent.
9. The Consent can include permission to trade –
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
10. The sub-committee may decide that the Consent is subject to conditions –
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
11. Unless the sub-committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions are attached.
12. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

13. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Example Permit Conditions
- Application for a Street Trading Consent
- Public Liability Insurance
- Public Notices at site
- Photos of the site
- Copies of all responses received.

Example permit conditions:

1. This Consent is valid from and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder shall not cause any nuisance.
4. No recorded or amplified music or radio shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The Consent Holder's stall shall be kept in a clean, safe and well-maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disabled people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
14. No business other than that included in the 'Description' above shall be carried on at the stall.
15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
16. The consent holder shall ensure adequate provision for pest control.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission is not required.

Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not:
 - a) Give the trader immunity from control.
 - b) Indicate that the unit is exempt from business rates.
 - c) Override parking restrictions or any other traffic regulations.