

Report to Licensing Sub-Committee
Date of Meeting: 4th March 2010

Subject: Application for a Street Trading Consent.
Local Government (Miscellaneous Provisions) Act
1982 Part III – Chester Road, Loughton - Simba Softy

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Committee Secretary: Mark Jenkins (01992 56 4607)



1. APPLICATION

This is an application for a Street Trading consent.

The purpose of this hearing today is to consider whether to grant consent for Chester Road, Loughton, Essex.

2. BACKGROUND INFORMATION

Mr Fitzpatrick (the applicant) has been trading at Chester Road for approximately 20 years. The licensing enforcement team visited Mr Fitzpatrick and requested Mr Fitzpatrick to apply for a street trading consent.

3. APPLICATION

The application has been consulted on for a period of 21 days. Mr Fitzpatrick has displayed a public notice of his intention to apply for the Street trading consent. Mr Fitzpatrick has also supplied a copy of his public liability insurance. A copy of the application, plan, and supporting documents are supplied in the agenda.

4. OBJECTIONS

The licensing section has received objections from the following:

- (a) Environment & Street Scene Directorate- Mr Smith
- (b) Loughton Residents Association -David Linnell
- (c) Loughton Town council -Vivienne Messenger; and
- (d) Essex County Council, Highways department- Ken Barrett

5. SUPPORT

The licensing section also received e-mails and letters of support from the following:

- (a) Mr Adams;
- (b) Mr Walker;
- (c) Roisin Hyland;
- (d) Sandra Dear;

(e) Mrs Jean Capocci; and

(f) Mr Allistar Sergent

6. THE LICENSING AUTHORITY

When granting a street consent the authority must take into considerations paragraph 7 schedule 4 of the Local Government Miscellaneous Provisions Act 1982 which are set out below:

Paragraph 7 Schedule 4

(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.

(2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.

(3) A street trading consent shall not be granted—

(a) to a person under the age of 17 years; or

(b) for any trading in a highway to which a control order under section 7 of the **M1** Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

(4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

(5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph 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).

(6) The council may at any time vary the conditions of a street trading consent.

(7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.

(8) The council may include in a street trading consent permission for its holder to trade in a consent street—

(a) from a stationary van, cart, barrow or other vehicle; or

(b) from a portable stall.

(9) If they include such a permission, they may make the consent 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.

(10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

(11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

7. RIGHT OF APPEAL

The Act gives no right of appeal to the Magistrates Court. However, the exercise by a Local Authority of their powers to grant or refuse a Street Trading Consent is one to which the rules of natural justice apply and particular notice of the Human Rights Act should be considered.