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AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Wednesday 28th November 2018 at 10.30a.m.
Venue:	Council Chamber
Membership:	Councillors Cross, Greig and Skipp
Officers attending:	Mel Harris - Head of Licensing & Safer Communities Andrew Smith – Corporate Legal Adviser
Committee Enquiries:	Cheryl Salmon, Ext. No. 2454

PART I

(Business to be taken in public)

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee (as attached)**
- 3. Application for Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982 made by Mr Heath Hillier for a seafood stall at the Woodman's Arms Public House**
The report of the Head of Licensing and Safer Communities is attached.
- 4. Decision**

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LICENSING SUB COMMITTEE

28th November 2018

Subject: Application for Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982 made by Mr Heath Hillier for a seafood stall at the Woodman's Arms Public House

Report of the: Head of Licensing and Safer Communities

1. Purpose of Report

To consider an application for the grant of a street trading consent to sell seafood at the Woodman's Arms Public House.

2. Background

2.1 The Council as a Licensing Authority has power under the Local Government (Miscellaneous Provision) Act 1982 to regulate street trading in the Borough.

2.2 A Street Trading Consent is required to trade on any street (which includes roads, footways, forecourts, beach or other areas to which the public has access) within the Borough.

2.3 The Licensing Committee at its meeting of 12 March 2009 passed the following resolution:

To adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading activities.

2.4 The effect of this resolution makes it an offence to engage in street trading in any street or other place identified in the above resolution without first being authorised to do so by the Council.

2.5 The Local Authority may attach conditions to a Street Trading Consent. These may include conditions to prevent the obstruction of the street and danger to persons using the street or the prevention of nuisance or annoyance.

2.6 A Street Trading Consent may only be granted for a maximum period of twelve months.

- 2.7 There is no appeal procedure against the refusal or revocation of any consent. An applicant may make a claim for judicial review for any decision made by the Council.

3. The Application

- 3.1 The application is to sell seafood (prawns, crabs, shellfish and jellied eels) from a trailer in the corner of the Woodman's Pubic House car park between the following hours:

- Friday 12 noon to 6pm
- Saturday and Sunday 10 am to 6pm

A copy of the application is attached at Appendix A.

- 3.2 The application was circulated for consultation to the following organisations:

- Essex County Council Highways
- Development Control
- Essex Police
- Essex Fire & Rescue
- Environment Health

In addition the application was sent to all properties within 100m of the premises.

- 3.3 One letter of objection was received and is attached at Appendix B.

4. Legal Implications

- 4.1 None

5. Human Resources, Equality, IT/IEG implications

- 5.1 None

6 Financial implications

- 6.1 None

7. Options

The Sub-Committee is advised that it has the following options when determining this application:

- (i) Grant the application on the terms and conditions applied for.
- (ii) Grant the application with amendments.
- (iii) Reject the application.

Recommendation:

The decision of the Sub Committee is required following proper consideration of the application and any representations made to the Sub Committee.

Resolution Required.

Appendices

Appendix 1 - Application

Appendix 2 – Letter of objection

Background Papers: Street Trading Policy