

18 October 2023

Committee	Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators)
Date	Thursday, 26 October 2023
Time of Meeting	1:00 pm
Venue	Tewkesbury Borough Council Offices, Severn

ALL MEMBERS OF THE SUB-COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ELECTION OF CHAIR

To elect a Chair for the ensuing meeting.

2. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	APPLICATION FOR A STREET TRADING CONSENT - TEWKESBURY CHRISTMAS MARKET	1 - 11
	To determine the street trading consent application and if the event should be permitted on an annual basis, subject to the necessary renewal application being made.	
5.	SEPARATE BUSINESS	
	The Chair will move the adoption of the following resolution:	
	That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
6.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE	12 - 31
	<i>(Exempt –Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)</i>	
	To determine an application for a private hire driver's licence.	
7.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE	32 - 53
	<i>(Exempt –Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)</i>	
	To determine an application for a private hire driver's licence.	
8.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE	54 - 74
	<i>(Exempt –Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)</i>	
	To determine an application for a private hire driver's licence.	
9.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE	75 - 95
	<i>(Exempt –Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)</i>	
	To determine an application for a private hire driver's licence.	

COUNCILLORS CONSTITUTING SUB-COMMITTEE

Councillors: C F Coleman, A Hegenbarth and G M Porter

Reserve: P A Godwin

Substitution Arrangements

The Council has a substitution procedure and, in respect of this Sub-Committee, should a Councillor be unable to attend the meeting, a substitute will be selected from the parent Licensing Committee.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators)
Date of Meeting:	26 October 2023
Subject:	Application for a Street Trading Consent – Tewkesbury Christmas Market
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Four

Executive Summary:	<p>Mr Michael Jones, on behalf of Tewkesbury Christmas Market, has applied for a Street Trading Consent for the Tewkesbury Christmas Market taking place on 19 November 2023.</p> <p>The event is due to take place on designated prohibited streets and trading on these streets is not permitted.</p>
Recommendation:	<p>To DETERMINE:</p> <ul style="list-style-type: none"> a) whether or not to grant the street trading consent to Mr Jones in respect of the application; and, b) whether to permit the event on an annual basis, subject to the necessary renewal application being made.

Financial Implications:	None
Legal Implications:	<p>There is no right to appeal against a decision to grant or refuse a street trading consent.</p> <p>Full reasons will need to be given should Members resolve to refuse the application.</p>
Environmental and Sustainability Implications:	None.
Resource Implications (including impact on equalities):	The Licensing Officer must notify the applicant of the Licensing Sub-Committee’s decision.
Safeguarding Implications:	None.

Impact on the Customer:

None.

1.0 INTRODUCTION

1.1 The Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as ‘the sale and exposing or offering for sale any article, including a living thing, in a street.’

1.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders;
- Consent Streets: where street trading is prohibited without Local Authority consent; or
- Licence Streets: where trading is prohibited without a Local Authority licence.

2.0 APPLICATION

2.1 On 1 September 2023, Mr Jones applied for a street trading consent for the following:

Date of event: 19 November 2023

Location: High Street, Barton Street and Church Street, Tewkesbury

Types of goods: Crafts, gifts, confectionary, baked goods, charity services and food and drink

Times: 11.00 – 18.30 hours

2.2 A copy of the application form is attached at **Appendix A**.

2.3 A plan of the High Street is attached at **Appendix B**.

2.4 A plan of Church Street and Barton Street is attached at **Appendix C**.

2.5 High Street, Barton Street and Church Street, Tewkesbury are all designated as a prohibited streets. This means that no street trading consent application can be made for this area.

2.6 The Licensing Sub-Committee is requested to consider overriding this restriction to allow trading to take place here and permitting this event on an annual basis, subject to a renewal application being made.

2.7 There are no other street trading consents in place for this location.

2.8 The necessary road closure order has been applied for to Gloucestershire County Council.

2.9 The organiser has public liability insurance for up to £10million.

3.0 HISTORY

3.1 The Christmas market has been taking place in the current format for three years and previous to that was on the High Street for 20+ years. Mr Jones has been on the organising committee for eight years and has held a management role for the last three years.

3.2 No street trading consent application has been made previously. The event came to the attention of the Licensing team in 2022 when it was too late to apply for a Street Trading Consent.

3.3 The organiser was contacted and has fully co-operated with the Licensing team and submitted the required application for 2023.

4.0 OPTIONS FOR THE LICENSING SUB-COMMITTEE

4.1 The Licensing Sub-Committee must consider the following points from the policy and ensure that:

- there would be no significant effect on road safety either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- there are no concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- there would be no significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin;
- there is not already adequate like provision in the vicinity of the site to be used for street trading purposes;
- there is a no conflict with Traffic Orders such as waiting restrictions;
- the site or pitch does not obstruct either pedestrian or vehicular access, or traffic flows, or place pedestrians in danger when in use for street trading purposes;
- street trading activities would not undermine safe and efficient passage along public highways or cause congestion;
- the site or pitch would not interfere with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- the site or pitch allows the Consent Holder, staff and customers to park in a safe manner;
- the trading activity would not detract from the visual, or other, attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest;
- street trading activities would not conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc;
- if the street trading activity is carried out after dusk, the site is adequately lit to allow safe access and egress from the site for both customers and staff;
- a consent has not already been granted to another person to trade similar articles in the immediate vicinity.

- 4.2 The Sub-Committee may:
- (a) grant consent to the applicant as applied for;
 - (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
 - (c) refuse to grant Consent.

4.3 In all cases, the Sub-Committee must set out clear reasons for its decision.

4.4 The procedure for consideration of this application by the Licensing Sub-Committee is attached at **Appendix D**.

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 The Council's Street Trading policy requires all new applications for street trading consent to undergo a consultation process, whereby comments are invited from the following consultees:

- Gloucestershire Constabulary
- Gloucestershire Highways
- Relevant Town / Parish Council(s)
- Borough Councillor(s) for the relevant Ward(s)
- Environmental Health Authority
- Planning Authority

Additionally, the application must be advertised locally by way of a notice being displayed at the proposed location for at least 14 days to give residents and businesses the opportunity to comment.

6.2 No objections have been received during the consultation period.

6.3 With regards to the consultation with Environmental Health, this is for food and nuisance purposes. The organiser will ensure that all vendors have access to handwashing facilities and ask for proof of food registration prior to the event commencing. The organiser will also provide a final list of confirmed traders 1 week prior to the event.

6.4 Planning permission would not be required for a temporary event such as this.

7.0 ASSOCIATED RISKS

7.1 None.

8.0 MONITORING

8.1 None.

9.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

9.1 Tewkesbury Borough Council's Street Trading Policy (March 2019).

Background Papers: Local Government (Miscellaneous Provisions) Act 1982

Tewkesbury Borough Council Street Trading Policy 2019

Contact Officer: Licensing Team Leader 01684 272143
michelle.bignell@tewkesbury.gov.uk

Appendices: Appendix A: Application form
Appendix B: High Street Plan
Appendix C: Barton Street/Church Street Plan
Appendix D: Procedure

APPLICATION FOR STREET TRADING - ONE DAY EVENT OR MARKET
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
SCHEDULE 4



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Please complete all questions on the form. If you have nothing to record, please state 'not applicable' or 'none'.

If you are completing this form by hand, please write legibly in block capitals using black ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

You must ensure that your application is submitted at least 5 weeks before the event is due to take place. Any application received after this time may be rejected.

Part 1 – Details of applicant

1. Full name of applicant (must be individual)

MICHEAL J. JONES

2. Home address (including postcode)

[REDACTED]

3. Date of birth

[REDACTED]

4. Email address

5. Telephone number

[REDACTED]

6. Trading name of business (if any)

Tewkesbury Christmas Market.

Part 2 – Details of activity

7. Where do you wish the market/event to take place? (Give street name/area name (if a park or open space) and exact location and provide a plan)

High Street, Barton Street, Church Street
(all part of).

8. Please give day and times you wish to trade.

Day: Sunday 19/11/2023

Times: 11:00 – 18:30 (MAX)

9. If trading on private land do you have written authority from the Landowner / Tenant Yes No

Provide their contact details including a contact telephone number

10. Describe the structures from which traders intend to sell their goods or services (e.g. stall, vehicle, stand etc.)

Cotswold Market Hired Stalls, plus individual purpose built
and give approximate sizes (please use additional sheets if necessary) Catering Stalls x80

Length 3 Width 2 Height 2

11. List the things you wish to sell (e.g. fruit, flowers, food, hat/scarves) or the services you wish to provide (e.g. shoe shining, face painting). Please give as much detail as possible.

Craft, gifts, confectionary, Baked Goods, charity,
Services, food + drink.

12. How many stalls will be selling goods within the market/event.

~ 80

13. Source of electricity and water (how will you be supplying power to the market and how will you provide water for food traders (if applicable))

4 x generators (Shawman) lorries, Stage via city power
food stalls bring container water.

14. Sale of Food Only

(a) How many stalls will be preparing and/or selling food

~ 10

(b) State the type of food(s) which will be sold

Cakes, Confectionary, hot food Burgers/Sausage/Pork/chips etc

(c) State the location of toilet facilities to be used:

Public facilities Town hall, Spring gardens, cafes/pubs where pass.

(d) Please state what hand washing equipment you will have available (each food trader must have a hand wash basin available for their sole use)

All food stalls provide own as part of their Terms + Conditions

(e) Please state what equipment washing facilities will be available e.g. single sink/double sink (each food trader must have access to equipment wash facilities)

As above.

12. Where will the receptacle / stalls will be stored outside trading hours

Setup + removed all in one day.

15. Have you organised markets/events in this borough before? Yes No

If yes give details

Previous 2 years I have organised this event.

16. Do you hold a street trading licence in this or any other borough? Yes No

If yes give details

Current holder of Hot+Cold food+drink (ice creams) at Back of Avon.

Part 3 – Important Notes

The following **MUST** be submitted with your application

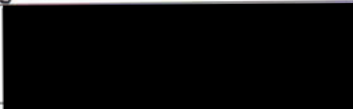
- a) The appropriate fee
- b) Evidence of Public Liability Insurance cover to the minimum value of £2,000,000 for the market
- c) A plan of the site and pitch locations
- d) A list of traders with their contact details, food business registration details (for food traders) and the items they wish to sell. Note this can be provided up to 7 working days before the start of the market. ✓

Part 4- Signature

The form must be signed by the applicant.

I wish to apply for a event/market - street trading licence and confirm that the information given by me on this form is correct. I realise that giving false information could lead to prosecution and the loss of any licence granted.

Signature:

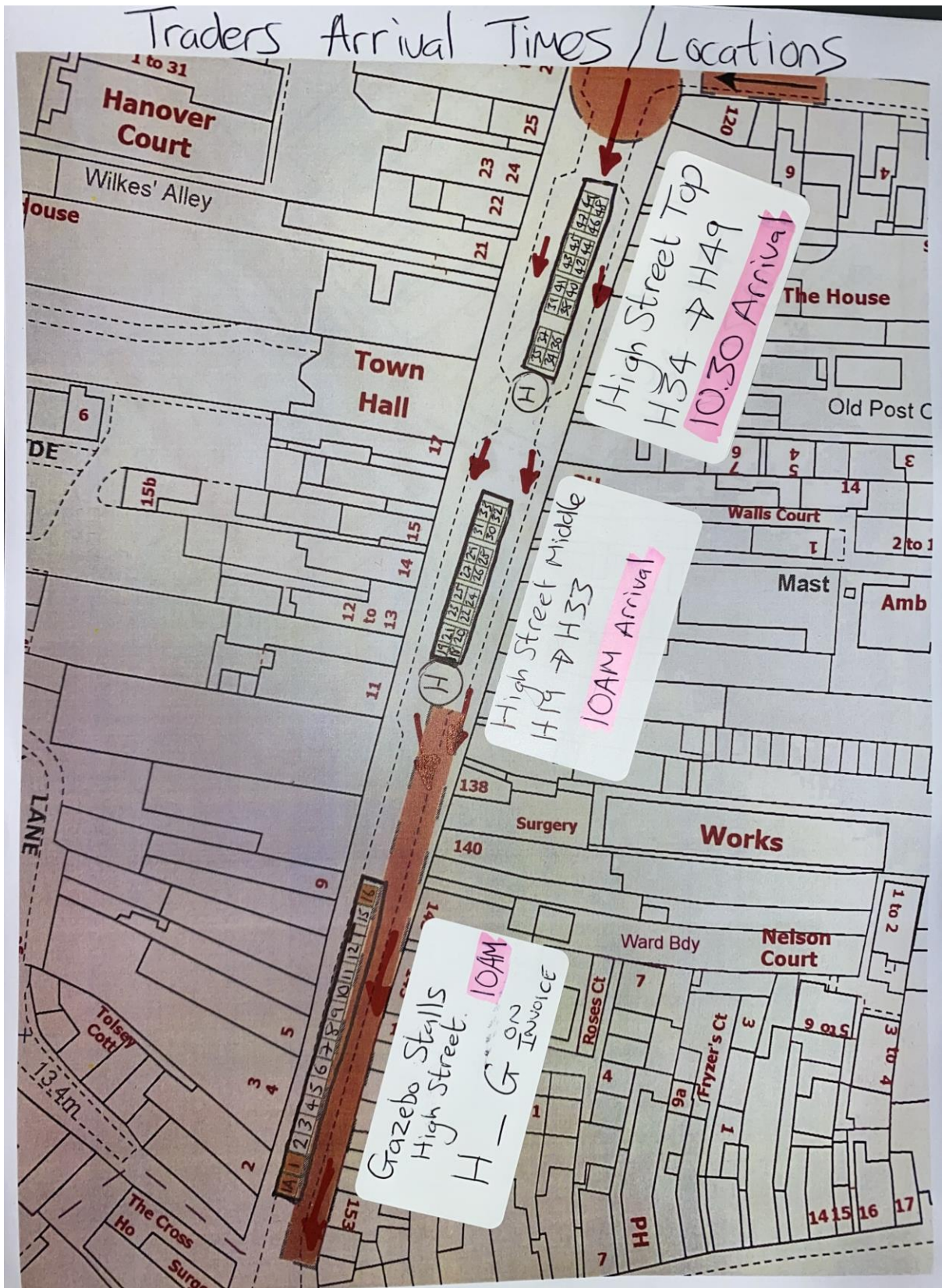


Print Name:

M. J. Jones

Date:

10/8/23



10





LICENSING SUB-COMMITTEE
(STREET TRADING)
PROCEDURE

1. The Chairman will ask everyone present to introduce themselves.
2. The Chairman will briefly explain the procedure to members of the public.
3. The Licensing Officer will open the hearing with an outline of the relevant details of the application.
4. The applicant or his/her representative will be invited to present his/her case, at the conclusion of which he/she, together with any witnesses he/she may have called, may be questioned by Members of the Sub-Committee.
5. The Sub-Committee may then invite comments from Officers and, if appropriate, representatives of such bodies as the Police and Fire Authority, following which any objectors, and others wishing to make representations in respect of the application, will be invited to make their submissions. Members of the Sub-Committee may ask questions of all those present.
6. The applicant will then be allowed to make a final statement in response to any objections that have been raised.
7. At the conclusion of the hearing, the stage at which the Sub-Committee will wish to deliberate upon the application, the applicant will be asked to withdraw together with all other parties present. If it is necessary to recall any party to provide further information or clarification all parties at the hearing must be invited to return.
8. When the Sub-Committee has reached its conclusions the parties will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a Licence/Consent.

Agenda Item 6

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted