

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Sub-Committee (Street Trading and Private Hire Vehicles, Drivers and Operators)
Date of Meeting:	8 November 2022
Subject:	Application for a Street Trading Consent – Winchcombe Christmas Festival
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

Mr Philip Parker, on behalf of Winchcombe Together Association, has applied for a street trading consent for the Winchcombe Christmas Festival taking place on 6 December 2022. The event is due to take place on a prohibited street and trading on these streets is not permitted.

Recommendation:

To DETERMINE:

- a) whether or not to grant the street trading consent;
- b) whether to waive the application fee for the event; and
- c) whether to permit the event on an annual basis, subject to the necessary renewal application being made.

Financial Implications:

None.

Legal Implications:

There is no right to appeal against a decision to grant or refuse a street trading consent. Full reasons will need to be given should Members resolve to refuse the application.

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.
- Licence Streets: where trading is prohibited without a Local Authority licence.

2.0 APPLICATION

2.1 On 20 October 2022, Mr Parker applied for a street trading consent for the following event:

Date of event:	6 December 2022
Location:	North Street, Abbey Terrace car park and side road, Winchcombe
Type of goods:	Arts and crafts, clothing, chocolates, gifts, hot and cold food
Times:	1700 – 2000 hours

2.2 A location plan is attached at **Appendix A**.

2.3 North Street, Winchcombe has been designated as a prohibited street. This means that no street trading consent application can be made for this area.

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

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

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

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

2.8 The application should incur an application fee. At present there is no day rate for a prime site prescribed in the licensing fees and charges. A calculation has been carried out and the fee due is £91; the applicant has requested that this fee is waived. Within Tewkesbury Borough Council's Street Trading Policy, there are delegated powers to the Head of Community Services, in conjunction with the Chair and Vice-Chair of the Committee, to waive fees for community events; however, on this occasion it is asked that the Sub-Committee determine this request.

3.0 HISTORY

3.1 The Christmas festival has been taking place in Winchcombe for eight years.

3.2 No street trading consent application has been made previously by the organisers. The event came to the attention of the Licensing team due to a Temporary Event Notice enquiry being made.

3.3 The organiser was contacted and has fully co-operated with the Licensing team and submitted the required application within 24 hours.

4.0 OPTIONS FOR THE LICENSING SUB-COMMITTEE

4.1 The Licensing Sub-Committee must be consider the following points from the Council's Street Trading Policy and ensure that none of these would arise:

- a significant effect on road safety either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- 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; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders, such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the consent holder, staff and customers to park in a safe manner; or
- the trading activity would 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; or
- street trading activities would 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; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or

- a consent has 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; and
 - (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.

5.0 CONSULTATION

5.1 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.

5.2 Due to the timescales, the application has not been advertised or consulted upon; however, the Town Council is involved with the event, County highways has authorised the use of the roads and the Police have been informed.

5.3 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 one week prior to the event.

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

6.0 ASSOCIATED RISKS

6.1 None.

7.0 MONITORING

7.1 None.

8.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

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

Background Papers: Local Government (Miscellaneous Provisions) Act 1976

Tewkesbury Borough Council Street Trading Policy 2019

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Appendices: Appendix A - Site plan of the market