

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:

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.

The event is due to take place on designated prohibited streets and trading on these streets is not permitted.

Recommendation:

To DETERMINE:

- 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:

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; 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

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