

Report to the Licensing Sub-Committee

Date of meeting: 10 January 2017



**Epping Forest
District Council**

Subject: Street Trading Consent - Bradys Sea Food Stall, Forecourt Duke of Wellington Pub, 36 High Street Epping CM16 4AE

Responsible Officer: Nuala Clark (01992 564340).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To determine the application for a Street Trading Consent for Bradys Sea Food Stall under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for Grant of a Street Trading Consent

1. On 26 October 2016, the Authority received an application made by Mr. Jack Jeffries for a street trading consent to trade on the forecourt of The Duke of Wellington Public House 36 High Street Epping CM16 4AE]. A copy of the application is attached to this report. The public notice and the plans are also attached. The application sets out the relevant licensing activities applied for, the sale of hot and cold sea food, and times requested:

- (a) Thursday and Friday 13:00 to 20:00;
- (b) Saturday 11:00 to 19:00; and
- (c) Sunday 11:00 to 17:00.

Consultation

2. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, Highways Authority & the Clerk of Epping Town Council and the Council Bulletin. A public notice was also placed in the Epping Forest Guardian and on site.

3. The authority has received one email from Essex Police who had no objection to the application. A copy of the email is attached to this report.

4. There were no responses from the other consultees.

Conditions

5. The Sub-Committee may attach conditions to a street trading consent as it considers reasonably necessary. These can 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 Consent can include permission to trade:
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
7. The Sub-Committee may decide that the Consent is 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.
8. Unless the Sub-Committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.
9. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

10. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Application for Street trading consent
- Map showing the area
- Newspaper notice
- An example of a Street Trading Consent

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT

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1. **CONSENT HOLDER:**
2. **LOCATION:**
3. **DESCRIPTION:**
4. **DURATION:**
5. **SIGNED ON BEHALF OF THE COUNCIL** _____ - _____

1. This Consent is valid from _____ and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder shall not cause any nuisance.
4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disabled people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.

12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
 13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
 14. No business other than that included in the 'Description' above shall be carried on at the stall.
 15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
 16. The consent holder shall ensure adequate provision for pest control.
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THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
 2. Indicate that planning permission is not required.
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Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.
- Imply approval from the Highway Authority or any other person or Authority.