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**COTSWOLD**  
DISTRICT COUNCIL

Wednesday, 21 July 2021

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## **LICENSING SUB-COMMITTEE (PRIVATE HIRE, HACKNEY CARRIAGE AND STREET TRADING CONSENT MATTERS)**

A meeting of the Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters) will be held in the Council Chamber, at the Council Offices, Trinity Road, Cirencester on **Thursday, 29 July 2021 at 10.00 am.**

Rob Weaver  
Chief Executive

To: Members of the Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters)  
(Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Nikki Ind, Sue Jepson, Julia Judd, Juliet Layton, Dilys Neill, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

## AGENDA

1. **Election of Chair**  
To elect a Chair of the Sub-Committee, to serve for the duration of the Meeting.
2. **Apologies**
3. **Substitute Members**  
To note details of any substitution arrangements in place for the meeting.
4. **To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.**  
  
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
5. **Application for a Street Trading Consent (Pages 3 - 16)**  
To consider an application for a Street Trading Consent

(END)

# Agenda Item 5

 <p><b>COTSWOLD</b> DISTRICT COUNCIL</p>	<p><b>COTSWOLD DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>LICENSING SUB-COMMITTEE – 29 JULY 2021</b></p>
<p>Report Number</p>	<p><b>AGENDA ITEM 05</b></p>
<p>Subject</p>	<p><b>APPLICATION FOR A STREET TRADING CONSENT</b></p>
<p>Wards affected</p>	<p>Siddington &amp; Cerney Rural</p>
<p>Accountable member</p>	<p>Planning and Licensing Committee</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader Tel:    Email: <a href="mailto:michelle.bignell@publicagroup.uk">michelle.bignell@publicagroup.uk</a></p>
<p>Summary/Purpose</p>	<p>To consider an application for a Street Trading Consent</p>
<p>Annexes</p>	<p><b>Annex A</b> – Location map <b>Annex B</b> – Photo of trailer <b>Annex C</b> – Copy of Street Trading Conditions <b>Annex D</b> – Procedure sheet</p>
<p>Recommendation/s</p>	<p>That the Sub-Committee considers the application and decides whether to;</p> <ul style="list-style-type: none"> <li><i>a) Grant a Street Trading Consent in the terms of the application</i></li> <li><i>b) Grant a Street Trading Consent for a temporary period</i></li> <li><i>c) Grant a Street Trading Consent with additional conditions</i></li> <li><i>d) Refuse the application for a Street Trading Consent</i></li> </ul>
<p>Corporate priorities</p>	<p>Ensure that all services delivered by the Council are delivered to the highest standard.</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Highways - Gloucestershire County Council Food Safety and Health and Safety – Cotswold District Council Gloucestershire Police Ward Member and Parish Council Public Notice for 28 days at the site</p>

## 1. BACKGROUND

- 1.1. The Local Government (Miscellaneous Provisions) Act 1982 allows applicants to apply for a Street Trading Consent (STC)
- 1.2. The Applicants, Mr Russell Volk and Ms Anna Langley-Poole, have applied for a STC in respect of a layby on Kingshill Lane, Cirencester. They have applied to sell a selection of South African street food and assorted curries from Tuesday to Saturday 16.00 - 20.00 hours and Sunday 10.00 - 14.00 hours. If granted, the Applicants are seeking a 12 month Consent.
- 1.3. A map of the proposed location can be found at **Annex A**.
- 1.4. Photographs of the vehicle can be found at **Annex B**.

## 2. MAIN POINTS

### 2.1. Consultations

Consultee	Objection	No Objection
Highways		X
Police		X
Environmental Health		X
Fire and Rescue		X
Planning		X
Trading Standards		X
Ward Member		X
Parish Council	X	

### 2.2. There has been an objection made by the Parish Council. Their concerns are as follows:

- The lay-by is very narrow and not long enough for more than 2 cars, therefore, customers would need to park in the lay-by on the opposite side of the road and then cross
- The road has a 60 mph speed limit (except for the section near to the Schools) and crossing can be hazardous
- There is no safe pedestrian route along Kingshill Lane and, therefore, any pedestrian customers from the Football Club would be put at risk
- Kingshill Lane can be like a race-track at busy times which would create a safety issue for vehicles pulling into and out of the lay-by as well as for people crossing on foot
- There is already a litter problem in the lay-bys on Kingshill Lane so there is concern that a fast food outlet would exacerbate it

2.3. The Applicants have made the following comments on the receipt of the Parish Council comments:

- We are hoping mainly to use CirenEats to distribute our food, rather than relying on passing trade. We will be operating out of peak traffic times (evenings and Sundays mainly)
- As such, we aren't wanting to compete with the caterers at the football club, or to attract hordes of pedestrians
- The lay-by is big enough for the school bus to park-up during the afternoons (with two SUVs behind), so we think it will be safe for our low foot-fall business in the evenings and on Sundays. We asked for this lay-by rather than the longer one opposite because it is wider and, in our view, safer
- We note that Highways have raised no objections to our application
- We will always take the trailer home when we leave, so the lay-by will be available in its entirety during busy times of day
- We have registered as Waste Carriers', and would most certainly remove litter before going home. A dirty layby is no advertisement for our business!
- We are offering restaurant-quality food in the early evenings & weekends, not a venue for football fans to pick up a late-night burger after a few beers. Safety and hygiene are a key to our business, and we feel our application will enhance the amenity of the local area

2.4. Under Cotswold District Council's Street Trading Policy, there are 3 Licensing Objectives:

- (a) Public safety
- (b) Public Order
- (c) Preventing nuisance or annoyance

2.5. Any Consent issued is subject to the Standard Conditions. A copy of Cotswold District Council's Standard Conditions are attached at **Annex C**.

2.6. A suggested procedure for the Meeting is attached at **Annex D**.

### 3. FINANCIAL IMPLICATIONS

3.1. There are no financial implications arising directly from this report.

### 4. LEGAL IMPLICATIONS

4.1. There is no right of appeal against the refusal to grant a Street Trading Consent. However, an aggrieved Applicant may seek a Judicial Review of the Council's decision.

4.2. In light of the implications of the Human Rights Act 1998, the Sub-Committee must give the Applicant and other interested parties a fair hearing and consider this application paying special attention to the principle of proportionality between the protection of individual rights and the interests of the community at large.

### 5. BACKGROUND PAPERS

5.1. Cotswold District Council Street Trading Policy 2014.

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### STANDARD CONDITIONS FOR STREET TRADING CONSENTS

1. A Street Trading Consent is valid only for the period specified on the Consent.
2. The Consent Holder must pay the fee in full prior to trading.
3. Street trading is limited to the days of the week and between the hours stated in the Consent.
4. The valid identification disc or card issued by Cotswold District Council must be displayed on the trading unit in a conspicuous place, and must be clearly visible to the public.
5. The Street Trading Consent relates to the permitted vehicle/stall only.
6. The Consent Holder must ensure that the stall/vehicle is positioned only in the allocated space in the location for which the Street Trading Consent is issued.
7. The Council must approve any changes to or replacement of the stall or vehicle.
8. The Consent Holder must not use the site for any other purpose other than that of the operation of the Street Trading Consent.
9. The Consent Holder must not carry on their trade in such a way as to cause obstruction of any street or to endanger persons using the street or cause any nuisance or annoyance.
10. The Consent Holder and/or his/her employees must only sell or offer for sale those goods specified in the Consent granted to the Consent Holder.
11. The Consent Holder's vehicle/stall must be kept in a clean, safe and well maintained condition.
12. Every static street trading vehicle/stall must be removed from the site at the end of the trading day unless otherwise agreed by the Council.
13. Holders of mobile Street Trading Consents must not trade in one place for more than 30 minutes at a time and must not return to the same location within a period of two hours.
14. The Consent Holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier, and they must leave the site and its immediate vicinity clear of refuse at the completion of trading.
15. No water or waste material must be discharged on to the highway or any adjacent property.
16. When trading from a layby, the Consent Holder must leave a maximum usable space to allow safe ingress and exit for vehicles.
17. No free-standing signs, for example. 'A' boards, are to be displayed on the street. No free-standing seating, tables, chairs, sunshades or other unapproved items are to be displayed.
18. No television, radio or other device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
19. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
20. A Street Trading Consent cannot be transferred or sold to another person.
21. The sub-letting of a Street Trading Consent location is prohibited unless otherwise agreed by the Council.

22. The Consent Holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle.
23. The Consent Holder must comply with the Equality Act 2010, ensuring they do not discriminate, harass or victimise customers or staff during the course of their trading. They will also ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
24. The Consent Holder must have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle or stall, and any additional equipment under their control.
25. These general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional Conditions may be required and will be displayed and listed on the Street Trading Consent.
26. The Consent Holder may terminate a Street Trading Consent by giving written notice to the Council.
27. Consent may be revoked by the Council at any time.

#### **Failure to Comply with these Conditions**

If the Consent Holder fails to comply with any of the Conditions attached to a Street Trading Consent, the Consent may be revoked. The Consent Holder may also be prosecuted for trading outside the location or times specified in the Street Trading Consent.

### **Additional Conditions (Where Applicable)**

1. Where gas cylinders are used, a valid Gas Safety Certificate is required to ensure the safety of all gas appliances
2. Where the vehicle/stall has a 240 volt electrical system, a valid Electrical Installation Certificate is required.
3. A serviceable fire blanket and suitable fire extinguisher(s) must be provided at all times.
4. A basic first aid kit must be provided.
5. A mobile phone must be available for use.
6. All staff involved in the preparation of food must hold a current Level 2 Food Safety Certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
7. No signs or objects, for example, tables and chairs, are to be placed on the highway or the site without prior approval by the Council.
8. No generator must be used without the consent of the Council.
9. Where seating is provided for consumption of food on site, toilet facilities must be made available.
10. The Consent Holder must make arrangements to ensure that all persons connected with the operation of the vehicle/stall have the means and opportunity to visit suitable toilet facilities, when necessary.

(END)

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**LICENSING SUB-COMMITTEE****PROCEDURE - APPLICATION TO GRANT A STREET TRADING CONSENT**

1.	Identification of persons present (excluding the press, and members of the public observing). Officers and Members to be introduced.	
2.	Officer to take Members through the report and advise of any new information.	
3.	Applicant invited to present their application.	
4.	Sub-Committee questions the Applicant on their application.	
5.	Parish Council, if present, invited to address Sub-Committee.	
6.	Sub-Committee question Parish Council, if necessary.	
7.	Other persons, if present, invited to address Sub-Committee.	
8.	Applicant invited to address Sub-Committee on representations referred to in 5 and 7	
9.	Applicant invited to present any final submissions.	
10.	Sub-Committee retires to make decision.	
11.	<p>On return, the Chair of the Committee to notify the applicants of the decision, and advise that this will be confirmed in writing:</p> <p>(i) if grant, advise Consent will be subject to:</p> <p style="padding-left: 40px;">a) Council's Standard Conditions;</p> <p style="padding-left: 40px;">b) and, if appropriate, any Additional Conditions required by the Licensing Committee</p> <p>(ii) if refuse,</p> <p style="padding-left: 40px;">a) to outline the reasons for refusal;</p>	

(end)

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