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COTSWOLD
DISTRICT COUNCIL

Friday, 5 November 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 **Monday, 15 November 2021 at 12.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters)
(Councillors Ray Brassington, Stephen Hirst, Juliet Layton, Dilys Neill and Gary Selwyn)

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. **Declarations of Interest**
To receive any declarations of interest from Members under the Code of Conduct for Members.

To receive any declarations of interest from Officers under the Code of Conduct for Officers.
4. **Application for a Street Trading Consent (Pages 3 - 22)**
Summary
To consider an application for a Street Trading Consent.

Recommendation
That the Sub-Committee considers the application and decides whether to;
 - a) *Grant a Street Trading Consent in the terms of the application*
 - b) *Grant a Street Trading Consent for a temporary period*
 - c) *Grant a Street Trading Consent with additional conditions*Refuse the application for a Street Trading Consent

Kevin Dunford, Licensing Officer, kevin.dunford@publicagroup.uk

(END)

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 15 NOVEMBER 2021
Report Number	AGENDA ITEM 04
Subject	Application for a Street Trading Consent
Wards affected	Siddington & Cerney Rural
Accountable member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Email: kevin.dunford@publicagroup.uk
Summary/Purpose	To consider an application for a Street Trading Consent
Annexes	Annex A – Location map Annex B – Applicant response to concerns raised Annex C – Copy of Street Trading Conditions Annex D – Procedure sheet
Recommendation/s	That the Sub-Committee considers the application and decides whether to; <ul style="list-style-type: none"> a) <i>Grant a Street Trading Consent in the terms of the application</i> b) <i>Grant a Street Trading Consent for a temporary period</i> c) <i>Grant a Street Trading Consent with additional conditions</i> d) <i>Refuse the application for a Street Trading Consent</i>
Corporate priorities	Ensure that all services delivered by the Council are delivered to the highest standard.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	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



1. BACKGROUND

- 1.1. The Local Government (Miscellaneous Provisions) Act 1982 allows applicants to apply for a Street Trading Consent (STC).
- 1.2. The Applicant, Cotswold Property Destinations Limited, have applied for a STC for the Gateway Visitor Centre, Spine Road East, South Cerney, Cirencester, Gloucestershire, GL7 5TL. They have applied in order to be able to accommodate pop up stalls selling hot food and drink along with additional goods, Monday to Sunday 10.00 - 23.00 hours. If granted, the Applicants are seeking a 12 month Consent.
- 1.3. A map of the proposed locations within the site, marked by blue outline, can be found at **Annex A**.

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 out-of-town rural location is inappropriate for late-night entertainment and bars and the consequent noise generated.
 - The site is already under pressure with the car park full at busy times. Intensification of use could lead to parking off-site on the Spine road itself.
- 2.3. The Applicants have submitted further information in response to the concerns raised and they can be found at **Annex B**.
- 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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Areas for Potential Street Trading

SPINE ROAD

Reduction tree species list:
 Whitehorse Birch 150-150 on waterbed (3)
 W88 Cherry Prunus avium 150-150 on waterbed (2)
 Common Alder Alnus glutinosa 85-120 on (2)
 Common Oak Quercus robur 80-80 on (2)
 Field Maple Acer campestre 80-80 on (1)

Orchard tree planting:
 at old local apple varieties, 100 cm high, and grown on a variety of root stock (M25, M26, M27, M28)
 Anyway Pear (B)
 Adelaide Kernel (B)
 Gloucester Underhill (B)
 Sodeberry Russet (B)
 Tipton Codlin (B)

Native shrub species:
 at 60-80 cm high with:
 Spiraea filiformis variegata (I)
 Gaultheria procumbens (I)
 Myrica gale (I)

Medium species list:
 Sporn at a rate of 4 specimens per square metre
 Variegated Ash Fraxinus excelsior 1.0%
 Common Hornbeam Cornus rugosa 1.0%
 Malus domestica 2.0%
 Lady's Slipper Galium verum 1.0%
 Cherry Laurel Laurus nobilis 1.0%
 Greater Spotted Thrush Turdus philomelos 1.0%
 Ragged Robin Lythrum salicaria 1.0%
 Redwing Parus Ptilopus erinaceus 1.0%
 Cowslip Primula veris 1.0%
 Redwing Parus Ptilopus erinaceus 1.0%
 Meadow Buttercup Ranunculus acris 2.0%
 Yellow Rattle Resiculus minor 1.0%
 Common Stone Flyer Anemone nemorosa 1.0%
 Fragrant Sweetgale Sium alba 1.0%
 Belderby Shady Galium 1.0%
 Deer-hill Shrubland Sarcocolla 1.0%
 Common Meadow-na Thalictrum flavum 1.0%
 Common Bunt. Agrostis capillaris 1.0%
 Meadow Foxtail Alopecurus pratensis 4.0%
 Sweet Vernal Grass Anemone nemorosa 2.0%
 Quality Great Grass meadow 1.0%
 Canted Dogtail Oenanthe crenata 4.0%
 Tuffed Hair-grass Deschampsia cespitosa 1.0%
 Red Fescue Festuca rubra 24.0%

Large species list:
 Hawthorn Crataegus monogyna
 Blackthorn Prunus spinosa
 Holly Ilex aquilinum
 Hornbeam Cornus rugosa
 Hazel Corylus avellana
 Dogwood Ranunculus acris
 Field Maple Acer campestre
 Crab Apple Malus sylvestris
 Oak Quercus robur
 Ash Fraxinus excelsior

Grey or buff Material 800 mm x 800 mm paving slabs or similar approved

New hedgelines to be planted to screen Units 8 from site entrance. Two rows planted at 4 per square metre (see species list)

Cotswold Outdoor

KEY

- Medium species
- Parking
- Terrace
- Orchard tree planting
- Orchard tree planting
- Orchard tree planting
- New tree planting
- Existing trees
- Trees to be removed or replaced
- Existing and new hedgelines
- Native shrub planting

WATER PARK SUSTAINABILITY CENTRE

LANDSCAPING PROPOSALS

10 APRIL 2003
 DRAWING: WPS02/04/03/11/PIB
 SCALE 1:500

COTSWOLD WATER PARK ROBERT LITTLE SERVICES COMPANY PARK, ENVIRONMENTAL LAND MANAGEMENT, CHENCHESIDE, SLIDE 81 1/2
 T: 01296 80000
 F: 01296 80000

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FURTHER INFORMATION TO SUPPORT STREET TRADING CONSENT C/21/00860/STC

After receiving the comments made by South Cerney Parish Council, we would like to put forward the following comments regarding our plans at the site for the Sub-Committee's information:

1. The company has been running the Gateway Centre since 2011 and has in this time delivered a successful business offering a key amenity for tourists and adding value to the Cotswold Water Park
2. We would like to host Pop up food and drink traders at various points through the year to benefit the large number of visitors to the site. This is something that we have already carried out over Christmas 2020 and we successfully applied for a Street Trading Consent to cover these activities
3. We would ensure that any traders would adhere to strict Health and Safety procedures and food hygiene
4. We would only use the areas marked as per the plan submitted with the application
5. We have secured an additional 50/60 car parking spaces as overflow parking in the De Verre hotel site, accessed and signposted from the existing Car Park
6. We have plans to improve the existing car park

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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.

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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: 20px;">a) Council's Standard Conditions;</p> <p style="padding-left: 20px;">b) and, if appropriate, any Additional Conditions required by the Licensing Committee</p> <p>(ii) if refuse,</p> <p style="padding-left: 20px;">a) to outline the reasons for refusal;</p>	

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Cotswold
Application for a street trading licence or consent
Local Government (Miscellaneous Provisions) Act
1982

For help contact
ers@cotswold.gov.uk
 Telephone: 01285 623000

* required information

Section 1 of 11

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Section 2 of 11

FURTHER DETAILS ABOUT THE APPLICANT

Former name(s)	<input type="text"/>	If currently or previously known by any other name(s), you must record them here.
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Home Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Further Details

Date of birth	<input type="text"/>
	dd mm yyyy
Place of birth	<input type="text"/>
National Insurance number	<input type="text"/>

Section 3 of 11

DIRECTORS, PARTNERS, OWNERS AND MANAGERS

Continued from previous page...

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

Are there any such people for whom you need to provide details?

- Yes No

Section 4 of 11

TYPE OF APPLICATION

Type of application: New Renewal Temporary

Specify the period for which the licence is required (if applicable)

12 months

Section 5 of 11

APPLICATION DETAILS

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant to local circumstances or your responses may have to provide very specific information

Type of application?

- Street trading licence Street trading consent

Trading name

The Gateway Centre

What You Want To Trade

List all the goods and services you want to offer for sale

Mainly hot food and drink pop up stalls in the locations as specified on the plan. There may also be stalls selling other goods, for example Christmas products

Does this include selling food or drink?

- Yes No

Are you registered as a food business?

- Yes No

Local authority where you are registered

Cotswold District Council

Registration number

<https://ratings.food.gov.uk/business/en-GB/9409/Relish---Gateway-Centre-Spine-Road>

Where will goods be stored when not on sale?

Most of the stalls will be provided by external contractors. We will ensure that we obtain a copy of their food registration before allowing them to trade. Each business will be responsible for the storage of their food produce.

When You Want To Trade

Continued from previous page...

Proposed trading times for each day of the week (if applicable)

Day or days	<input type="text" value="Every day"/>
From	<input type="text" value="10:00"/>
To	<input type="text" value="23:00"/>

Where You Want To Trade

Type of trading

- Mobile
- Stationary

Street(s) / location(s) where you wish to trade

Section 6 of 11

DETAILS OF VEHICLE, STALL AND/OR CONTAINER

Will you be using a vehicle in connection with your work as a trader?

- Yes
- No

Description of unit from which you intend to trade, including dimensions

Where will the unit be stored when not in use?

Section 7 of 11

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

Do you have public liability insurance?

- Yes
- No

Provide details of the policy

Insurance company

Policy number

Period of cover

Amount of cover (£m)

Continued from previous page...

Section 8 of 11

PREVIOUS APPLICATIONS

Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

- No Yes - application granted and revoked
 Yes - application granted Yes - application refused

Application Granted

Only provide details about the most recent application – unless stated otherwise in local guidance notes.

Local authority applied to
Date of licence/registration
Reference number
Expiry date

Section 9 of 11

CONVICTIONS

Have you, or any person named in or associated with this application, been convicted of any crime or offence?

- Yes No

Section 10 of 11

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Section 11 of 11

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
the fee depends on the type of application and period

Fee amount (£)

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name Page 21

Continued from previous page...

Capacity

Operations Manager - Relish

Date

22 / 09 / 2021
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/street-trading-licence/cotswold/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

The Gateway Centre

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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