

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>LICENSING SUB-COMMITTEE (HACKNEY CARRIAGE AND STREET TRADING CONSENT MATTERS) - 28 APRIL 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 5</p>
<p>Subject</p>	<p>APPLICATION FOR A STREET TRADING CONSENT - GRASS VERGE NEAR THE FORD ON CLAPTON ROW, BOURTON-ON-THE-WATER</p>
<p>Wards affected</p>	<p>Bourton Village</p>
<p>Accountable member</p>	<p>Planning and Licensing Committee</p>
<p>Accountable officer</p>	<p>Andrea Thomas, Licensing Officer Email: andrea.thomas@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To consider an application for a Street Trading Consent.</p>
<p>Annexes</p>	<p>Annex A - Copy of application Annex B - Location and tricycle photos Annex C - Comments from Parish Council and Highways Annex D - Objections from Members of the Public Annex E - Supporters of the application Annex F - Copy of Street Trading Conditions Annex G - 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"> a) <i>Refuse the application for a Street Trading Consent;</i> b) <i>Grant a Street Trading Consent for a temporary period;</i> c) <i>Grant a Street Trading Consent in respect of the application;</i> d) <i>Grant a Street Trading Consent with additional conditions.</i>
<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>

I. BACKGROUND

- I.1.** The Local Government (Miscellaneous Provisions) Act 1982 allows applicants to apply for a Street Trading Consent (STC)
- I.2.** The Applicant, Mr. Allan Hymers, has applied for a STC in respect of the grass verge near the ford on Clapton Row, Bourton on the Water. Mr Hymers has applied to sell ice creams from Monday to Sunday 0900hrs to 1800hrs from April 2021 to September 2021.
- I.3.** A copy of the application is at Annex A. Photos of the proposed location can be found at Annex B. The applicant originally applied to be in front of the gates in the picture but the owner of these gates has withdrawn his consent for this area to be utilised, the location has now moved the right of the gates.
- I.4.** Mr Hymer has agreed to the following condition if the Consent is granted.
'access to the gates must be kept free at all times of customers when trading is taking place'

2. MAIN POINTS

2.1. Consultations

Consultee	Objection	No Objection	No response	Annex
Highways		X		C
Police			X	
Environmental Health			X	
Parish Council		X		C

- 2.2.** There have been objections received from residents and business these are attached at Annex D.
- 2.3.** Letters of support in respect of the application have been received these are attached at Annex E. These include local businesses, residents and visitors to the area.
- 2.4.** Under Cotswold District Council's Street Trading Policy, there are 3 Licensing Objectives:
- (a) Public safety
Whether the street trading activity represents, or is likely to represent, a risk to the public e.g. obstruction of a street or a danger to persons using the street, obstruction to key sight lines for CCTV cameras, obstruction for emergency vehicles.
 - (b) Public Order
Whether the street trading activity represents, or is likely to represent, a risk to public order. Gloucestershire Constabulary will be consulted on all applications regarding public order.
 - (c) Preventing nuisance or annoyance
Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public e.g. from noise, odour, fumes, litter or waste.

Applications can be refused if valid representations are received that have an impact on one or more of these objectives.

- 2.5. A copy of Cotswold District Councils Standard Conditions are attached at Annex F
- 2.6. A suggested procedure for the Meeting is attached at Annex G

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.
- 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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