

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>LICENSING SUB-COMMITTEE – 29 JULY 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 05</p>
<p>Subject</p>	<p>APPLICATION FOR A STREET TRADING CONSENT</p>
<p>Wards affected</p>	<p>Siddington & Cerney Rural</p>
<p>Accountable member</p>	<p>Planning and Licensing Committee</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader Tel: Email: michelle.bignell@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To consider an application for a Street Trading Consent</p>
<p>Annexes</p>	<p>Annex A – Location map Annex B – Photo of trailer Annex C – Copy of Street Trading Conditions Annex D – Procedure sheet</p>
<p>Recommendation/s</p>	<p>That the Sub-Committee considers the application and decides whether to;</p> <p><i>a) Grant a Street Trading Consent in the terms of the application</i> <i>b) Grant a Street Trading Consent for a temporary period</i> <i>c) Grant a Street Trading Consent with additional conditions</i> <i>d) Refuse the application for a Street Trading Consent</i></p>
<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.