

**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 2nd DECEMBER 2010**

---

*Background Papers, if any, are specified at the end of the Report*

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982  
STREET TRADING APPLICATION TO TRADE FROM  
PENNYFIELDS, LITTLE CHALFONT.**

*Contact Officer: Stewart Broome 01494 732063*

**RECOMMENDATIONS**

**Members are asked to consider the evidence provided by all parties, and determine the application using one of the options contained within section 2.5 of this report.**

**Background**

- 1 On 28<sup>th</sup> June 2010 an application was made to the Licensing Authority for the grant of a street trading consent to sell fruit and vegetables from a mobile stall located opposite the Ian Rennie, and Robertson's Butchers on Pennyfields, Little Chalfont. The application and a map showing the location of the proposed site is attached at **Appendix 7.1**.
- 2 Following receipt of the application there followed a period of consultation. It is the Licensing Authority's policy to consult Thames Valley Police, Bucks County Council Highways Department, and the local Parish Council on all street trading consent applications.
- 3 During this period of consultation objections were received from Bucks County Council (**Appendix 7.2**) and Little Chalfont Parish Council (**Appendix 7.3**). Copies of these objections were served on the applicant who was given a further period of time to submit additional paperwork to support their application or to withdraw the application. The applicant decided to submit additional documentation in support of their application (**Appendix 7.4**)

**Legal Position.**

- 4 Street trading consents are issued under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Act contains adoptive provisions relating to street trading. The provisions were adopted by this Council in 1984. (Environmental Health Committee decision).
- 5 When objections are received it is necessary to hold a hearing of the full Licensing and Regulation Committee to determine the application.

- 6 The Council may grant consent with conditions considered to be reasonably necessary, and in particular include conditions to prevent obstruction of the street or danger to persons using it, and to prevent nuisance or annoyance (whether to persons using the street or otherwise).
- 7 The Council may stipulate the exact location on the consent street that the applicant may trade from, and the times or periods which he may so trade.
- 8 Members may:  
  
Grant the consent as applied for,  
Grant the consent subject to additional conditions and/or restrictions, (see paragraphs 6 and 7 above.  
Refuse the application.
- 9 The Local Government (Miscellaneous Provisions) Act 1982 does not provide provision to refuse an application due to planning issues.
- 10 Members are advised that there is no right of appeal against the refusal to grant a Street Trading Consent. However, as there is no right of appeal the applicant has a right to seek judicial review. As a judicial review is largely about the decision making process, it is essential that the applicant fully understands the reasons for the Members' decision.

***Background Papers: None***

---