

CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 12th OCTOBER 2011

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

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982
STREET TRADING APPLICATION TO TRADE FROM HIGH
STREET, CHESHAM.**

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 8 of this report.

Background

- 1 On 17th June 2011 an application was made to the Licensing Authority for the grant of a street trading consent to sell Asian food from a mobile food van to be located on the High Street in Chesham. The applicant has not indicated a preferred location upon the High Street. The application and a map showing High Street in Chesham is attached at **Appendix 6.1**.
- 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/Town Council on all street trading consent applications, as well as its own Environmental Health.
- 3 During this period of consultation an objection was received from Chesham Town Council (**Appendix 6.2**) and an Officer from Environmental Health has also submitted comments for Members' information, although he has made it clear this is not a formal objection (**Appendix 6.3**).
- 4 Mr Mohammed is a trader with Chesham Market every Wednesday. If he is successful with his application he has indicated that he intends to use the same mobile food van he uses for the Market day.

Legal Position.

- 5 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).

- 6 When objections are received it is necessary to hold a hearing of the full Licensing and Regulation Committee to determine the application.
- 7 The Council may grant consent, with any 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).
- 8 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.
- 9 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.
- 10 The Local Government (Miscellaneous Provisions) Act 1982 does not provide provision to refuse an application due to planning issues. Should planning consent be required this would be a matter for the Planning Authority.
- 11 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
