
APPLICATION FOR STREET TRADING CONSENT – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1 SUMMARY

- 1.1 This report introduces an application for the grant of a Street Trading Consent. The powers to control street trading are adoptive and are contained within the Local Government (Miscellaneous Provisions) Act 1982. The consultation undertaken in respect of this application has resulted in nine valid representations being received.

2 INTRODUCTION

- 2.1 The application is shown at appendix A and was submitted to the Licensing Authority by Mr Gary Cooper of 26 Manor Road, Benfleet, on 29 October 2013. This relates to a proposal to operate a mobile trailer selling burgers and hot dogs from the layby outside the Linx Nightclub, 106-108 High Street, Rayleigh (a designated consent street) on Friday and Saturday nights only from 1900 hours to 0300 hours.

3 BACKGROUND

- 3.1 The Council adopted discretionary powers to regulate street trading on 2 August 1995. As part of this process, the Council designated streets within the district from which street trading is prohibited without their consent. A list of the designated consent streets are shown in appendix B, the standard conditions applied to a Street Trading Consent are shown at appendix B-1.
- 3.2 Whilst the main focus of the legislation is to deal with obstruction of the street or danger to persons using it; and nuisance or annoyance, the Council has absolute discretion as to what consents are granted and may grant a consent 'if it thinks fit'. If Members are minded to approve this application, the Council is also able to attach a wide range of conditions associated with the prevention of obstruction or nuisance, the trading location, times of operation or any other conditions that are considered reasonably necessary.

4 LOCALITY

- 4.1 Within this area of the High Street there are five public houses, a wine bar and one night club. Rayleigh High Street currently has one licensed late night refreshment premises, which is open until 0330 hours on Saturdays and Sundays.
- 4.2 There are currently no other mobile vendors that have been granted a Street Trading Consent in Rayleigh High Street.

5 REPRESENTATIONS

- 5.1 On receipt of this application, the Senior Licensing Officer consulted with Police, neighbouring businesses and residents. Within the 28 days consultation period, the authority received nine valid representations. The grounds for objection included crime and disorder, undermining of the work of Pub Watch, nuisance and annoyance to persons using the street and to residents, obstruction of the highway and the detrimental impact upon other traders. Copies of the representations are presented as appendices C – I.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1 The Police and some of the other representations refer to potential crime and disorder by groups from different venues gathering at one point in the High Street. Rayleigh High Street has an increasing night time economy, particularly at weekends, and there is concern that this activity, if granted, will delay the dispersal of people from the area and cause nuisance and noise disruption to residents.

7 LEGAL IMPLICATIONS

- 7.1 There is no right of appeal to the Magistrates Court in respect of applications for Street Trading Consents. Our application process is considered to satisfy the principles of natural justice.
- 7.2 If this application is successful, a separate application will be necessary under the Licensing Act 2003 in respect of the proposal to offer late night refreshments.

8 OPTIONS

The following options are available to Members:-

- a) To reject the application.
- b) To grant the application, subject to such conditions as are considered reasonably necessary.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all representations made at the hearing.

Richard Evans
Head of Environmental Services

Background papers:

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.