

Application for a Street Trading Consent

Report No:	LSC/WS/22/004
Report to and date/s:	Licensing & Regulatory Sub-Committee 29 June 2022
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Regulatory Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk
Lead officer:	Haleigh Peters Licensing Officer Tel: 01284 757026 Email: Haleigh.peters@westsuffolk.gov.uk

Wards impacted: **Lakenheath**

Recommendation: **It is recommended that, having given full consideration to the application, the Committee is asked to determine whether, in view of the information disclosed in the application:**

- (1) to approve the application and grant the consent; or**
- (2) to approve the application and grant the consent, subject to such conditions as are considered reasonable, in addition to the standard conditions; or**
- (3) to refuse to grant the consent.**



1. Background / Context

- 1.1 To consider an application for a street trading consent under the provisions of Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Under the Local Government (Miscellaneous Provisions) Act 1982 (2) Subject to sub-paragraph (3), the council may grant a consent if they think fit.
- 1.3 An application for a new street trading consent was received and accepted on 26 April 2022 for The Gold Cup Coffee Box. The details of the application can be found in Appendix A. As per the West Suffolk Council street trading policy, any new street trading consent application is subject to a 28-day consultation with highways, local residents, police and local councillors. The consultation commenced on 26 April and the last date for comment was 24 May 2022. On the 24 May 2022 an objection was received by Highways (Appendix B). Other responsible authorities including the Fire Service and Planning had no comments to make towards the application. Police did not respond.

Until a new West Suffolk Council policy is developed following consultation, there remain differences in the requirements for street trading consents between the two predecessor areas of Forest Heath and St Edmundsbury. In Forest Heath, all streets, except those listed as 'prohibited streets' are 'consent streets', where a permit is required in order to trade. In St Edmundsbury, there are no prohibited streets, and only a few 'consent streets'. In all other areas, a permit is not required. The application has been made in a previous Forest Heath area, therefore a consent is required to trade.

The authority has a wide discretion regarding the grant or refusal of a street trading consent and does not have to rely upon specific statutory grounds to refuse an application or grant a consent. They may choose to refuse to grant a consent in any circumstances where there is good reason to do so. They may wish to consider factors such as:

- if the activity is likely to give rise to nuisance or loss of amenity caused by noise, odour, litter, disturbance or antisocial behaviour
- if there is insufficient space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street
- if the highways authority considers a location is dangerous or where a personal injury or fatality has occurred within 100 metres, or where the Council considers the location to be unsafe or places the public at risk from harm.
- if the street trading may damage the structure or surface of the street

The West Suffolk Council street trading policy states that all street consents have conditions attached, some of which are listed below and address some issues raised by Highways.

- d. The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.



e. Street trading shall not take place, nor shall any stall or vehicle whether portable or otherwise be positioned, so as to cause any obstruction of the street, road, footway or other area to which the public have access. Stalls or vehicles must not be positioned in such a way so as to obstruct the view of drivers of other vehicles.

h. Traders must make arrangements with the council or a private contractor for the correct disposal of all waste produced as a result of the business in accordance with the Duty of Care Regulations.

j. Traders must supply at least 1 litter bin or other receptacle of a similar size for the use of customers. This should be placed in an appropriate location and the contents emptied out at regular intervals during the hours of trading to prevent spillage and litter accruing. All such refuse collected shall be disposed of in accordance with the Duty of Care Regulations.

k. All traders must ensure that litter associated with the business is picked up at regular intervals throughout the hours of trading within a radius of 300 metres and the site left litter free at the end of business. All such litter is to be disposed of in accordance with the Duty of Care Regulations.

l. At no time will cooking oil or other liquid waste be disposed of down drains or placed in bins for disposal. Collection should be made by an appropriate contractor. Should such material require disposal, the council should be contacted for further advice.

It should be noted that a street trading consent to trade in the lay-by on the opposite side of the road to the one requested in this application was applied for and granted in December 2019 by another applicant. The individual continues to trade in this location with no known issues. No objections were received when the application was circulated upon first application.

Due to the objection received, and taking the above information in to consideration, the sub-committee must decide whether to approve the application and grant a street trading consent or refuse the application.

- 1.4 A summary of all the evidential documentation is available within the attached appendices as part of the application, listed at Section 4 below. Legislation and policy documents are listed at Section 5 below.

2. Risks

- 2.1 Failure to consider applications where safety objections have been raised could lead to a reputational risk and failure to ensure public safety. It is for the Committee member to decide whether the location is considered safe.

3. Implications arising from the proposal

- 3.1 Legal Compliance



Whilst the authority will act reasonably and consistently, the authority has a wide discretion regarding the grant or refusal of a street trading consent and does not have to rely upon specific statutory grounds to refuse an application for grant or renewal of a consent. There is no right of appeal against any council decision made in respect of a street trading consent.

4. Appendices

Appendix A – Application

Appendix B – Objection

Appendix C - West Suffolk Council Street Trading and Vending Policy 2019

5. Background documents

Local Government (Miscellaneous Provisions) Act 1982

