

North Somerset Council

REPORT TO THE LICENSING COMMITTEE

DATE OF MEETING: 28TH AUGUST 2018

SUBJECT OF REPORT: GRANT OF A STREET TRADING CONSENT TO MS MARY ILES & MS ANNMARIE MULDOON T/A M & D SNACKS

TOWN OR PARISH: WESTON-SUPER-MARE

OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

KEY DECISION: NO

RECOMMENDATIONS

That the Licensing Sub-Committee considers and determines the application made by Ms Mary Iles & Ms AnnMarie Muldoon for a Street Trading Consent in the district of North Somerset.

1. SUMMARY OF REPORT

- 1.1.1 An application for the grant of a Street Trading Consent has been received from Ms Iles & Ms Muldoon trading as M & D Snacks. The application made is for the sale of hot food and refreshments. Consultations have been carried out and an objection against the grant of a consent has been raised by a local business. The objection received relates to road safety and the potential for obstruction in the area.
- 1.2 Consultations have also been carried out with the relevant enforcement agencies and no adverse observations have been made.

2. POLICY

- 2.1 On 1 April 2008 the full Council adopted a revised district wide Street Trading Scheme for the North Somerset area. The revised scheme became operative on the 4 June 2008. The application made falls within the Council's street trading scheme.
- 2.2 At the same meeting the Council adopted guidelines for the administration of the Street Trading scheme. A copy of the Guidelines is available to the Committee and has been given to the applicant.

3. DETAILS

- 3.1 An application was received from Ms Iles & Ms Muldoon to carry out street trading within the Council's area at Worle Industrial Estate, Coker Road, Worle Weston-super-Mare. Outline details of the application made are shown at **Appendix 1**.

3.2 The street trading activity being proposed is the sale of hot and cold food and refreshments on the following days and times;

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	0730 hrs	0730 hrs	0730 hrs	0730 hrs	0730 hrs	0830 hrs	N/A
TO	1430 hrs	1430 hrs	1430 hrs	1430 hrs	1430 hrs	1430 hrs	N/A

3.3 The application site for street trading is shown on the map at **Appendix 2**.

3.4 Photographs of the site subject to the application will be available at the hearing.

3.5 There are commercial properties situated within 100 metres of the proposed site and these are shown on the map at **Appendix 2**.

3.6 This is a new application although three previous Street Trading Consents have been granted at this site to other operators.

4. CONSULTATION

4.1 Officers have followed the consultation process as outlined in the agreed Street Trading Guidelines. The following responses have been received:

Consultee	Response
Avon and Somerset Constabulary	No adverse comment
Avon Fire and Rescue Service	No adverse comment
Ward Member(s)	No adverse comment
Highways	No adverse comment
Weston Town Council	No adverse comment
Weston Town Centre Partnership	No adverse comment
Food, Health and Safety Team	No adverse comment
Environmental Protection Team	No adverse comment

4.2 A notice was displayed at the site for 28 days from the date when the application was made. Property occupiers within the immediate vicinity of the proposed street trading site were also consulted. One written objection has been received. The principle objections made are as follows:

- The location has limited private parking for the surrounding businesses which would be blocked by patrons of the snack bar.
- Concerns for safety of pedestrians and road users due to congestion, possible obstruction.
- Increased traffic flow, litter.
-

4.3 The details of the above observation have been made available to the applicant and members of the Licensing Sub-Committee prior to the hearing of this application. A copy of the representation made is shown at **Appendix 3**.

5. FINANCIAL IMPLICATIONS

Costs – None

Funding - None

6. LEGAL POWERS AND IMPLICATIONS

- 6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.
- 6.2 In undertaking its licensing function, the Licensing Authority has regard to the following legislation:
- Town and Police Clauses Act 1847
 - Transport Act 1980 & 1985
 - Road Traffic Act
 - The Local Government (Miscellaneous Provisions) Act 1976, 1982 as amended
 - Environmental Protection Act 1990
 - Health Act 2006
 - The Smoke-free (Premises and Enforcement) Regulations
 - The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
 - The Equality Act 2010
 - The European Convention on Human Rights, which is applied by the Human Rights Act 1998
 - The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
 - Local Government (Miscellaneous Provisions) Acts 1976, 1984
 - Highways Act 1980
 - Licensing Act 2003
 - Gambling Act 2005
- 6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

7. RISK MANAGEMENT

- 7.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

8. EQUALITY IMPLICATIONS

None

9. CORPORATE IMPLICATIONS

- 9.1 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 the Council may grant a Street Trading Consent if they think fit. When granting a Consent, the Council may attach such conditions to it as they consider reasonably necessary, including those to prevent obstruction or danger or nuisance or annoyance.
- 9.2 There are no legal rights of appeal against the Licensing Sub-Committee's decision to refuse to grant a Street Trading Consent. Judicial Review on procedural issues in dealing with the application is though possible.
- 9.3 The provisions of the Human Rights Act 1998 apply to the process of granting Street Trading Consents.

10. OPTIONS CONSIDERED

- 10.1 The following options are available to the Licensing Sub-Committee with regard to the application that has been made:
- a) Grant the application as applied for.
 - b) Grant the application as applied for but with modifications to the terms sought.
 - c) Refuse the application.
- 10.2 Should the application be granted the standard street trading conditions are recommended to be attached to the Consent granted.

AUTHOR

Sioux Isherwood, Principal Environmental Protection & Licensing Officer
Tel: 01934 426 800

BACKGROUND PAPERS

North Somerset Council Street Trading Policy
Local Government (Miscellaneous Provisions) Act 1982



APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING CONSENT

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

Mr MARY ILES AND ANNAMARIE MULDOON
 of 41 OLD BANWELL ROAD, LOCKING
 WESTON-SUPER-MARE, ESSEX

Telephone Number 0762 915513 OR 07500 044253

Email Address MCCOYERANNAMARIE@GMAIL.COM

Trading as M & D SNACKS

HEREBY APPLY FOR THE GRANT/RENEWAL of a Street Trading Consent in accordance with the following particulars:

The Street Location I/We wish to trade is CORNER
~~41 OLD BANWELL ROAD~~ LOCKING
TRADING ESTATE, Opposite KILK RT

I/We wish to trade as detailed below

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	07:30	07:30	07:30	07:30	07:30	08:00	-
TO	14:30	14:30	14:30	14:30	14:30	14:30	-

Date or dates Consent is sought 10/07/18

The articles I/We wish to trade in are BURGERS, HOTDOGS, SANDWICHES
HOT & COLD DRINKS, SALADS, ETC

Please detail toilet facilities for persons working on a static site: MY HOUSE
41 OLD BANWELL ROAD Locking

Will the Consent Holder be present when street trading takes place? Yes No

If no, name of the person who will be present and responsible for the unit/stall:
ANNAMARIE MULDOON M4

I/We will be trading from a

Van

Trailer

Cart

Barrow

Other (describe) _____

Dimensions: 10FT BY 6FT

Colour: RED AND WHITE

Will you have tables and chairs on the site? Yes No

If yes, Number of Tables: 1 Number of Chairs: 4

Will you be trading on private land? Yes No

If yes, name and address of landowner: COUNCIL OWNED

Do you hold, or have you previously held, or been refused, a Street Trading Consent with this or any other Council? If yes, please give details

No

I/We declare that I am/We are NOT under the age of 17 years

Date of Birth(s) 08/07/1984

I/We declare that the information given in this application is true.

Signature of applicants A Mukherjee

M P JES

Date 20.6.2018

Please return this form to: **Data Protection Act 1998**

North Somerset Council
Licensing Team
Town Hall
Wellscote Grove Road
Weston-super-Mare
BS23 1UJ

The personal data you provide on this form will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training.



**NOTICE OF INTENTION TO APPLY TO
NORTH SOMERSET COUNCIL FOR THE
GRANT OF A STREET TRADING CONSENT**

8T083

FULL NAME OF APPLICANT(S) MARY ELLEN AND
ANIMARIE MULDOON

LOCATION OF PROPOSED STREET TRADING SITE:
~~THE~~ ROAD WOLE INDUSTRIAL ESTATE
Coker opposite Kirk fit

ARTICLES TO BE SOLD: Burgers, Hotdogs, sandwiches, Drinks Et

DESCRIPTION OF STALL OR OTHER STRUCTURE TO BE USED:
Catering Trailer

PROPOSED TIMES OF TRADING

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM	07:30	07:30	07:30	07:30	07:30	05:30	
TO	14:30	14:30	14:30	14:30	14:30	14:30	

PROPOSED COMMENCEMENT DATE (if the application is granted) 10/07/18

SIGNATURE OF APPLICANTS(S) A Muldoon M Ho

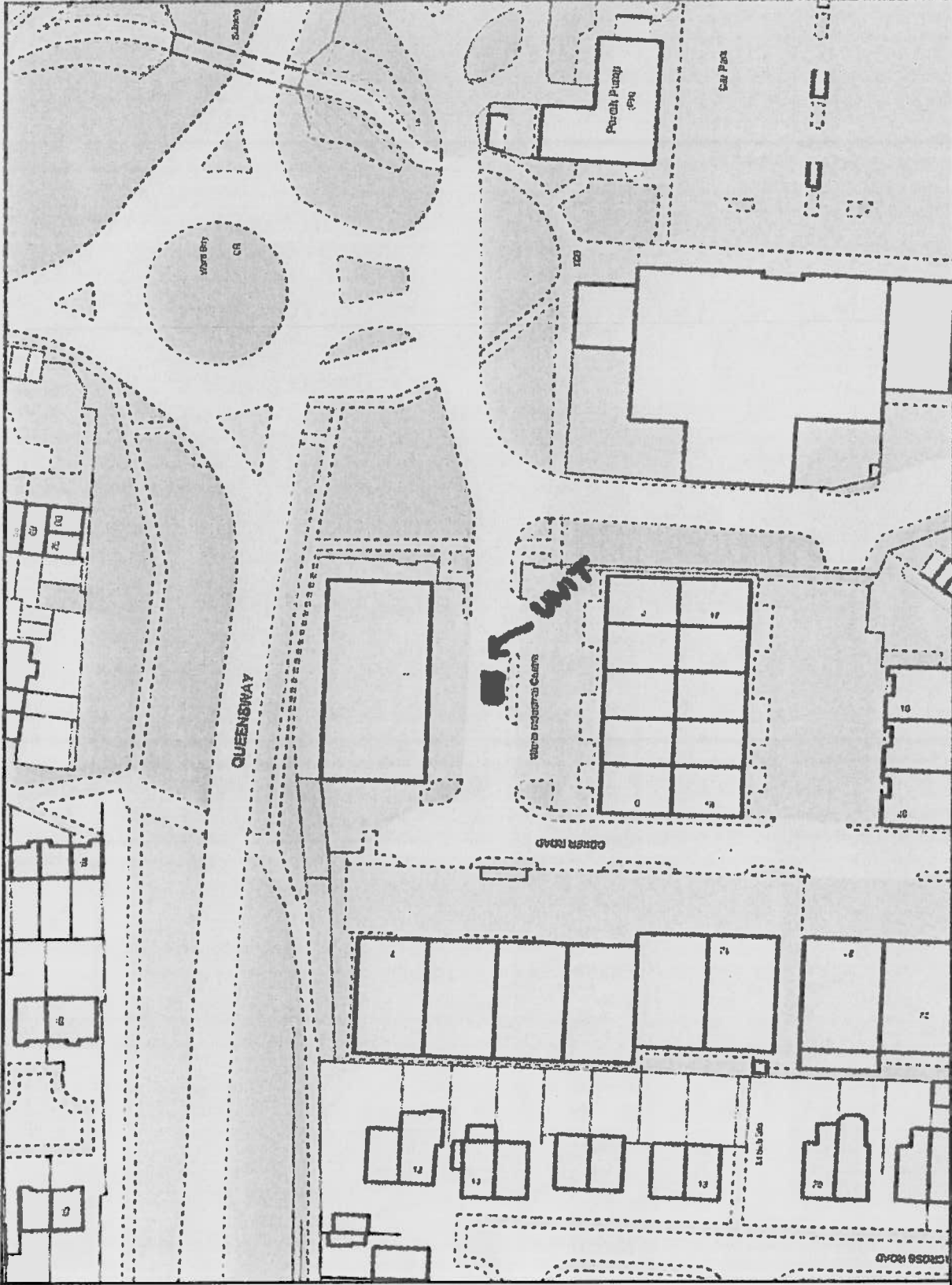
DATED 20-6-2018

ANY PERSON WISHING TO MAKE A REPRESENTATION REGARDING THE APPLICATION SHOULD WRITE TO NORTH SOMERSET COUNCIL, LICENSING TEAM, TOWN HALL, WALLISCOTE GROVE ROAD, WESTON-SUPER-MARE, BS23 1UJ WITHIN 21 DAYS OF RECEIPT OF THIS NOTICE

Issued by North Somerset Council Licensing Team, telephone 01934 426 800



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Scale: 1:1000
 Drawn by: Keille Trego
 Date: 24 April 2018
 Time: 13:53:27

Land and property
 Infrastructure
 Street lighting



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Golf Trolley Garage

Unit 6 Coker Road, Worle Industrial Centre, Worle, Weston-super-Mare, BS22 6BX
TEL: 07973 715853 EMAIL: info@golftrolleygarage.co.uk

Sioux Isherwood
Principal Environmental Protection and Licensing Officer
The Licensing Team
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

16th July, 2018

Dear Ms. Isherwood,

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR A STREET TRADING CONSENT
NAME OF APPLICANT: M&D Snacks
PROPOSED SITE: Coker Road, Weston-super-Mare

Thank you for your letter of the 21st June, 2018.

For the following reasons, we, Golf Trolley Garage, Unit 6, Worle Industrial Centre, Coker Road, strongly oppose the above application.

- The location for the proposed "Mobile Snack Bar" (Opposite Kwik Fit, Coker Road) is a Public Highway. Alongside this location runs a *Private* car park which extends across the frontage of Units 2 to 6 (the owners of the car park) – this car park **MUST NOT** be used by this Street Trader or his/her customers.
- Coker Road is a narrow road providing the only entry and exit points to the Worle Industrial Centre. Apart from a steady flow of cars and vans it is also frequently used by UK and Overseas Heavy Goods and Large Commercial Vehicles who provide collection and delivery services to many our businesses.
The road is therefore extremely busy and often becomes congested and at times impassable, a "Mobile Snack Bar" located on the proposed site (a Public Highway), will at any time of the working day, create additional and unnecessary obstruction and increased traffic problems.

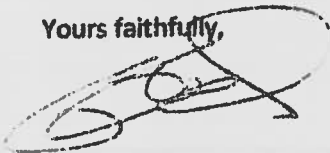
- As previously advised the car park is privately owned by Unit 2 (Worle MOT Centre) and Unit 6 (ourselves – Golf Trolley Garage) and already suffers from overcrowding and unauthorized parking. A "Mobile Snack Bar" on the proposed location will cause increased parking problems, access and exiting issues. make it even more difficult for our own customers, suppliers and personnel to park and adversely affect the running of our businesses – an extremely unsatisfactory situation.

To summarise, a "Mobile Snack Bar" at the proposed location is entirely unsuitable and inappropriate. It will create increased road traffic, litter, exiting and entry problems plus unauthorized parking and obstruction to both the Car Park and Highway. The latter of which will surely contravene the 1991 Road Traffic Act, which I would have expected you to observe.

A situation as this, could also cause the area in question to become a potential danger zone for pedestrians as several units now offer services for the public, many of which are children aged in the region of 5 to 10 years old.

I trust you will seriously consider the points raised within this letter and NOT grant a street trading license to the applicant,

Yours faithfully,



Charles Collier
Golf Trolley Garage (07973 715853)