

18 October 2023		ITEM: 5
Licensing Sub-Committee		
Application to review a Street Trading Consent		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Elizabeth Cox, Licensing Officer		
Accountable Assistance Director: Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)		
Accountable Director: Claire Demmel, Interim Director of Public Realm		
This report is public		

Executive Summary

Mr John Bonar has a Street Trading Consent. A number of complaints have been received relating to the operation of the Street Trading Consent at Grays Beach and therefore the matter is being referred to Sub-Committee for determination.

1. Recommendations:

1.1 The Sub-Committee agrees:

- (a) To take no action; or
- (b) To revoke the consent; or
- (c) To vary the terms of the consent by attaching any additional conditions necessary or changing the location(s) to which it relates.

2. Introduction and Background:

2.1 John Bonar (trading as Piccadilly Whip) of Great Warley Street, Brentwood submitted an application to renew a Street Trading Consent on 27 April 2023. As there were a number of complaints in relation to trading at Grays Beach, the application was determined by the Licensing Sub-Committee on 21 June 2023. The decision of the committee was to attach an additional condition:

- *'All parking regulations must be adhered to at all times. The consent holder must ensure that all operatives comply with the terms of the consent and to be mindful of traffic regulations in the area, with particular attention in the vicinity of Grays Beach'.*

A copy of the decision notice is attached as **Appendix 1** and a copy of the consent that was issued is attached as **Appendix 2**.

- 2.2 Piccadilly Whip have held Street Trading Consents since Thurrock Council adopted the legislation in 2011.
- 2.3 Since the consent was issued for Grays Beach, Licensing received two complaints in August 2023 and one in September 2023 regarding Piccadilly Whip vehicles trading on Thames Road at the entrance to Grays Beach not in accordance with the parking restrictions in place at the location. A further complaint regarding parking in July was supplied in September. Photographs are attached as **Appendix 3**.
- 2.4 The consent holder was contacted regarding the complaints and responded that the driver would be reminded of the conditions of the consent. A copy of this is attached as **Appendix 4**.
- 2.5 Thurrock Council's Enforcement team have not issued any penalty charge notices in relation to parking contraventions by Piccadilly Whip in this location in this period.
- 2.6 The Council's Street Trading Policy and standard conditions are attached as **Appendix 5**. The policy provides under public safety considerations that the proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. The policy also provides under the suitability of the location section that consideration should be given to whether there is sufficient space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street.

3. Issues, Options and Analysis of Options:

- 3.1 Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit and may attach such conditions to it as they consider reasonably necessary. This can include conditions to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).
- 3.2 The Sub-Committee must therefore decide whether the Street Trading Consent should be revoked, remain as previously issued or varied to address the issues raised.

4. Reasons for Recommendation:

- 4.1 These are the options available to the Sub-Committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 In accordance with the renewal process this application has been consulted on with the following: Essex Police, Essex Fire and Rescue Service, Highways England, ward councillors, our highways team and our food safety team.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no financial implications associated with the report

7.2 Legal

Implications verified by: **Simon Scrowther**
Litigation Lawyer

1. Thurrock Council, as a Licensing Authority, has the legal discretion to determine matters of this nature.
2. Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit, and may attach such conditions to it as they consider reasonably necessary.
3. Thurrock Council as a Licensing Authority has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1982, as amended, regulates Street Trading Consents.

4. There is no right of appeal against this decision.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager Community Development and
Equalities Adults, Housing and Health

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the objectives of the licensing regime and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder and the prevention of public. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. Background papers used in preparing the report:

- Local Government (Miscellaneous Provisions) Act 1982

9. Appendices to the report:

- Appendix 1 - Copy of decision notice from June 2023
- Appendix 2 – Copy of existing consent
- Appendix 3 – Photographs of alleged breaches
- Appendix 4 – Correspondence with Piccadilly Whip
- Appendix 5 – Street Trading Policy

Report Author:

Elizabeth Cox, Licensing Officer