

<b>17 February 2021</b>		<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>		
<b>New Application for a Street Trading Consent</b>		
<b>Wards and communities affected:</b> Chafford and North Stifford	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Elizabeth Cox, Licensing Officer		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
<b>Accountable Director:</b> Andrew Millard, Director of Place		
<b>This report is public</b>		

### **Executive Summary**

Mr Terence Hedges has applied for a new Street Trading Consent. A number of local residents have objected to the application therefore the matter is being referred to committee for determination.

#### **1. Recommendations:**

##### **1.1 The Sub-Committee agrees:**

- (a) To refuse the application; or**
- (b) To grant the application; or**
- (c) To grant the application attaching any additional conditions necessary.**

#### **2. Introduction and Background:**

- 2.1** Terence Hedges of Bonner Walk, Chafford Hundred, RM16 6PW submitted an application for a new Street Trading Consent on 17 December 2020. A copy of this application and supporting documents and photographs is attached at **Appendix 1**.
- 2.2** The application is for a converted London style taxi to sell speciality coffee and cold food Monday – Sunday 08:00 – 18:00, to be located on Highways land adjacent to All Saints Church, Drake Road, Chafford Hundred. A location map is attached at **Appendix 2**.

- 2.3 During the consultation period 15 representations were received against the application. Four representations were received in support of the application. Copies of these emails are attached at **Appendix 3**.
- 2.4 No representations were received from any other consultees, which included Highways, Environmental Health's noise and pollution team and Essex Police.
- 2.5 The Council's Street Trading Policy and standard conditions are attached as **Appendix 4**. The policy provides under the Prevention of public nuisance section that consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and odours.

### **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 granted or refused, and if granted if any additional conditions need to be added to address the concerns raised in the representations.

### **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 This application has been consulted on with the following: Essex Police, Essex Fire and Rescue Service, Highways England, ward councillors, our highways team, our food safety team and by placing a public notice at the location.

### **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: **Roxanne Scanlon**  
**Community Engagement and Project**  
**Monitoring Officer**

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 nuisance. 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. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

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 application & supporting documents
- Appendix 2 – Location map
- Appendix 3 – Representations from local residents
- Appendix 4 – Street Trading Policy

**Report Author:**  
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Licensing Officer