



Committee and Date

Licensing and Safety Sub
Committee

Wednesday 17th July 2013

10.00 am

Item

5

Public

Local Government (Miscellaneous Provisions) Act 1982

Application for a Street Trading Consent

Responsible Officer Mrs Kate Roberts

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1. Summary

- 1.1 To inform the Committee about an application for Street Trading Consent which falls outside the current Shropshire Council policy. To request that the Committee determine whether to grant the Street Trading consent to the applicant due to the location requested.

2. Recommendations

- 2.1 That unless the Committee consider that there are special circumstances in relation to this case the application be refused.

REPORT

3. Human Rights Act Appraisal

- 3.1 The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

- 4.1 None

5. Background

- 5.1 On 1st April 2009 Shropshire Council took on the street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 that had been adopted by the five former District/Borough Councils. These provisions are local in nature and only some of the towns in Shropshire have streets that have been designated as prohibited, consent or licence streets.

- 5.2 It is illegal to trade in those streets designated as prohibited streets, without a consent (from the local authority) in those streets designated as consent streets, or without a licence (from the local authority) in those streets designated as licence streets.
- 5.3 The application has been received to trade from the Queens Head lay-by on the A5, marked as 5S on the plan attached at Appendix A.
- 5.4 The applicant wishes to sell hot and cold food and beverages between 7.00 am and 7.00 pm, 7 days a week.
- 5.5 The applicant has contacted the Highways Agency who have confirmed that they have no objections to trading from this site.
- 5.6 The former Oswestry Borough Council had previously considered granting street trading consents for this lay-by. Due to the close proximity of the Queens Head junction and nearby domestic premises applications have been refused by reason of concerns over road safety, noise and litter.

6. Officer Observations

- 6.1 The last time a consent for this location was considered was December 1997. To date no further requests have been received.
- 6.2 Oswestry Town Council has formally requested that Shropshire Council's street trading powers regarding the Oswestry consent streets, be delegated to the Town Council. This decision is being considered by Full Council on 18th July 2013. If granted this consent could be affected by this decision as street trading consents may be revoked at any time.

7. Options for Consideration

- 7.1 The options available to the Committee under the Local Government (Miscellaneous Provisions) Act 1982 when considering such applications are as follows:
- To grant the consent
 - Not to grant the consent
 - To grant the consent with specific conditions
 - Defer the determination of the application pending the decision of Full Council on 18th July 2013 to delegate the granting of consents to Oswestry Town Council.
- 7.2 There is no right of appeal for Street Trading Consents.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government (Miscellaneous Provisions) Act 1982 s. 3 and Schedule 4

Cabinet Member (Portfolio Holder): Cllr Steve Charmley

Local Member: Cllr Steve Charmley

Appendices

Appendix A – Location plan