

**Report to: Licensing Sub-Committee (Street Trading), 30 August 2019**

**Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council**

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**Subject: APPLICATION FOR A MOBILE STREET TRADING LICENCE**

**1. Purpose of Report**

1.1 To consider an application for the grant of a Mobile Street Trading Licence submitted by Mr Cosmin-Nicolae Turlica.

**2. Recommendation**

2.1 **That the Licensing Sub-Committee consider and determine whether to grant or refuse the application made by Mr Turlica for a Mobile Street Trading Licence in Worcester City Centre.**

**3. Background**

3.1 On 27 June 2019 the Licensing Office received an application for a mobile street trading licence submitted by Mr Turlica. A copy of the application is attached at **Appendix 1**.

3.2 The applicant is seeking to trade on a mobile basis throughout Worcester City. No trading route or map has been submitted with the application.

3.3 The applicant is requesting to sell ice cream and lemonade from a tricycle, on Monday to Sunday, between the hours of 10:00am and 7:00pm. An image of the tricycle is attached at **Appendix 2**.

3.4 The Licensing Office in line with the street trading application procedure has consulted with a number of consultees these being:

- *West Mercia Police*
- *The Highways Authority*
- *Hereford & Worcester Fire Authority*
- *Environmental Health (WRS)*
- *Worcester Business Improvement District (Worcester BID)*
- *Town Centre Manager – Worcester City Council*
- *Existing Licence Holders*

3.5 During the consultation period the Licensing Office have received two representations which have been submitted by existing Worcester City street trading licence holders, Mr and Mrs Bright and Mr Connelly both objecting the grant of a licence.

3.6 Mr and Mrs Bright are existing street traders licensed by Council, who operate two tricycles selling ice cream in the area of the riverside fountains and quay. Whilst

much of the objection submitted by Mr and Mrs Bright is not relevant to this application, Member's attention should be drawn to paragraph 9 in which it is suggested by Mr and Mrs Bright that there are a sufficient number of mobile street traders, trading in the items applied for already licensed by the Council. A copy of Mr and Mrs Bright's objection is attached at **Appendix 3**.

- 3.7 Mr Connelly is an existing street trader licensed by the Council, who operates three tricycles selling ice cream, one of which trades in a static location in the area of the riverside fountains and quay. Mr Connelly has suggested that should a new licence be granted it will create conflict with the existing licensed street traders. A copy of Mr Connelly's objection is attached at **Appendix 4**.

#### **4. Implications**

##### **Financial and Budgetary Implications**

- 4.1 No financial or budgetary implications have been identified.

##### **Legal and Governance Implications**

- 4.2 The relevant legislation relating to street trading licences is contained within the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, the pertinent sections being set out below:

- 4.3 Paragraph 3 states that:

*(5) it shall be the duty of the council to grant an application for a street trading licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds, specified in sub paragraph (6) below*

*(6) the council may refuse an application on any of the following grounds:*

*a) That there is not enough 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;*

***b) That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;***

*c) That the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) above;*

*d) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*

*e) That the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay dues to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence holder;*

*f) That the applicant has at any time been granted a street trading consent by the council and had persistently refused or neglected to pay fees due to them for it;*

*g) That the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.*

*(7) If the council consider that grounds for refusal exist under sub paragraph (6) (a) (b) or (g) above, they may grant the applicant a licence which permits him-*

*a) to trade on fewer days or during a shorter period in each day than specified in the application; or*

*b) to trade only in one or more of the descriptions of goods specified in the application.*

4.4 Paragraph 4 states that:

*(1) A street trading licence shall specify—*

*(a) the street in which, days on which and times between which the licence-holder is permitted to trade; and*

*(b) the description of articles in which he is permitted to trade.*

*(2) If the district council determine that a licence-holder is to confine his trading to a particular place in the street, his street trading licence shall specify that place.*

*(3) Matters that fall to be specified in a street trading licence by virtue of subparagraph (1) or (2) above are referred to in this Schedule as the "principal terms" of the licence.*

*(4) When granting or renewing a street trading licence, the council may attach such further conditions (in this Schedule referred to as the "subsidiary terms" of the licence) as appear to them to be reasonable.*

*(5) Without prejudice to the generality of sub-paragraph (4) above, the subsidiary terms of a licence may include conditions—*

*(a) specifying the size and type of any stall or container which the licence-holder may use for trading;*

*(b) requiring that any stall or container so used shall carry the name of the licence holder or the number of his licence or both; and*

*(c) prohibiting the leaving of refuse by the licence-holder or restricting the amount of refuse which he may leave or the places in which he may leave it.*

*(6) A street trading licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the licence, for that period.*

4.5 The Sub-Committee should have due regard to the legislation when considering this application and should give full consideration to the information supplied by the applicant in both his application and at the hearing, and to the representations made

by other interested parties, where they are relevant to the matters set out in the legislation.

**Risk Implications**

4.6 No Risk implications have been identified.

**Corporate/Policy Implications**

4.7 A copy of the current Worcester City street trading policy and guidance is attached at **Appendix 5.**

4.8 The Licensing Sub-Committee should have regard to the Regulators Code. The regulators Code seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

**Equality Implications**

4.9 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.

**Human Resources Implications**

4.10 No human resource implications have been identified.

**Health and Safety Implications**

4.11 No health and safety implications have been identified.

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**Background Papers:** None