

**WORCESTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**23<sup>RD</sup> NOVEMBER 2021**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,  
SCHEDULE 4**

**APPLICATION FOR GRANT OF A STATIC STREET TRADING LICENCE**

**APPLICANT: MR PATRICK KELLY**

<b>PRIVATE HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Nikki Jones</b> <b>Technical Licensing Officer</b> <b>01905 822799</b> <a href="mailto:enquiries@worcestershire.gov.uk">enquiries@worcestershire.gov.uk</a>
<b>Ward(s) affected:</b>	<b>Cathedral</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form</b> <b>Appendix 2 – Images of Trading Unit and location</b> <b>Appendix 3 – Representation</b> <b>Appendix 4 – Street Trading Policy</b> <b>Appendix 5 – Procedure Note</b>

**1. PURPOSE OF REPORT**

- 1.1 To consider an application for the grant of a static Street Trading Licence submitted by Mr Patrick Kelly on behalf of No Frickin Chicken, to trade from the following location:

**Friar Street**  
**Worcester (where it meets Union Street)**

**2. BACKGROUND**

- 2.1 On 23<sup>rd</sup> September 2021 the Licensing Office received an application for a static street trading licence. A copy of the application is attached at **Appendix 1**.

- 2.2 The application is requesting to sell vegan fast food, fried 'chicken', burgers, loaded fries, shakes and ice creams from Tuesday to Sunday, between the hours of 11:00am and 6:00pm.
- 2.3 The applicant is seeking to trade from a retro airstream catering trailer in a static fixed location on the corner of Friar Street, where it meets Union Street, Worcester City Centre. Images of the proposed trading location and catering trailer are attached at **Appendix 2**.
- 2.4 Officers can confirm that the application has been advertised in the correct manner by way of a public notice, which has been displayed on the site.
- 2.5 On 24<sup>th</sup> September 2021, the Licensing Office in line with the street trading application procedure consulted with a number of statutory 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
- 2.6 In response to the public notice and the email to the statutory consultees, the Licensing Office received 7 representations, objecting to the grant of a licence. A copy of the representation is attached as **Appendix 3**.
- 2.7 No other representations have been received from any other interested parties.

### **3. LOCAL POLICY CONSIDERATIONS**

- 3.1 The Council has adopted a policy in relation to street trading. A copy of the Street Trading Policy is attached at **Appendix 4**.
- 3.2 The Council has adopted a procedure note to street trading licence application hearings. A copy of the Procedure Note is attached at **Appendix 5**.

### **4. LEGAL IMPLICATIONS**

- 4.1 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:
- 4.2 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;
- (7) If the council consider that grounds for refusal exist under sub paragraph (6) (a) or (b) 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.

4.3 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.

4.4 Any person aggrieved by the refusal of a council to grant a licence, has the right of appeal to the magistrates' court within 21 days.

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.

## **5. FOR DECISION**

5.1. That the Licensing Sub-Committee consider and determine whether to grant or refuse the application made by Mr Patrick Kelly for a static Street Trading Licence in Worcester City Centre.