

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

27th NOVEMBER 2009

**Application for a Street Trading Consent by Mr V. James
under Schedule 4 of the Local Government
(Miscellaneous Provisions) Act 1982**

EXEMPT	
This report is not for publication as it contains exempt information relating to the business affairs of an individual.	
Note: The contents of this report are confidential. Members should not disclose any details unless they can meet the four requirements as laid down in the Council's 'Protocol on the Disclosure of Confidential Information' (which is contained in the Constitution) and have sought advice in advance from the Monitoring Officer.	
RESPONSIBLE DIRECTOR:	Director of Planning and Regulatory Services
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APPENDICES	Appendix 1 – Application Form Appendix 2 – Plan Appendix 3 – Photograph Appendix 4 – Street Trading Policy Appendix 5 – Letter of Objection Appendix 6 – Letter of Objection Appendix 7 – Letter of Objection

1. PURPOSE OF REPORT

- 1.1 To consider an application by Mr Vincent James of Church Farm Bungalow, Churchill, Kidderminster, Worcestershire DY10 3LY for the grant of a street trading consent at Market Street Kidderminster.

2. RECOMMENDATION

The Committee is asked to DECIDE:

- 2.1 **Whether or not to grant a street trading consent to Mr V. James.**

3. BACKGROUND

- 3.1 An application for a street trading consent was received on the 6th October 2009 from Mr Vincent James to operate a Coffee/ Tea / and light refreshment stall in Market Street, Kidderminster, at a point opposite Kidderminster Library. (Appendix 1).
- 3.2 The proposed stall is for a single unit less than 12x12ft in size.
- 3.3 The Applicant would like to sell between the hours of 09.00 – 17.00 Monday to Saturday.
- 3.4 The stall would be purpose built and would be moved to and from the site on a daily basis.
- 3.5 A plan of the area has identified at Appendix 2.
- 3.6 A photograph of the site at Appendix 3.
- 3.6 Trade would be drawn from local businesses and passing trade.

4. KEY ISSUES

Legal Implications

- 4.1 The Council has adopted the Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982, and has designated Market Street as “Consent Street “to control street trading.
- 4.2 Street trading consents are granted pursuant to paragraph 7 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s Street Trading Policy (Appendix 4).
- 4.3 Consents may be granted for a period of 12 months or less, but may be revoked at any time, and the Council may attach conditions to the consent in terms of its operation, as they consider reasonably necessary. Without prejudice to this the Council may attaché such conditions which:
 - Prevent obstruction of the street or danger to people using it; or
 - Prevent nuisance or annoyance (whether to the persons using the street or local residents and other occupants.).
- 4.4 Other conditions which may be attached to Street Trading Consents could cover:
 - Trading Hours
 - The goods to be sold
 - The location of the stalls,
 - Noise control,
 - Storage and disposal of litter
 - Type of stall, barrow or vehicle that may be used.

Consultation

4.5 Consultation has been made with:

- Responsible Cabinet Member;
- Ward Councillors;
- Worcestershire County Council Highways;
- West Mercia Police;
- Town Centre Manager;
- Street- scene Manager;
- Local businesses.

Objections

4.6 Three objections have been received.

1st Objection

"I'm aware of the application; my only concern is around littering which is already a problem in this area."(Appendix 5).

2nd Objection

"I would have serious objections about its location outside the library for the following reasons:

Litter – *there is already a massive problem with litter in Market Street, despite the best efforts of WFDC employees to keep the area clear. This would only add to that problem, making Market Street look even more untidy. It would also increase the amount of litter that is brought into the library.*

Access – *the position marked on the plan supplied is very close to the entrance to the library, there are already problems with groups gathering and hanging around in this area of Market Street, so a stall in this area would increase the congestion. I know that wheelchair users and those with buggies and young children can already find it difficult at times to get through the groups to access the library, so an additional encumbrance would only add to their difficulties.*

Competition – *we host a Coffee Morning every Thursday for Kemp Hospice, which draws in a lot of publicity and revenue for the hospice, which I would not like to see reduced by having a rival source of coffee so close.*

Behaviour – *with the ongoing problems of behaviour of groups along Market Street I have grave concerns about adding another focal point around which they can gather. There would also be the issue of safety regarding the stall and its operator when such groups run riot. This is one of the reasons that the Library, the College and Wilkinson's all have Security personnel and that Market Street has been identified by the local police and the Town Centre Management as a problem area for the town". (Appendix 6)*

3rd Objection

"I wish to object to the proposed street trader. The reasons are as follows:

1. *It will increase the litter problem in Market Street which is already an issue for WFDC and members of the public;*

2. *The college has its own food and drink facilities and the street trader would provide unwelcome competition right outside our building;*
3. *It is likely to cause an increase in noise levels.*

I do hope our views are taken into account when considering this Street Trading Consent. (Appendix 7)

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal or policy implications arising from this report.

7. RISK MANAGEMENT

- 7.1 There are no risk management issues arising from this report.

8. CONCLUSION

- 8.1 The Committee is invited to determine whether or not to grant a Street Trading Consent to the Applicant in accordance with Paragraph 7, Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982 and the Council's Street Trading Policy.

9. CONSULTEES

- Director of Regulatory Services
- Director of Legal and Corporate Services
- Ward Councillors
- Businesses within the vicinity

10. BACKGROUND PAPERS

- Schedule 4 Local Government (Miscellaneous Provisions) Act 1982