

# **BURSLEDON, HAMBLE-LE-RICE AND HOUND LOCAL AREA COMMITTEE**

**26 July 2018**

## **STREET TRADING CONSENT APPLICATION**

### **Report of the Service Delivery – Economy Lead Specialist**

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#### **Recommendation(s)**

**It is recommended that this street trading consent application be determined by the Local Area Committee**

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#### **Summary**

The Council has received a street trading consent application from Winchester Vintage Catering Company for The Quay, High Street, Hamble. There has been a mixed response from consultees with some objections so the application needs to be determined at the next available meeting of the Local Area Committee.

#### **Statutory Powers**

Local Government (Miscellaneous Provisions) Act 1982

Section 3 And Schedule 4

#### **Introduction**

1. Eastleigh Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This allows it to manage street trading activities within the Borough. A district council may by resolution designate any street in their district as:
  - Consent street – street in which street trading is prohibited without the consent of the district council.
  - Licence street – a street in which street trading is prohibited without a licence granted by the district council
  - Prohibited street – a street in which street trading is prohibited.
2. Currently all streets within the Bursledon, Hamble-le-Rice and Hound local area are classified as ‘consent’ streets.

3. Unlike applications to trade in 'licensed' streets there are no specified reasons to refuse to grant a 'consent'. The legislation states that in a licenced street it shall be the duty of the council to grant an application or renewal unless they consider it ought to be refused on one or more of the grounds specified. However the rules on consent streets are much less prescriptive with the legislation simply stating that "The council may grant a consent if they think fit."
4. The legislation permits the Council on granting a consent to "attach such conditions as they consider reasonably necessary" and this includes an ability to attach conditions to prevent obstruction of the street; or danger to persons using it; or to prevent a nuisance or annoyance to persons (whether using the street or not). Other possible conditions include specifying exactly where the holder may trade and the times between which or periods when the holder may trade.
5. The consent may be granted for any period not exceeding 12 months but may be revoked at any time. The holder must apply for a renewal if he wishes to continue trading after the consent expires.

### **The Application for Consent**

6. Winchester Vintage Catering Company has submitted an application for consent to trade at The Quay, High Street, Hamble. They operate a vintage style coffee and waffle van and would like to trade on the site 5 days per week, from Saturday through to Wednesday, from 10am to 8pm. A copy of the application, location plan and some photographs of the unit are shown in Appendix 1. Please note that the application does request permission to trade on 7 days per week but another street trader, Café Gloriana, was given consent to trade on Thursdays and Fridays each week and so the Winchester Vintage Catering Company can only apply to trade on the remaining days.
7. The application was sent out to the relevant consultee's in June and we have had concerns raised about the proposal from Cllr. Adam Manning with regard to the size of the vehicle being out of character for the area and there has been concern raised about local opposition. At a meeting of Hamble-le-Rice Parish Council on 9 July 2018, a number of local businesses raised concerns regarding increased competition which the Parish supported. However the response received from Hampshire Highways raised no objection.
8. In the absence of a clear decision, the Council's street trading policy states that in these situations the application should be brought before the full Local Area Committee at the next available opportunity so it can be discussed and a decision made.

### **Financial Implications**

9. The fee for a 5 day street trading consent would be £1012.00 which if consent is refused will not be forthcoming.
10. Concern has been raised about the possible financial implications on established local businesses.

### **Risk Assessment**

11. There is no identifiable risk associated with this decision.

### **Equality and Diversity Implications**

12. The Equality Act is not relevant to the decision in this report as the decision does not relate to eliminating discrimination, advancing equality of opportunity, or fostering good relations between different people. An Equality Impact Assessment has not been carried out.

### **Corporate Plan Objectives**

13. The work outlined above contributes to the following corporate priorities:
- (a) Local First. The work supports the neighbourhoods and communities within the Hamble-le Rice.
  - (b) Prosperous Place.

### **Conclusion**

14. The application has caused some local concerns and as such the committee must make the decision as to whether the street trading consent should be granted.

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Appendices Attached: 1 – application, plan & photographs  
\*Report No

### **LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

Street Trading Policy document