

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 8 June 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Application for the grant of a Temporary Street Trading Consent under schedule 4 of the provisions of the Local Government (Miscellaneous Provisions) Act 1982

Report summary:

To determine an application for grant of a temporary Street Trading Consent by the Licensing sub-committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider the options for the application, being

- (a) To grant the application in part or in full, subject to standard conditions.**
- (b) To grant the application in part or in full subject to standard conditions and with extra conditions attached.**
- (c) To refuse the application.**

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Manager Steve Saunders ssaunders@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

APPENDIX A – Licensing application from Mr Everall

APPENDIX B – Plan of trading locations

APPENDIX C – Location Plan

APPENDIX D – Standard Trading Conditions

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Description of Application

- 1.1 An application has been received from Christopher Everall on behalf of Exmouth Pride which seeks Street Trading Consent for 19 trading stalls that will attending a one day event in Manor Gardens, Exmouth on 18th June 2022.
- 1.2 The purpose of the application is to authorise time limited trading in the location being a public park. The applicant has applied for trading consent on behalf of Exmouth Pride seeking consent for specific traders wishing to sell items that include alcohol, hot food, ice cream, hot/cold drinks, clothing, jewellery, toys, novelty items and festival merchandise. The hours of trading requested are from 11:00 to 18:30 for one day.
- 1.3 Applicants need to satisfy relevant authorisations under any other legislation in addition to trading consent, including any other licences, permits and the landowner's permission.
- 1.4 The sale of alcohol requires Street Trading Consent in conjunction with requirements of the Licensing Act 2003. A Temporary Event Notice has been received under the Act to allow 'on' sales from a proposed bar on the site that was submitted by the bar operator (TEWA9597). A temporary event notice cannot be modified or conditioned at this point, having passed without objection under the Act.
- 1.5 A Street Collection Permit has been granted to the Exmouth Pride organisation authorising fundraising on the day on behalf of Exmouth Pride (STC356).
- 1.6 The application for the Street Trading Consent that is subjected of this meeting is provided at **APPENDIX A**.
- 1.7 The trading locations within Manor Gardens where Street Trading Consent is sought are identified on the plan at **APPENDIX B**.
- 1.8 A location plan is provided at **APPENDIX C**.

2 Background

- 2.1 The event for which street trading consent is sought is organised each year by the Exmouth Pride charity. It is an annual festival being an LGBT+ celebration with information provided for the community, families and for all attending. The event has occurred over the previous six years since 2016, subject to the impact of Coronavirus more recently.

3 Consultation

- 3.1 In accordance with procedures, Devon & Cornwall Police Licensing, Devon County Council Highways, Devon & Somerset Fire and Rescue, Exmouth Town Council and the Ward Councillors have been consulted upon receipt of the application.
- 3.2 No representations have been received.

4 Statutory Bodies' Response

- 4.1 Devon & Cornwall Police
No representations have been received.
- 4.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 4.3 Devon County Council Highways
No representations have been received.

5 Street Trading Policy

- 5.1 On 2nd October 2017 the Licensing Committee adopted the Street Trading Policy which applies across the District under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Policy provides a framework on how the Authority exercises its functions in relation to street trading and requires traders to seek Consent in advance for locations where trading is suitable.
- 5.2 The Policy allows event organisers to apply for a block consent for short term, time limited events where there are to be a number of traders, by submitting the application form. The event organiser needs to confirm details of what is being sold and will be expected to take reasonable responsibility for the trading activities by ensuring compliance with the consent conditions.
- 5.3 Standard conditions are in place to take account of the general requirements and safeguards expected to promote public safety. It is recognised that events vary and that the circumstances of each trading site are different and each application should be considered on its own individual merits. Standard conditions may be amended or conditions may be added.
- 5.4 Conditions attached to the Consent as part of the approval to carry out Street Trading in East Devon when granted, are at **Appendix D**.
- 5.5 Sections 5, 6 and 9 of the Policy outline what factors are to be considered in determining applications.

6. Conclusion

- 6.1 The available options in respect of this application are highlighted within the recommendations for this report.
- 6.2 There is no right of appeal under the legislation by any party in relation to determination in respect of a temporary street trading application. The decision of the Sub-Committee is final.

Financial implications:

There are no financial implications contained within this report.

Legal implications:

Legal implications are included within the report.
