

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing:	17 July 2025
Report of:	Geraldine Pendlington
Application:	Application for Consent to Engage in Street Trading
Legislation	Local Government (Miscellaneous Provisions) Act 1982
Applicant:	Rachael Vincent

1. What is the report about?

1.1 To advise the Licensing Sub-Committee that the above Applicant is seeking approval for a street trading consent applicable to a roving jiffy van.

1.2 This application has been assessed by a Licensing Officer in accordance with the Assessment Framework as set out in the Council's Street Trading Policy ('the Policy') at section 18 Appendix – Assessment Framework. The completed Assessment follows the application as set out in Appendix A.

1.3 The Applicant is proposing to sell a range of coffees, sandwiches and prepacked snacks.

1.4 The Applicant would like to apply for a consent to trade for 12 months, Monday to Friday between 08.30 to 14.30.

1.5 The Applicant holds public liability insurance and is a registered food business with East Devon District Council/Mid Devon District Council.

1.6 A copy of the Council's policy has been sent to the Applicant prior to this application.

2. Are there any Representations?

2.1 The application was circulated to the Devon and Cornwall Police, Devon County Highways, Exeter City Council Estates and Exeter City Councillors, In Exeter, if in the BID area, and traders located in the vicinity as per the Street Trading Policy. No comments or objections were received

3. What are the legal aspects?

3.1 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area as 'consent streets' for street trading purposes, with exception of a number of streets in the city centre, which are designated 'licenced streets or prohibited streets'.

3.2 The power to prescribe standard conditions is contained in Schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, which states:

- When granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.
- Without prejudice to the generality of sub paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent –
 - Obstruction of the street or danger to persons using it; or
 - Nuisance or annoyance (whether to persons using the street or otherwise).
- The Council may, at any time, vary the conditions of a street trading consent.
- Paragraph 7(10) of Schedule 4 of 'The Act' provides that a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

4. Policy considerations:

4.1 Section 1.1.1 of the Council's Policy sets out the policy's purpose and states that the "policy's aim is to create a street trading environment which complements premises based trading, is sensitive to the needs and amenities of residents, provides diversity of consumer choice, and seeks to enhance the character, and ambience of local environments".

4.2 Section 6 sets out the key considerations for Licensing Sub-Committee when assessing an application.

5. Recommendations:

5.1 The Service Lead – Environmental Health & Community Safety would recommend that the Licensing Sub-Committee considers the application having regard to current policy and that, if the Licensing Sub-Committee are minded to approve the application, then all of the General conditions contained within Section 15 of the Policy should be included in the consent with the exception to 15.6.2 and 15.4.9 relating to ice cream vans.

Service Lead – Head of Environment and Waste

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

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