

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing:	12 June 2025
Report of:	Geraldine Pendlington
Application:	Application for Consent to Engage in Street Trading
Legislation	Local Government (Miscellaneous Provisions) Act 1982
Applicant:	Jessica McAllister

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 for a roaming horsebox trailer in the Valley Parks and one other site in Prince Charles Road.

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 coffee and cakes as set out in the Application at Appendix A. A picture of the proposed trailer and site pictures of the proposed trading sites is attached at Appendix B.

1.4 The Applicant would like to apply for a consent to trade for 3 months initially, Monday to Sunday between 06:00 and 19:00, giving the Applicant scope to test the best trading times daily.

1.5 The Applicant has achieved Level 2 in food hygiene, holds public liability insurance and is registered as a food business with East 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. The following comment was received from one Councillor in relation to the car park site in Mincinglake park.

'I don't have any issues with the principle of locating a refreshment vehicle given it has the support of DWT.

I do have two concerns and would welcome some clarification of the proposal

1. *There is limited parking at this location so it is important that the precise location of the pitch does not unnecessarily reduce the number of parking spaces by more than the one taken up by the pitch.*
2. *The arrangements for trade waste containment and collection should be such that there is no likelihood of waste being scattered by wildlife or the external bin being overfilled or left out after hours and attracting fly tipping.'*

I replied to this Representation with the following:

'Thank you for your comments. These will be incorporated into the report for subcommittee and passed on to Devon Wildlife Trust. Prior to any consent given efficient waste management is discussed and it is a condition of consent that any waste is contained and cleared, and that the trader has a contracted trade waste disposal in place.

We will discuss the exact position with Devon Wildlife Trust in order to fit the trailer in the best and safest spot within the car park. Taking up a small amount of space as possible will be focussed on as an issue.'

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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