

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

**SUBJECT: Annual Block Street Trading Consent for Usk Town Centre**

**DIRECTORATE: Social Care, Safeguarding and Health**

**MEETING: Licensing and Regulatory Committee**

**Date to be considered: 18<sup>th</sup> March 2018**

**DIVISION/WARDS AFFECTED: All Wards**

**1. PURPOSE:**

- 1.1 To consider an application to increase the area already granted by this Committee for a Block Street Trading Consent in Usk Town Centre. (Plan attached as Appendix A)

**2. RECOMMENDATION(S):**

It is recommended that:-

- 2.1 Members consider and determine the request made by Usk Town Council.

**3. KEY ISSUES**

- 3.1 An application was granted by this Committee on the 13<sup>th</sup> March 2018 for the following street trading consent. The location and number of pitches granted in the application form for Usk Town Centre are as follows:-

- Twyn Square, Usk – Subject to road closure (2 pitches)
- New Market Street, Usk (4 pitches)
- Bridge Street, Usk (4 pitches)
- Twyn Square Car Park, Usk (12 pitches)
- Owain Glyndwr Field, Maryport Street, Usk (10 pitches)
- Maryport Street, Usk – park area next to number 3 (2 pitches)
- Sitting Area Outside Coop (2 pitches)
- Legion Car Park, New Market Street, Usk (2 pitches)
- Conigar, riverbank next to Usk Bridge (4 pitches)

The total pitches requested for Usk Town Centre is 42 pitches.

The consent is also subject to the extra following condition:

- Usk Town Council to notify the Licensing Section when events other than regular markets are taking place. Trading is subject to road closure where applicable.

- 3.2 An email was received by the Licensing Section on 11<sup>th</sup> September 2018 from Usk Town Council requesting additional pitches within Twyn Square and additional pitches on Maryport Street, South car park. Their request and the reasons why are as follows:

*As you are aware Usk Town has been running a successful Christmas Market for a number of years.*

*This year Usk Town Council applied for the Street Trading Licence and were successful in its application. On review of the application I have noticed that there is an error on our part and we require 52 pitches in Twyn Square, not 2 as is stated. We are hoping that you will be kind enough to amend this.*

*The market has generated a great deal of interest and we are hoping that you will grant permission to have pitches on the Maryport Street, South car park.*

*This will be one large marquee with up to 60 tables underneath and a further 26 pitches around – these would be for traders bringing their own self-contained trailers. This will reduce congestion in Twyn Square.*

*We are hoping to provide park and ride facilities.  
Other pitches will remain the same.*

*We hope that you are able to meet this further request*

- 3.3 The amendment if granted will be as follows:-

- Twyn Square, Usk – Subject to road closure (52 pitches)
- New Market Street, Usk (4 pitches)
- Bridge Street, Usk (4 pitches)
- Twyn Square Car Park, Usk (12 pitches)
- Owain Glyndwr Field, Maryport Street, Usk (10 pitches)
- Maryport Street, Usk – park area next to number 3 (2 pitches)
- Sitting Area Outside Coop (2 pitches)
- Legion Car Park, New Market Street, Usk (2 pitches)
- Conigar, riverbank next to Usk Bridge (4 pitches)
- Maryport Street, South Car Park (86 pitches)

The total pitches requested for Usk Town Centre is 178 pitches.

- 3.4 The request was submitted to the Car Parks Manager as the additional pitches will affect parking within Usk. The following response was received by the Licensing Section from the Car Parks Manager was received on the 11<sup>th</sup> September 2018:

*Having been in communication with the Clerk of Usk Town Council I can confirm to the closures of Twyn Square and Maryport Street South car parks for the Christmas festival. The car parks will close at 8am on Friday 30 November and reopen 8am Monday 03 December after the weekend event has taken place. Signage giving advanced notification will be placed at both car parks approximately a week before the closures.*

3.5 Section 13 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> February 2016 states;

An Authorised Officer will approve the application if it:-

- Meets the criteria and
- There are no reasonable and appropriate objections.

And further states, "Except where objections are received for safety reasons the Head of Public Protection can determine the application or defer the matter to the Licensing and Regulatory Committee."

The Head of Public Protection has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the amendment of the consent granted on the 13<sup>th</sup> March 2018.

3.6 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.

3.7 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.

3.8 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

#### **4. REASONS**

4.1 To determine the application for a Block Street Trading Consent for Usk Town Centre.

#### **5. RESOURCE IMPLICATIONS**

5.1 All Licensing fees and charges are recovered on a cost recovery basis.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

6.1 The 'Future Generations' template is attached as Appendix B.

#### **7. CONSULTEES:**

Heddlu Gwent Police  
Planning Department, Monmouthshire County Council.  
Environmental Health Department, Monmouthshire County Council  
Local Ward Member

#### **8. BACKGROUND PAPERS:**

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III  
Monmouthshire Street Trading Policy, approved 9<sup>th</sup> February 2016

#### **9. AUTHOR:**

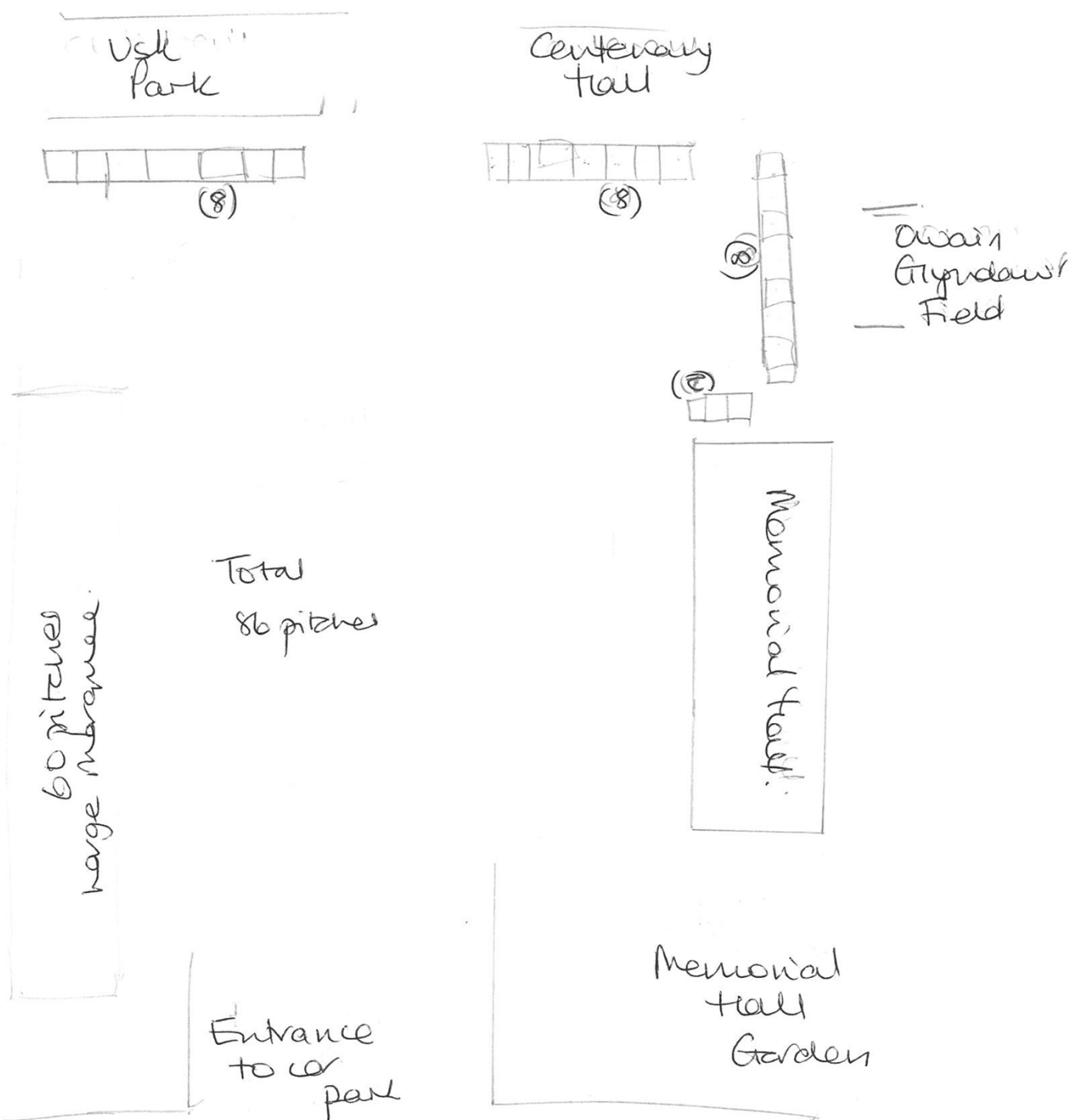
Samantha Winn  
Licensing Officer

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APPENDIX A



Maryport Street

PRISON

USK TOWN COUNCIL CHRISTMAS FESTIVAL 2018  
Plan for pitches on Maryport South Car park.  
18<sup>th</sup> / 12<sup>th</sup> Dec

