

MONMOUTHSHIRE COUNTY COUNCIL REPORT

<p>SUBJECT: Application for Street Trading Consent – Troy’s Van – Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ DIRECTORATE: Social Care and Health MEETING: Licensing & Regulatory Committee Date to be considered: 18th May 2021 DIVISION/WARDS AFFECTED: ALL WARDS</p>
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1. PURPOSE:

- 1.1 Monmouthshire County Council received an application from Mr Troy Davies for Street Trading Consent on Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The application has been referred to The Licensing and Regulatory Committee due to the proximity of the pitch to a nearby school.
- 1.3 The Local Government Miscellaneous Provisions Act 1982 Schedule 4, section 2 provides the Council may grant a consent if they think fit.

2. RECOMMENDATION(S):

2.1 It is recommended that Members consider and determine whether -

- (i) To issue a Street Trading Consent for 12 months.
- (ii) To issue the Street Trading Consent for 12 months with additional conditions to that prescribed within Monmouthshire County Council's Street Trading Policy and Conditions dated 9th February 2016
- (iii) To refuse to issue the Street Trading Consent.

3. KEY ISSUES

- 3.1 On 19th March 2021 Monmouthshire County Council received a new Street Trading Consent application from Mr Davies to trade at Bulwark Industrial Estate, Bulwark, Chepstow. This was accompanied by the land owners consent. The application and consent is attached as Appendix A. The items to be sold, if the Street Trading consent is granted, are bacon rolls, hot dogs, breakfast rolls, hot and cold drinks.
- 3.2 Taylor Watts, Licensing Officer, informed the applicant that the proximity of the proposed pitch was within the vicinity of 500 metres of a school (attached as Appendix B) and that it conflicted with the Street Trading Policy dated 9th February 2016 adopted by Monmouthshire County Council. This policy is attached to this report as Appendix C. Mr Troy confirmed he had considered the policy and is aware of this and still wished to proceed with his application.
- 3.4 Licensing conducted a consultation period of 21 days requesting comments from consultees by 19th April 2021. No objections were received following the consultation email or an email reminder sent on 12th April 2021.
- 3.6 The relevant parts of the Street Trading Policy dated 9th February 2016 referred to in section 7 and 12 above states the following respectively:-

“The use shall not be permitted within 500 metres of the boundary of any school or college, whilst pupils attend the school or college. Unless otherwise agreed in writing by Monmouthshire County Council.”

“Proximity to schools and college. No Street Trading Consents will be granted for trading at locations within 500 metres of its boundary, whilst pupils attend the school or college, unless otherwise agreed in writing by Monmouthshire County Council”

3.6.1 Monmouthshire County Council has designated all streets as consent streets, i.e. consent is required prior to trading taking place.

3.6.2 Monmouthshire Council’s street trading policy aims to:

- Create a trading environment that compliments premises based trading.
- Promote fairness and consistency across the county
- Improve the local environment
- Be sensitive to the needs and concerns of residents
- Involve local communities in street trading decisions
- Control street trading through a fair and proportionate enforcement procedure

3.6.3 This report requests Members to consider and determine the application for a street trading consent.

4. REASONS:

4.1 The application for street trading consent is approximately 206 metres of a school. The policy states 500m is the recommended minimum distance to the boundary of any school or college.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

None

7. BACKGROUND PAPERS:

The Local Government Miscellaneous Provisions Act 1982 Schedule 4
Street Trading Policy – Dated 9th February 2016

8. AUTHOR:

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