

<b>21 June 2023</b>		<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>		
<b>Application to renew a Street Trading Consent</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Elizabeth Cox – Licensing Officer		
<b>Accountable Assistant Director:</b> Leigh Nicholson – Assistant Director Planning and Growth		
<b>Accountable Director:</b> Mark Bradbury – Interim Director of Place		
<b>This report is public</b>		

## **Executive Summary**

Mr John Bonar has applied to renew a Street Trading Consent. A number of complaints have been received relating to the operation of the existing Street Trading Consent and therefore the matter is being referred to Sub-Committee for determination.

### **1. Recommendation(s):**

#### **1.1 The Sub-Committee agrees:**

- (a) To refuse the application; or**
- (b) To grant the application; or**
- (c) To grant the application attaching any additional conditions necessary.**

### **2. Introduction and Background:**

- 2.1** John Bonar (trading as Piccadilly Whip) of Great Warley Street, Brentwood submitted an application to renew a Street Trading Consent on 27 April 2023. A copy of this application and supporting documents is attached at **Appendix 1**.
- 2.2** The application is for two ice cream van rounds to sell ice creams, lollies, cold drinks etc Monday – Sunday 10am – 7pm, in Aveley, Purfleet, South Ockendon, Grays Beach and Blackshots.
- 2.3** Piccadilly Whip have held Street Trading Consents since Thurrock Council adopted the legislation in 2011.

- 2.4 The previous consent issued covered the areas of Aveley, Purfleet and South Ockendon, a copy of the consent is attached as **Appendix 2**. (Note this consent does not cover Grays or Grays Beach.)
- 2.5 Piccadilly Whip have over the last 12 months been subject to several complaints with regards to trading in locations without the required Street Trading Consent. Despite several warnings relating to illegal street trading there has been no cessation to the unlicensed trading. Most of the issues relate to trading directly outside Grays Beach, on the highway that is yellow lined and blocks access to a commercial premises. Further details of the complaints and issues are provided below.
- 2.6 During the period 18 July – 30 August 2022, Licensing received 15 complaints regarding Piccadilly Whip vehicles trading on Thames Road at the entrance to Grays Beach. This area was not included on the consent, and the company were written to on 27 July 2022 to remind them on this fact. Further clarification of this was provided Mr Bonar on 12 August 2022, a copy of which is attached as **Appendix 3**.
- 2.7 During the period 17 April – 14 May 2023, Licensing received 5 complaints that Piccadilly Whip were trading at the same location. Mr Bonar was again reminded that his consent did not include Grays Beach on 11 April 2023, this is attached at **Appendix 4**.
- 2.8 A number of photos and videos of Piccadilly Whip vehicles parked in Thames Road have been submitted and are attached as **Appendix 5**
- 2.9 Thurrock Council's Enforcement team have also received 52 complaints via email regarding Piccadilly Whip vehicles being parked at the Thames Road Grays Beach entrance which is restricted by double yellow lines with no waiting at any time. Six penalty charge notices have been issued to Piccadilly Whip vehicles, five of which have been paid in full.
- 2.10 Thames Road is a dead-end street which has disabled parking bays near the end. The Enforcement Team have also received reports that persons wishing to use these bays have been unable to manoeuvre in or out of them due to the obstructions caused by the van. A plan of the area and photographs are attached as **Appendix 6**.
- 2.11 On 17 May 2023, a complaint was received regarding the frequency that a Piccadilly Whip vehicle was using their chimes in the Corringham area. A letter was sent via email to Mr Bonar reminding him that drivers needed to be mindful of the Consent conditions relating to use of chimes, and in addition that the current consent did not include the Corringham area. A copy of this letter is attached as **Appendix 7**.

- 2.12 Two further complaints relating the use of chimes in the Corringham area were received on 24 May and 30 May 2023.
- 2.13 A Piccadilly Whip vehicle was also witnessed on the 31 May 2023 trading outside ASDA Living on the Lakeside retail parks. This area is also not covered on the existing consent. A letter regarding this was sent on 2 June 2023 and is attached as **Appendix 8**
- 2.14 The Council's Street Trading Policy and standard conditions are attached as **Appendix 9**. The policy provides under public safety considerations that the proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. The policy also provides under the suitability of the location section that consideration should be given to whether there is sufficient space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street.

### **3. Issues, Options and Analysis of Options:**

- 3.1 Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit and may attach such conditions to it as they consider reasonably necessary. This can 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).
- 3.2 The Sub-Committee must therefore decide whether the Street Trading Consent should be granted or refused, and if granted if any additional conditions need to be added to address the concerns raised in the representations.

### **4. Reasons for Recommendation:**

- 4.1 These are the options available to the Sub-Committee.

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 In accordance with the renewal process this application has been consulted on with the following: Essex Police, Essex Fire and Rescue Service, Highways England, ward councillors, our highways team and our food safety team.

### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Simon Scrowther**

1. Thurrock Council, as a Licensing Authority, has the legal discretion to determine matters of this nature.
2. Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit, and may attach such conditions to it as they consider reasonably necessary.
3. Thurrock Council as a Licensing Authority has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1982, as amended, regulates Street Trading Consents.
4. There is no right of appeal against this decision.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlan**  
**Community Engagement and Project  
Monitoring Officer**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the objectives of the licensing regime and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder and the prevention of public. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

7.4 **Other implications** (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. **Background papers used in preparing the report:**

- Local Government (Miscellaneous Provisions) Act 1982

9. **Appendices to the report:**

- Appendix 1 - Copy of application & supporting documents
- Appendix 2 - Copy of existing consent
- Appendix 3 - Warning letter dated 12 August 2022
- Appendix 4 - Warning letter dated 11 April 2023
- Appendix 5 - Photos from Complainants
- Appendix 6 - Plan and Photos of Thames Road
- Appendix 7 - Warning letter dated 12 May 2023
- Appendix 8 - Warning letter dated 2 June 2023
- Appendix 9 - Street Trading Policy

**Report Author:**

Elizabeth Cox

Licensing Officer