

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB COMMITTEE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR GRANT OF STREET TRADING CONSENT  
NOEL GEORGE McRAE, 20 CARSON AVENUE, GRIMSBY**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To request the Committee determines an application for a Street Trading Consent for Mr Noel George McRae.
- 1.2 Concerns have been raised by the Council's Traffic Team Manager, the Principal Traffic Officer, Traffic Officer and the Police Casualty Reduction Officer that have been deemed relevant, copies of which are attached to this report at Appendices 3, 4, 5 and 6.

**2. BACKGROUND INFORMATION**

- 2.1 This Licensing (Miscellaneous) Sub-Committee is authorised to determine applications for the grant, transfer, renewal or revocation of Street Trading Consents.
- 2.2 An application for a Street Trading Consent was received by Noel George McRae on 27 November 2009. A copy of the application is shown as Appendix 1 to this report.
- 2.3 The applicant wishes to trade from his van selling fresh fish on Fridays between 09:00 hours and 16:00 hours.
- 2.4 The site is situated adjacent to Martins Travel Agents, on the corner of Alexandra Road and Ashby High Street. The site in which the applicant wishes to trade is identified on the location plan attached to this report at Appendix 2. A photograph of the site is attached to this report at Appendix 2a.
- 2.5 There is a dispute between the applicant and those making representations over the status of the site. The Council's Highways Section have indicated that the site is part of the highway and have produced a plan to show this. The highways plan is attached to this report at Appendix 3a. The applicant refutes this.

- 2.6 The status of the site is important to establish whether or not the “no parking” restriction applies, as the restriction is for the highway only. Should no evidence be found that the site is privately owned land, then parking/trading on the site will be prohibited by the parking restriction.
- 2.7 Should it be found that the site is not part of the highway, a Street Trading consent will be required for anyone wishing to sell, or expose goods for sale, from this site, as it is within 7m of the highway (footpath/road).
- 2.8 Due to the representations received by the Council’s Traffic Team Manager, the Principal Traffic Officer, a Traffic Officer and the Police Casualty Reduction Officer regarding concerns raised about the status of the site and road safety issues, the application is to be determined by the Licensing (Miscellaneous) Sub-Committee. Copies are attached to this report at Appendices 3, 4, 5 and 6.
- 2.9 The legislation also allows the Licensing Authority to attach Conditions to a Street Trading Consent.
- 2.10 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 2.11 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 The options available to the Committee under the Local Government (Miscellaneous Provisions) Act 1982 when considering such applications are as follows:
  - 3.1.2 Option 1 – To grant the application as applied for with no additional conditions.
  - 3.2.2 Option 2 – To grant the application subject to different terms, conditions or restrictions.
  - 3.2.3 Option 3 – To refuse to grant the application

### **4. ANALYSIS OF OPTIONS**

- 4.1 Option 1 – To grant the application for a street trading consent may cause road safety issues as raised.
- 4.2 Option 2 – Granting the application subject to alternative conditions may not address the issues raised.

4.3 Option 3 – To refuse the application in view of the issues raised from the Council's Highways Section.

## **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no resource implications

## **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Local Government (Miscellaneous Provisions) Act 1982.

## **7. OUTCOMES OF CONSULTATION**

7.1 The application was drawn to the attention of the Council's Highways Section for their consideration. They have responded with concerns regarding the legal status and the road safety at the site. A copy of both the Traffic Team Manager, the Principal Traffic Officer and a Traffic Officer are attached to this report at Appendices 3, 4 and 6.

7.2 The application was drawn to the attention of the Humberside Police Crime Reduction Officer, for his consideration. He has responded with concerns regarding the legal status of the site. A copy of his response is attached to this report at Appendix 5.

## **8. RECOMMENDATIONS**

8.1 That the application be determined in accordance with the options outlined at paragraph 3.1 and the analysis at paragraph 4. above, taking into account the concerns raised.

## **SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT**

The Angel  
BRIGG  
North Lincolnshire

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Date: 20 December 2009

**Background Papers used in the preparation of this report: -**  
Application file, except for information protected by the Data protection Act.