

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**APPLICATION FOR GRANT OF STREET TRADING CONSENT
FOR JOHN CARROLL, SCUNTHORPE BURGER HUT, HIGH STREET
(ALONG THE FRONTAGE OF HSBC BANK)**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request the Sub Committee determines an application for a Street Trading Consent for John Carroll.

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 John Carroll on 22 September 2011. A copy of the application is shown as Appendix 1 to this report.
- 2.3 The site in which the applicant wishes to trade is identified to the application as High Street.
- 2.4 The site is located along the frontage of HSBC Bank. An area location plan is attached to this report as Appendix 2.
- 2.5 The applicant wishes to trade from a steel framed, wooden hut from Monday to Saturday inclusive, 08:00 hrs to 17:00 hrs, selling hot and cold food.
- 2.6 Two complaints have been received, one from a local business in the vicinity and the other from North Lincolnshire Council, Tourism. Copies of these are attached to this report at Appendix 3 and 4 respectively.
- 2.7 Due to the concerns raised the application is to be determined by the Licensing (Miscellaneous) Sub-Committee.
- 2.8 The legislation also allows the Licensing Authority to attach Conditions to a Street Trading Consent.

- 2.9 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 2.10 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 for a Street Trading Consent as applied for with no additional conditions.
 - 3.2.2 Option 2 – To grant the application for a Street Trading Consent subject to different terms, conditions, restrictions or location.
 - 3.2.3 Option 3 – To refuse the application for a Street Trading Consent.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – To grant the application for a street trading consent may cause issues as raised
- 4.2 Option 2 – Granting the application subject to alternative conditions or location may or may not address the issues raised.
- 4.3 Option 3 – To refuse the application in view of the issues raised. The refusal may prompt the applicant to make application for a peddlars certificate. These are issued by the Police.

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 Humberside Police Crime Reduction Officer, for his consideration. No response has been received.
- 7.2 The application was drawn to the attention of the Council's Highways Section for their consideration. No response has been received.
- 7.3 Two complaints have been received, which are at Appendix 3 and 4.

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 information received as shown as Appendix 3 and 4 to this report.

DIRECTOR OF NEIGHBOURHOOD AND ENVIRONMENTAL SERVICES

Pittwood House
Ashby Road
North Lincolnshire

Author: Jill Musgrave
Date: 27 September 2011

Background Papers used in the preparation of this report: -
Application file