

Cheltenham Borough Council

Licensing Committee – 8 May 2019

Local Government (Miscellaneous Provisions) Act 1982

Review of Street Trading Consent

Miss Melissa Jane McDonnell

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 This is an application for the review of a street trading consent in respect of Miss Melissa Jane McDonnell trading from Bence's car park, Sherborne Place, Cheltenham GL52 2RS.
- 1.2 The consent was issued on 05.09.2018. Miss McDonnell has an arrangement with the council to pay her consent fee on a monthly basis. Miss McDonnell has failed to pay her consent fee on a number of occasions resulting in her consent being suspended and requiring officer resource to chase payments.
- 1.3 It is a condition of the consent that the monthly fee must be paid on time following receipt of the monthly invoice. In light of the repeated failure by the consent holder to do so, officers have referred the consent to the "Miscellaneous" sub-committee for a review.
- 1.4 **The Committee can:**
- 1.5.1 **Decide to revoke the consent; or**
- 1.5.2 **Decide to issue the consent holder with a written warning; or**
- 1.5.3 **Take no action.**
- 1.6 **Implications**

Legal Schedule 4, paragraph 7(10) of the Local Government (Miscellaneous Provisions) Act 1982 gives the committee the power to revoke a consent at anytime.

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2. Background

- 2.1 The current street trading policy was adopted by Council on 12 February 2016. A copy of the policy has previously been circulated to Members and extracts are included in the application pack that was given to the applicant.

3. Policy Principles, Aims & Objectives

3.1 The council's adopted street trading policy considers the following relevant as to the suitability of a consent holder to hold a consent:

1. there have been no significant complaints or enforcement issues;
2. **all fees have been paid on time; and**
3. there has been no significant change to the retail environment in the vicinity of the trading location.

3.2 Whilst this is in the context of renewals, the same fitness principles are relevant.

3.3 Furthermore, the consent is issued subject to the following condition:

The Council may revoke or suspend this Consent at any time in the event of:

- **The breach by the Consent Holder, their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or**
- Work being carried out in, under or over the highway on which the Unit is located; or
- A change in Council Policy which necessitates termination of this Consent; or
- Circumstances outside the Council's control which necessitate termination of this Consent forthwith.

4. Licensing Comments

4.1 As stated in this report, consent holders who choose to pay their licence fee in instalments are required to make the necessary payments on time.

4.2 Below is a breakdown of the occasions where the consent holder has failed to do this:

Fee for November 2018	Due 06 November 2018	£199.39
Fee for December 2018	Due 06 December 2018	£199.39
Fee for January 2019	Due 06 January 2019	£199.39
Fee for March 2019	Due 06 March 2019	£199.39
Fee for April 2019	Due 06 April 2019	£199.39

4.3 Aside from the policy and consent matters, the continued failure by the consent holder to make payments on time is unnecessarily taking up officer resource in correspondence and visits.

Background Papers

Service Records

Case Officer

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