

**COMMITTEE: TAXI AND PRIVATE HIRE LICENSING PANEL**

**DATE: 11 OCTOBER 2005**

**SUBJECT: STREET TRADING CONSENT – IAN WARD, 68 OLD BEDFORD ROAD, LUTON**

**REPORT BY: HEAD OF ENVIRONMENT AND CONSUMER SERVICES**

**CONTACT OFFICER: SARAH HALL**

**TEL: 01582 547283**

**IMPLICATIONS:**

**LEGAL** ☐

**COMMUNITY SAFETY** ☐

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**WARDS AFFECTED: SOUTH**

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**PURPOSE**

1. To consider an application for Street Trading Consent from Mr Ian Ward of 68 Old Bedford Road, Luton and objections to the said application.

**RECOMMENDATION(S)**

2. That the Licensing Panel determine the application for the grant of a Street Trading Consent from Mr Ian Ward, 68 Old Bedford Road, Luton.

**BACKGROUND**

6. The Local Government (Miscellaneous Provisions) Act 1982 permits Local Authorities to control street trading within its area. This is adoptive legislation and once a council has adopted the provisions of Schedule 4 of the Act it can choose to designate any street within its area as a 'prohibited', 'licensed' or 'consent' street for street trading purposes.
7. Luton Borough Council has adopted this legislation and with effect from 2 October 1989 designated streets and areas in the town as consent streets. A map showing the consent area and location of designated pitches is attached at Appendix A. The conditions attached to the grant of Street Trading Consent are attached at Appendix B.
8. In the guidance sent to prospective applicants it is stated that applications will be encouraged 'provided they are always sold from a stall, cart, barrow or other non-motorised vehicle that is in sympathy with the surroundings, adds colour and character to the town centre and complies with all relevant Food Safety, Health &

Safety and Environmental Protection legislation.’ A copy of the guidance is attached at Appendix C

9. On the 20 September 2005 the Environment and Regeneration Department received an application for Street Trading Consent to sell fresh flowers, bouquets, plants, latex and foil balloons, Christmas trees and cuddly toys, from Ian ward of 68 Old Bedford Road, Luton. A copy of the application is attached at Appendix D.
10. The Head of Development Control, the Luton Town Centre Partnership and Bedfordshire Police have been consulted in accordance with the Street Trading Consent procedure.
11. No objections to the application have been raised by the Head of Development Control or Bedfordshire Police. A letter of objection has been received from Brian McFarland on behalf of the Luton Town Centre Partnership.
12. Mr McFarland has commented that he does not believe the vehicle specified in the application is suitable for the stated purpose. He does not believe it is appropriate to sell balloons and cuddly toys with flowers and plants. He does not think the pitch is suitable for the sale of Christmas trees. A copy of this letter is attached at Appendix E.
13. Because adverse consultation responses have been received the matter is referred to the Licensing Panel for determination of the application.
14. Due to the seasonal nature of some of the proposed commodities contained within the application, the applicant and objector have been invited to attend Licensing Panel such that the panel can avail themselves of all the facts and consider reaching a decision without the need to defer the matter. This course of action has been agreed with officers from Legal and Democratic Services.

## **APPENDICES**

The following Appendices are attached to this report:

- |            |   |   |
|------------|---|---|
| Appendix A | - | Map showing the consent area and location of designated pitches |
| Appendix B | - | Street Trading Consent Conditions                               |
| Appendix C | - | Street Trading Consent Guidance                                 |
| Appendix D | - | Application for Street Trading consent                          |
| Appendix E | - | Letter of objection from Brian McFarland                        |

## **LIST OF BACKGROUND PAPERS** **SECTION 100D LOCAL GOVERNMENT ACT 1972**

Local Government (Miscellaneous Provisions) Act 1982.