

## DECISION NOTICE

### Licensing Sub Committee

#### Appeal Against Street Trading Consent Decision

#### Decision:

The Licensing Sub Committee resolved to allow the appeal.

The Street Trading Consent for George Lane car park, Marlborough to be granted for a period up to 31 July 2019.

Licensable Activity	Timings	Days
Permitted trading hours	16:30 – 23:00	Mon – Sun

#### Conditions

1. Two people to be present on the premises (van) during all trading hours.
2. CCTV to be operational during trading hours and available for checking by the Council's Authorised Officer and the Police for 30 days.
3. The Appellant pays 50% of the annual street trading fee for the period up to 31 July 2019.

#### Reasons

After taking into account the written representations from the Council's Authorised Officer and the Appellant and the oral submissions received from both parties at the hearing, the Sub Committee considered the appeal and the concerns raised in the objections to the application received from Wiltshire Police, Marlborough Town Council and the local Ward Member.

It was noted that these concerns related to the perceived public nuisance arising from anti-social behaviour in the area although no substantiated evidence was provided to the Sub Committee to this effect. In view of this, the Sub Committee agreed to grant the Street Trading Consent for a shorter period up to 31 July 2019 and for the Appellant to provide CCTV which would be available for checking by the Council's Authorised Officer or the Police. Another factor that was considered was the location of a primary school within approximately 200 metres of the trading van. However, the Sub Committee took the view that this could be mitigated by the Appellant not commencing trading until 16:30 hours.

In reaching its decision the Sub Committee also considered the Street Trading Consent Scheme Guidelines and the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

**Right to Appeal**

A person aggrieved by the decision of the Licensing Sub Committee may make an application to the High Court for judicial review of the decision.