



LICENSING COMMITTEE REPORT

Report Title	Street Trading Consents.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	25 th September 2012
Policy Document:	Street Trading
Directorate:	Customers and Communities

1. Purpose

That the Committee formally agree to pass a resolution designating two additional sites as Street Consent Sites and to include the roads and streets that have been adopted since 6 October 2005 as prohibited.

2. Recommendations

- 2.1 That with effect from 1st November 2012.
- (i) the existing street trading regulations for the Borough be updated to allow the Council to designate additional street trading consents as set out in the Notice attached.
 - (ii) the roads and streets in the Borough that did not exist in 6 October 2005 be designated as prohibited streets
- 2.2 (A copy of the formal resolution is attached to this Report)

3. Issues and Choices

3.1 Report Background

On the 31st July 2012 this committee formally agreed to publish a notice of intention to pass a resolution designating two additional sites as Street Consent Sites and to include the roads and streets that have been adopted within the Borough of

Northampton, since 6 October 2005, as prohibited. This notice was duly published in the Northampton Herald and Post. (Copy attached).

The granting of a street trading consent is a matter within the general discretion of the Local Authority.

The council may attach such conditions as they consider reasonably necessary to consent. Such conditions can include requirements that would help to prevent the obstruction of the street or danger to persons using it; or nuisance or annoyance, whether to persons using the street or otherwise. This relates specifically to street trading licenses, unless the consent allows them to trade from a stationary van/cart barrow or other vehicle or a portable stall.

3.2 Issues

None.

3.3 Choices (Options)

To consider any representations received in respect of the proposed resolution.

No representations have been received from members of the public in response to the advertisement placed in the Herald and Post, although observations raised by the police and Northampton County Council Highways department can be considered in context and incorporated within the conditions of the consent should the committee feel this necessary.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There would be no change to the existing policy.

4.2 Resources and Risk

4.2.1 There is a fee payable to the authority from those trading from all consent sites.(Currently under review).

4.2.2 The revised costs of advertising are as follows:

Initial Notice - £180.54p

Two consecutive weeks notices if any resolution where appropriate - £361.08p

This will be met from the Licensing Departments advertising/legal budget.

4.3 Legal

4.3.1 The designation of streets / roads as consented streets is lawful within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Section 2 (1) (c)

4.3.2 There is a mandatory requirement to advertise a notice of intention to pass a resolution in a local newspaper circulating in the area and to serve a copy of the notice on :

The chief officer of police for the area in which the street to be designated by the resolution is situated; and

On any highway authority responsible for that street and
Obtained the necessary consents where the resolution relates to a street which is owned or maintainable by a relevant corporation and

Where a resolution designates as a licence street any street maintained by a highway authority

4.4 Equality

4.4.1 There are no equality issues to be addressed; any issues relating to public safety have been addressed during the consultation period.

4.5 Consultees (Internal and External)

4.5.1 The Police, Highways Department (Northamptonshire County Council) and the Environmental Health Department have been consulted. Observations from the police and Highways Department (County Council) are contained in their response (attached) The Environmental Health Department had no comment to make.

4.6 Other Implications

4.6.1 N/A

5. Background Papers

5.1 Licensing Committee Report dated 31st July 2012.

5.2 Northampton Borough Council Street Trading Consent Policy.

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