



## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Street Trading Consents – Abington Park</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	5 November 2013
<b>Policy Document:</b>	Street Trading
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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At the meeting of the Licensing Committee on 24 September 2013, it was agreed that a notice would be published of the intention to pass a resolution to re-adopt all of Park Avenue South as a prohibited street. Also to move the two existing street trading pitches from Park Avenue South onto two new designated sites just off the highway on Abington Park as indicated on the attached plan Appendix A.

### 2. Recommendations

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- 2.1 That the committee, following the formal consultation, now agree that with effect from 1<sup>st</sup> April 2014:-
- (i) The existing street trading pitch located at; Park Avenue South (east side) from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards, be removed from the list of 'Consent' sites and
  - (ii) the existing street trading regulations for the borough be updated to allow the Council to designate two street trading consents at Abington Park as set out in the Notice attached. Appendix B
- 2.2 (A copy of the formal resolution is attached to this Report) Appendix B
- 2.3 The licensing department received no objections to the proposals during the consultation period.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 Further to the recently approved parks and open spaces strategy, the local authority is currently looking at a number of potential initiatives aimed at making our parks more attractive to encourage more visitors.
- 3.1.2 One such initiative is looking at creating an attractive gateway from Park Avenue South, leading into Abington Park and linking in with other potential future projects.
- 3.1.3 This for example includes working in partnership with Friends of Abington Park and Northampton Museums Education Department to develop information, learning resources and activities to help local people and visitors to the park learn more about the ecology and heritage of Abington parkland and surrounding areas. This is one of a number of potential future projects which it is hoped will help to attract new audiences to Abington Park.
- 3.1.4 Whilst looking at these initiatives, safety concerns have been raised with regards to the location of the two ice cream vans with a street trading consent on Park Avenue South, attracting families with young children to stand in close proximity to a busy road.
- 3.1.5 At present all street traders are encouraged to occupy their consent sites from a time prior to those members of the public wishing to enjoy the local facilities and the area becomes busy. However it has been noted during the busy summer months that on occasions the ice cream van/s fail to arrive early in the morning, resulting in their pitches being taken as parking spaces by visitors to the park and the traders are finding themselves without a trading place.
- 3.1.6 Each pitch, in an area where parking is allowed to members of the public, is not for the sole use of the permit holder. If a member of the public is parked when the trader arrives then he must wait for the pitch to be vacated, he has no authority to demand the removal of any vehicle. He is not permitted to trade from any other location in the vicinity.
- 3.1.7 It is also noted that during the busy periods, customers of the ice cream traders queue on and around the footpath, blocking the pedestrian access and creating a potential hazard with the very steep incline directly running along the footpath.
- 3.1.8 The two existing ice cream sellers provide a popular service to the residents and visitors of Northampton and therefore whilst looking at the future opportunities within Abington Park, it has been identified that these two ice cream traders would benefit from a prime location, within the park area just off the highway, which has the potential to be developed as the gateway area to the park. These new pitches will allow for a more attractive trading area away

from the busy road and the steep incline. The new areas identified are shown as indicated on the attached plan. Appendix A.

- 3.1.9 At present both traders are restricted by their consents to trade until 7.30pm, however it is proposed that the ice cream traders will be allowed to trade on the new pitches from dawn to dusk, allowing them the opportunity to maximise their sales during the busy summer months.
- 3.1.10 For your information Street trading consents authorise mobile street trading such as the sale of hot dogs and other mobile snack bars. The majority of street trading pitches within Northampton are located on or around industrial estates, the only exception at this present time being the two ice cream vans at Abington Park.
- 3.1.11 The granting of a street trading consent is a matter within the general discretion of the Local Authority.
- 3.1.12 The council may attach such conditions as they consider reasonably necessary to a 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.
- 3.1.13 The Committee may wish to specify a suitable time for the ice cream vans to manoeuvre on and off the park having due regard to public safety.

## **3.2 Issues**

- 3.2.1 The date for this proposal is subject to change depending upon completion of the necessary works to create the two new consent sites, a further report will be presented to the committee should the date need to be amended.

## **3.3 Choices (Options)**

- 3.3.1 The choice is whether or not to include these two new street consent sites within the park and remove the existing sites on Park Avenue South, or,
- 3.3.2 Take no action and leave the two current street trading consents on Park Avenue South.

## **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 The 2013/14 fee payable by the two traders on Park Avenue South is £1,225 each, per annum and the same fee will apply for the two new pitches within Abington Park, thus there will be no loss in licensing revenue. There will be a

cost of approximately £500 for the advertisement of this proposal; these costs will be met from the existing licensing budgets.

- 4.2.2 Investment for the improvement works to be carried out around the parks will be funded from the parks and open spaces strategy and will not be funded from the Licensing budget.

### 4.3 Legal

- 4.3.1 The Local Government (Miscellaneous Provisions) Act 1982 empowers a district council to adopt Schedule 4 of the Act.

A district council may by resolution under Schedule 4:

Designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

“street” includes—

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street;

- 4.3.2 If a district council pass such a resolution as is mentioned in above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

- A council shall not pass such a resolution unless—

- (a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
- (b) they have served a copy of the notice—
  - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
  - (ii) on any highway authority responsible for that street

The notice referred to in above—

- (a) shall contain a draft of the resolution; and
- (b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

- 4.3.3 As soon as practicable after the expiry of the period specified above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.
- 4.3.4 After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in subparagraph (1) above.
- 4.3.5 The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 4.3.6 Where a street is designated as a licence street, the council may resolve—
- (a) in the resolution which so designates the street; or
  - (b) by a separate resolution at any time

#### **4.4 Equality**

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

#### **4.5 Consultees (Internal and External)**

- 4.5.1 Public consultation via local publication.
- 4.5.2 Director of Customers & Communities, Head of Public Protection, Community Safety Manager, Finance, Legal Services, Senior Licensing Officers
- 4.5.3 The Police, Highways Department (Northamptonshire County Council) and the Environmental Health Department have been consulted following that consultation the following comments have been made:

Mr Leddingham the Police Senior Traffic Management Officer:

*'I do deal with a small number of applications for street traders and would therefore be happy to support this proposal to move these vehicles onto hard standings, allowing them to be off the road. If there was an option for these to be near the pedestrian crossing facilities this would be good as it would hopefully encourage pedestrians to cross at a safe location.'*

Mr Spencer Northants Highways Road Safety Team Leader:

*'There are always road safety concerns when mobile food vendors trade from the main carriageway. We would therefore support measures to provide an off road location for this activity in Park Avenue South, Northampton. Our main guidance would be to try to ensure that the new location continues to encourage peds to use the crossing when accessing from the opposite side of the park.'*

Mr Jason Toyne Northampton Borough Council Park Ranger:

*'As one of the Park Rangers for Abington Park, I agree for construction of a plaza to be used by ice cream vehicles. It will also enhance the parks facilities and keep with the park setting. From a health and safety aspect moving the ice cream vehicles away from the road will enhance children's safety and possibly ease congestion.'*

#### **4.6 Other Implications**

4.6.1 N/A

#### **5. Background Papers**

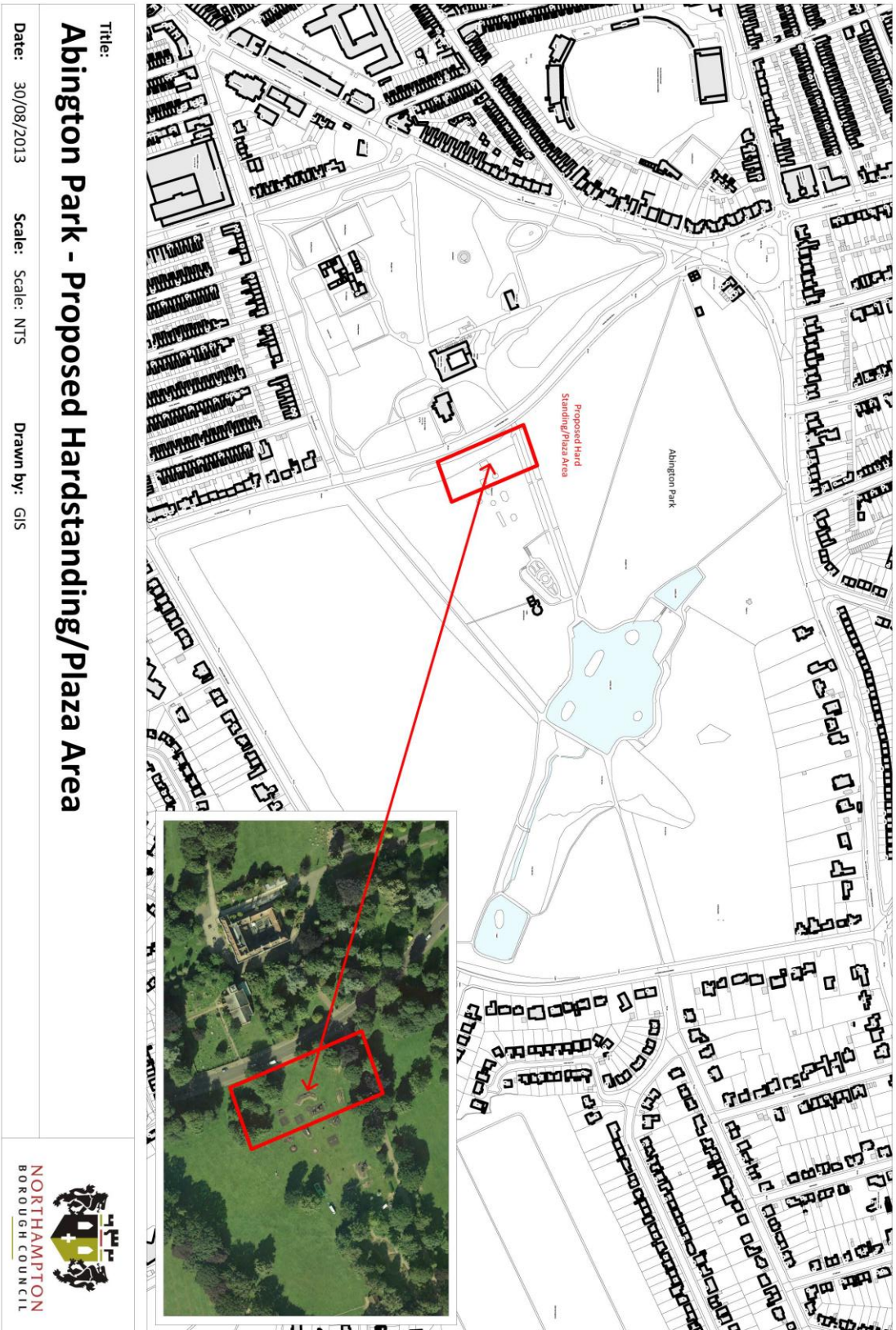
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5.1 Licensing Committee Report dated 24<sup>th</sup> September 2013

5.2 Northampton Borough Council Street Trading Consent Policy.

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**Appendix A**



Title:

**Abington Park - Proposed Hardstanding/Plaza Area**

Date: 30/08/2013

Scale: Scale: NTS

Drawn by: GIS



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## Appendix B – PROPOSED RESOLUTION

### 1. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART III

#### 2. STREET TRADING

NOTICE IS HEREBY GIVEN under Paragraph 2 (3)(a) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 of Northampton Borough Council's intention to pass the following resolution:-

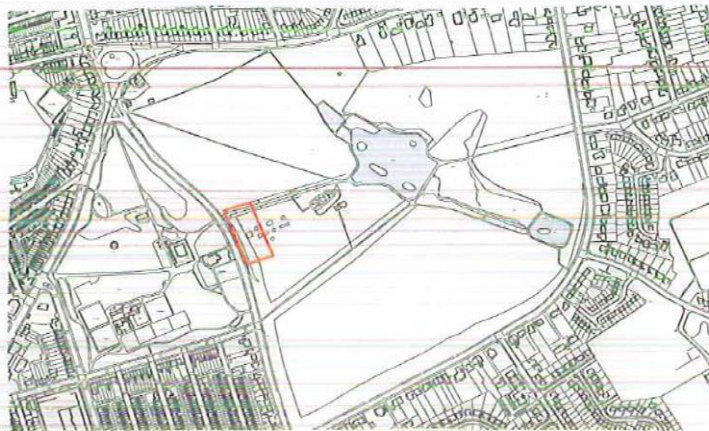
That with effect from 1<sup>st</sup> April 2014:-

- (1) Park Avenue South shall be designated as a prohibited street for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

That with effect from 1<sup>st</sup> April 2014 (or upon completion of works, whichever is sooner, but not before the statutory advertising/notice period has passed):-

- (2) the following shall be designated as consent streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

STREET	TRADING CONSENT AREA	TRADING HOURS	DAYS AND
Abington Park	The area identified in red as shown in the plan below.	Monday - Sunday 06:00hrs to 22:00hrs	



#### Interpretation

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

"Street" includes all roads, footways, highways and adjacent areas to which the public have access without payment.

The "street trading consent area" will be defined by reference to a plan.

**The Remainder of the Highway Network in the Borough of Northampton.**



That with effect from 1<sup>st</sup> April 2014 the roads and streets, including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 15 metres in the Borough of Northampton and not included in the resolution passed by Northampton Borough Council on 27<sup>th</sup> September 2005 shall also be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

The "street trading consent area" will be defined by reference to a plan.

A list of those sites already licensed are available for inspection at the offices of the Northampton Borough Council between 9am and 5pm Monday to Friday.

Any representations or objections must be made in writing to the Council no later than 28 days of the advertisement being published in the local newspaper.