



## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Street Trading Consent</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	10 December 2013
<b>Policy Document:</b>	Street Trading
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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That the Committee, formally agree to pass a resolution, to relocate a Street Trading Consent Site from its current position to the preferred option site. (As at Appendix B.)

### 2. Recommendations

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- 2.1 That with effect from 1<sup>st</sup> February 2014:
- (i) the existing street trading consent site in Gowerton Road, Brackmills, Northampton is withdrawn in favour of a new site nominated by the Senior Licensing Officer in agreement with Mr Chris Barker, Brackmills Industrial Estate Security Manager and the street trader Mr Podolczak.
- 2.2 (A copy of the formal resolution is attached to this Report)

### 3. Issues and Choices

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#### 3.1 Report Background

- 3.1.1. Over recent months the Licensing Department have been in discussions with both the Street Trader located at Gowerton Road and the Brackmills Security Manager Mr Barker in an attempt to confirm a safer location for the trader to operate.
- 3.1.2. The current location is situated on the highway and since the site was adopted the development of Brackmills is such that traffic has increased and this has also increased potential risk to the trader.

- 3.1.3. The new site as nominated is situated at the far end of the layby, as on the attached plan, this also provides adequate parking for prospective customers.
- 3.1.4. The granting of a Street Trading Consent is a matter within the general discretion of the Local Authority.
- 3.1.5. The council may attach such conditions as they consider reasonably necessary to a Street Trading Consent.
- 3.1.6. 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.
- 3.1.7. 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 known.

### **3.3 Choices (Options)**

- 3.3.1. To agree to publish a notice in the local newspaper of the proposed resolution. (Appendix A).
- 3.3.2. To retain the existing consent site.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 There would be no change to the existing policy.
- 4.1.2 There is the cost of advertising the change in location in a local newspaper..

### **4.2 Resources and Risk**

- 4.2.1 There is a fee payable to the authority from those trading from all consent sites.
- 4.2.2. There may be objections to the proposal those objections, if forthcoming, would be considered at the next meeting of the committee.
- 4.2.3. Costs of advertising 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 will be consulted.

#### **4.6 Other Implications**

4.6.1 N/A

### **5. Background Papers**

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5.1 Northampton Borough Council Street Trading Consent Policy.

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**PART III**

**STREET TRADING**

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

"That with effect from 1<sup>st</sup> February 2014

- (1) the following location shall be removed as a designated consent site for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

**Gowerton Road:** 50 metres south of Caswell Road

- (2) the following location shall be a designated consent site for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982

**Gowerton Road:** The Layby on the south side of the road 86mtrs east of the roundabout junction

**Interpretation**

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 paper.