



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Town Centre Street Trading Consents.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	17 June 2014
Policy Document:	Street Trading
Directorate:	Customers and Communities

1. Purpose

1.1 That the Committee, formally agree to publish a notice of intention, in a local newspaper, to remove those streets on the map (Appendix B) from the prohibited list and pass a resolution, to adopt the area of Northampton Town Centre, within the area detailed at Appendix B, as a Street Trading Consent Site within the meaning of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Section 2 and:

1.2. To authorise the issue of Occasional Street Trading Consents for minimum of 3 days to 6 days maximum to traders requesting to trade at council organised or council approved or community events. (The fee as set by the Committee and subject to compliance with our street trading consent conditions).

1.3. Occasional sites will only be licensed a maximum of six times in any year.

2. Recommendations

2.1. That with effect from: 1st November 2014.

(i) The Town Centre area of Northampton is adopted as a Street Trading Consent area. (A copy of the formal resolution is attached to this Report).

ii) That the Licensing Department have delegated authority to issue Occasional Street Trading Consents for 3 to 6 days to traders requesting to trade at Council organised or Council approved or community events. (These to be issued no more than six times per year at each location and would be to a single trader, larger groups or markets would fall under the Northampton market Provisions.)

Note: Special Occasions could include the Christmas holiday period and other bank holidays when events take place.

2.2. That should the recommendations be adopted, prior to granting a consent, the specific location of any Occasional Street Trading Consent site be delegated to the Senior Licensing Officer.

2.3. This will enable the activity in the Town Centre to be assessed, following consultation with the relevant departments at the time of the application and, any safety issues can be taken into consideration prior to any consent being granted.

3.1 Report Background

3.1.1. Over recent years the number of events taking place in the town centre, during holiday periods, has been increased this has also resulted in an increase in visitors to the town.

3.1.2. These events have been limited to the Market Square as to hold an event in any other part of the town centre could be in contravention of Northampton's Market Charter.

3.1.3. It is also the case that currently all other areas of the town centre are 'prohibited streets', this means that no street trading can take place.

3.1.4. This now presents an opportunity to prescribe an area within the town centre whereby the prohibition of street trading can be lifted. (Appendix B).

3.1.5. 'Occasional' consents would coincide with special occasions during the calendar year, as previously outlined, and would allow traders to operate at specific events.

3.1.6. It is possible to issue Occasional Street Trading Consents and it is within the remit of the committee to nominate both special/seasonal occasions and the number of consents to be issued. (Those special/seasonal occasions could include National Holidays and those Bank Holidays or other occasions when special/seasonal events take place.)

3.1.7. Conditions attached to those consents 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, or the control of goods to be traded.

3.1.8. This would also acknowledge the changing face of the town centre and the redevelopment due to take place in Guildhall Road, Fetter/Angel Street and possible future development and include that area in the vicinity of All Saints Church.

3.2. Issues and Choices

3.2.1 Issues

3.2.2. It may be that others trading within the vicinity of any nominated location have

some concerns with regard to 'loss of trade' although, those traders likely to be issued with consents, would not include any in direct competition with Northampton's local shops or traders.

3.2.3. Objections could be raised by those market traders traditionally trading on the existing market, it would be for the committee to decide on the type of goods to be sold.

3.2.3 Choices (Options)

3.2.4. To agree to publish a notice in the local newspaper of the proposed resolution. (Appendix A).

3.2.5. To refuse to publish.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There would be a change to the existing Street Trading Policy to include the introduction of an 'Occasional Street Trading Consent'.

4.1.2. Those nominated streets would be removed from 'prohibited streets'

4.1.3. There is the cost of advertising the new locations in a local newspaper.

4.1.4. A fee would be charged in line with current policy for those applying to trade at any adopted site.

4.2 Resources and Risk

4.2.1 There is a fee payable to the authority from those trading from all consent sites. (A daily fee has already been agreed that can be applied to Occasional consents).

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 existing 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 :

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

b).any highway authority responsible for that street and;

c) obtain the necessary consents where the resolution relates to a street which is owned or maintainable by a relevant corporation and;

d) 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 that would have a derogatory effect on protected groups.

4.4.2 Public safety will be addressed during the consultation period.

4.5 Consultees (Internal and External)

4.5.1 The Police, Highways Department (Northamptonshire County Council) The Fire Service and the Environmental Health Department will be consulted.

4.5.2. There will be a need to consult with those directly affected by the change.

4.6 Other Implications

N/A

5. Background Papers

5.1 Northampton Borough Council Street Trading Policy.

5.2 Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Section 2 (1) (c).

5.3. Highways Act 1980. Section 147A.

5.4. Northampton Market Charter.

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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 (Date to be determined).

- (1) The area of Northampton Town Centre is adopted as an Occasional Street Trading Consent site. (Occasional to include those times nominated by Northampton Borough Council as Special Occasions).

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 together with a plan showing the area of the town centre as defined are available for inspection at the offices of the Northampton Borough Council between 9am and 5pm Monday to Friday. (Excluding Bank Holidays)

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.

