**REGULATORY SERVICES COMMITTEE – 14 JUNE 2017**

**PART I - DELEGATED**

**6. REQUEST TO AMEND THE STANDARD CONDITIONS OF STREET TRADING CONSENTS.**

 (DCES)

1. **Summary**

1.1 Following the Regulatory Services Committee of 8 March 2017 where the Licensing team reported that they had received a request from Councillors to amend the standard conditions of Street Trading Consents issued by Three Rivers District Council, the Committee asked that the Licensing team obtain further information from the Councillors.

2. **Details**

2.1 Three Rivers District Council issue Street Trading Consents that allow applicants to trade on all consent streets within the district. There are currently 11 Street Trading Consents of which 7 are for mobile food traders.

2.2 The Licensing team have received requests from Councillors to amend the standard conditions to Street Trading Consents applicable to mobile food vendors.

2.3 Councillors have requested these additional conditions are added to the standard conditions.

2.4 The reason for this request is due to the potential impact from mobile vendors on public safety and public health. If vehicles / vendors are causing obstructions and hazards then this will have an impact on public safety with the likelihood of a risk to accident by other road users and / or pedestrians. With regard to public health, there has been great interest by the Community Safety/Health and Wellbeing Partnership in keeping takeaways from school gates and there is the same issue here with mobile vendors.

2.5 At Regulatory Services Committee of 8 March 2017, officers were asked to get more information from the Councillors requesting the amendments. Below are the comments that officers received:

* “The original purpose was to improve the health and safety of students at local schools by not allowing the sale of unhealthy food items i.e. ice creams, soft drinks, chocolates etc. by food vendors who park next to, or unsafely near, the entrances to, and exits from, the schools.
* As most of these vehicles are diesel powered and the engine is running while on site to keep the refrigeration units running, the air quality is also subject to being adversely affected by their presence.
* To suggest that any new or renewed vendor licences, for any food products, be amended to prevent them from parking up within 50 metres of the entrance to, or exit from, any school within Three Rivers.
* This is not intended to prevent food vendors from being on streets or within the boundaries of other public/private land such as parks and open spaces or at the specific invitation of an owner to be present on their grounds.”

2.6 This therefore changes the view with regard to the use of parks that was discussed at the last meeting

**3.** **Options/Reasons for Recommendation**

3.1 Members can amend conditions to all new and renewed Street Trading Consents within the District or to leave the conditions for Street Trading Consents as they are.

3.2 If Members wish to amend the conditions, then there are a number of options available to Committee. Examples of conditions include:

* Prohibiting street trading from food vendors from the boundary of a School.
* Prohibiting street trading from food vendors within a set distance of the boundary of a School,
* Prohibiting street trading from food vendors within a set distance of the boundary of a School unless invited by the School.

3.3 Regarding distances from the school boundaries to be prohibited, it is recommended that this be set to 50 metres if Members wish to prohibit Street Trading from the boundary of the school. This is because the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982 prohibits the use of chimes within 50 metres of a school and therefore a distance of 50 metres has already been set as an appropriate distance.

3.4 In order to prevent causing an obstruction, it is recommended that the following new standard condition be added: ***“Any vehicle or stall must not be placed in a position causing any unnecessary obstruction or hazard on any road or Highway.”***

3.5 Should Members wish to add a condition restricting mobile food sale outside schools, the condition could state “**During term time, *no mobile food vendor including ice cream vans shall be parked within 50 metres of any school entrance or exit unless invited by the school by specific invitation to an owner to be present on their grounds*.**”

3.6 It is recommended that Members adopt the condition in 3.4 as this will ensure the safety and wellbeing of the community as a whole.

3.7 It is recommended that if the proposed condition in 3.5 is thought to be appropriate that the Council consults with the relevant trade association, holders of Street Trading Consents, schools, and the public. Officers will then consult the Chairman of the Regulatory Services Committee and Group Spokespersons on the outcome of the consultation and it is suggested that the final decision on adoption of this condition as a standard condition be delegated to the Head of Regulatory Services.

**4.** **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

**5.** **Financial Implications**

5.1 None specific.

5.2The addition of new conditions may increase the need for enforcement to ensure compliance with the new conditions added. This will be managed by existing staff.

5.3 There will also be a small cost in consultation but this is required to ensure that both the trade and the general public are aware of the changes to the conditions. This can be contained within existing budgetary provision.

5.4 There may be financial costs in that the addition of extra conditions may reduce the number of applicants for Street Trading Consents as they may wish to trade in other districts that may not have these conditions. However, this will be minimal considering the income from Street Trading Consents is only 7 mobile street traders within the district, and can be contained within existing budgetary provision.

**6.** **Legal Implications**

6.1 The conditions for Street Trading may be challenged. However, due to the process that will be followed in terms of procedure and consultation this is likely to limit any risk of legal challenge.

**7.** **Equal Opportunities Implications**

7.1 ***Relevance Test***

|  |  |
| --- | --- |
| Has a relevance test been completed for Equality Impact?No this has no specific amendment to current council policy it just amends conditions of that policy.  | No  |
| Did the relevance test conclude a full impact assessment was required? | No |

7.2 ***Impact Assessment***

There is no detrimental impact likely towards any protected group from amending the conditions of a Street Trading Consent. Any consultation with the trade and public will seek to collect relevant demographic data in order to assess the different views of relevant protected groups, if any.

**8.** **Staffing Implications**

8.1 Where there is an increase of conditions this may lead to the increase in enforcement required. However, it is felt that this can be carried out using current licensing service provisions.

**9.** **Environmental Implications, Customer Services Centre, Risk Management and Health & Safety Implications**

9.1 None specific.

**10.** **Community Safety Implications**

10.1 These conditions are to improve community safety.

11. **Public Health implications**

11.1 These conditions are to improve public health.

12. **Communications and** **Website Implications**

12.1 Any consultation will be publicised on the Three Rivers District Council Website.

13. **Recommendation**

13.1 That the following condition is added to the Schedule of current conditions for Street Trading Consents.

***“Any vehicle or stall must not be placed in a position causing any unnecessary obstruction or hazard to any road or Highway.”***

13.2 (i) To agree a new condition restricting mobile food vendors subject to all necessary consultation and that the Head of Regulatory Services in consultation with the Chairman and Group Spokepersons be authorised to finalise the wording of the condition relating to the restricting of mobile food vendors outside schools

 or

 (ii) Not to agree a new condition restricting mobile food vendors

 Report prepared by: **Brad Wheeler, Licensing Officer**

**Data Quality**

Data sources:

 None

 **APPENDIX BELOW**

 **Schedule of current conditions for Street Trading Consents.**

1.1 The consent only relates to the designated person (or his/her deputy) whose photograph(s) has been supplied to the Council with the application for consent.

1.2 Each stallholder (or his/her agent) is responsible for removing refuse and litter at the end of the day’s trading.

1.3 The consent to trade must be displayed on all stalls whilst trading.

1.4 The Consent-holder must wear his/her market identity badge whilst trading.