**REGULATORY SERVICES COMMITTEE**

 **8 MARCH 2017**

**PART I - DELEGATED**

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

(DCES)

1. **Summary**

1.1 The Licensing team have received a request from Councillors to amend the standard conditions of Street Trading Consents issued by Three Rivers District Council.

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 This was originally discussed by the Community Safety/Health and Wellbeing Committee some time ago and as such they resolved that any future Street Trading licence and/or renewals of such a licence come with the addendum that licensees not be allowed to park up and sell their wares within the boundaries of a school and in any location where their parking creates a hazard to safe vehicle/pedestrian passage. These conditions have not been implemented to date.

2.4 Councillors have requested these additional conditions are implemented and that these are extended to play areas.

2.5 The reason for this request is 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 Committee in keeping takeaways from school gates and there is the same issue here with mobile vendors.

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

3.1 In view of this request, 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 may 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, there are different distances suggested by officers that could be adopted, for example 10 metres, 25 metres, 50 metres or 100 metres. 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 It is therefore recommended that an example condition state “***No mobile food vendor including Ice Cream vans shall be parked within 50 metres of any school entrance or exit***”.

3.5 It is therefore recommended that an example condition state “***No mobile food vendor including Ice Cream vans shall be parked within 50 metres of any park entrance or exit***”.

3.6 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.”***

3.7 Having received this request, it is recommended that Members adopt these three conditions whereupon officers will consult with the relevant trade association, holders of Street Trading Consents, schools, and the public. Officers will then apprise the Committee Chairman of the outcome of the consultation and, in consultation with him, the Director of Community & Environmental Services, and the Group Spokespersons, may then formally adopt these conditions on behalf of the Committee.

**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 increase in 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, following consultation, regard be paid to any comments received and the decision be delegated to the DCES, in consultation with the Chairman of the Regulatory Services Committee and Group Spokespersons, to add additional conditions, as detailed below, to Street Trading Consents for mobile vendors on application or on renewals of an application.

* + - ***No mobile food vendor including Ice Cream vans shall be parked within 50 metres of any school entrance or exit***
		- ***No mobile food vendor including Ice Cream vans shall be parked within 50 metres of any park entrance or exit***
		- ***Any vehicle or stall must not be placed in a position causing any unnecessary obstruction or hazard on any road or Highway.”***

 Report prepared by: Brad Wheeler, Licensing Officer

 **Data Quality**

Data sources:

 None

 **APPENDIX**

 **Schedule of current conditions for Street Trading Consents (below)**

 **Appendix - 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.