**REGULATORY SERVICES COMMITTEE**

**6 DECEMBER 2017**

**PART I - DELEGATED**

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

(DCES)

1. **Summary**

1.1 Following the Regulatory Services Committee of 8 March 2017 and 14 June 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 proposal has been consulted upon.

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 had received requests from Councillors to amend the standard conditions to Street Trading Consents applicable to mobile food vendors.

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

2.4 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 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 14 June 2017, officers were authorised to consult on the proposal that the following condition be added to the standard condition:

**During term time, *no mobile food vendor including ice cream vans shall be parked on school grounds and for the vendor to seek permission from schools to park within the 50 metre exclusion***.

2.6 Officers consulted with schools, the trade, Resident Associations, Parish Councils, District Councillors, residents and adjoining Local Authorities asking their views to the proposal.

2.7 During the consultation a total of three responses were received.

2.8 Two of these responses were from local schools. One stated they thought this was a good idea and the other that this was an excellent proposal.

2.9 The third response was from one of the Councillors that originally requested the amendment to the conditions. It was questioned whether this was 50 metres from the school building or 50 metres to the entrance and exit of a school. This was due to a particular school where the entrance is more than 50 metres from the school building as such vendors may use this to park at the entrance / exit of the school.

2.10 The Councillor also requests that the condition is changed so that the vendor has express permission from the head teacher in writing.

2.11 No comments were received from the trade.

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

3.1 In view of the responses received, Members may amend the proposed condition and add this condition 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 It is therefore recommended that should Members wish to add a condition restricting mobile food sale outside schools, an example condition could state “**During term time, *no mobile food vendor including ice cream vans shall be parked on school grounds or within a 50 metre exclusion*** ***from the school boundary unless the vendor seeks permission from the school to park and is given written authorisation from the Head Teacher”.***

**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, the process that will be followed in terms of procedure and consultation 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 None specific.

13. **Recommendation**

13.1 That the following condition be added to the standard conditions to Street Trading Consents for mobile vendors on application or on renewals of an application.

“**During term time, *no mobile food vendor including ice cream vans shall be parked on school grounds or within a 50 metre exclusion*** ***from the school boundary unless the vendor seeks permission from the school to park and is given written authorisation from the Head Teacher”.***

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.

1.5 Any vehicle or stall must not be placed in a position causing any obstruction or hazard to any road or Highway or any school entrance