

Supplementary Information

HAVANT BOROUGH COUNCIL
LICENSING COMMITTEE
26 March 2014

Dear Councillor

Please note the following correction to Item 7 of the Agenda.

Agenda No	Item
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7	<u>Application for a Street Trading Consent - Mobile Catering Trailer - Park Parade Precinct, Leigh Park (Pages 1 - 6)</u>
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Reference to The Food Hygiene (England) Regulations 2006 in paragraph 3.6 (c) should read The Food Safety and Hygiene (England) Regulations 2013.

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HAVANT BOROUGH COUNCIL

Licensing Committee

APPLICATION FOR A STREET TRADING CONSENT – MOBILE CATERING TRAILER – PARK PARADE PRECINCT, LEIGH PARK

Report by the Senior Economic Development Officer

Portfolio: Not Applicable

Key Decision: No

1.0 Purpose of Report

- 1.1 To consider an application for a street trading consent to sell take away food and drink from a mobile catering trailer on Park Parade Precinct, Leigh Park.
- 1.2 This matter has been submitted to the Committee given the fact that the Leigh Park Traders Association have objected to the application.

2.0 Recommendation

That

- 2.1 That the Licensing Committee considers Mr T Yates application to sell takeaway hot and cold food and drinks from a mobile trailer on Park Parade Precinct, Leigh Park; and
- 2.2 Should the Committee be minded to grant the application, consent be given subject to the conditions set out in section 3.6 below.

3.0 Summary

- 3.1 A precedent to sell hot and cold food and drink from a mobile trailer from this location was created with the granting of consent in 2005. This consent holder ceased trading there in February 2012.
- 3.2 The two ward councillors have been consulted and have raised no objections.
- 3.3 The Leigh Park Traders Association has objected to the application saying “The Leigh Park Traders Committee feel that the proposed van would not bring any additional footfall to the precinct, it would work in conflict to existing businesses, possibly have an adverse effect, depending on the location, to the CCTV and possibly a problem with rubbish. We do not support this application”.
- 3.4 The Economic Development Officer has no objections.

- 3.5 The principles agreed by the Council on 4 February 2004 to guide the decisions of the committee are attached (Appendix A)
- 3.6 If the committee is minded to grant consent, it is suggested that such consent be granted subject to the following conditions:
- (a) Trading to be permitted on Park Parade Precinct only subject to agreement with the Economic Development Officer.
 - (b) Trading to be permitted between the hours of 0900 and 1700, Monday to Saturday inclusive.
 - (c) The trader complies with the following environmental health legislation:

The Food Hygiene (England) Regulations 2006
Regulation (EC) 852/2004
Regulation (EC) 853/2004
Regulation (EC) 178/2002
The Health and Safety at Work etc Act 1974
And any subsequent amendments to the above legislation
 - (e) Any such conditions as the Council solicitor may consider appropriate.

4.0 Implications

- 4.1 **Resources:** The fee for the issue of a street trading consent (currently £820.00 per annum or £510.00 for 6 months)
- 4.2 **Legal:** None arising directly from this item
- 4.3 **Strategy:** Street trading in pedestrian areas can enhance the vitality of the area
- 4.4 **Risks:** None arising directly from this item
- 4.5 **Communications:** None arising directly from this item
- 4.6 **For the Community:**
- 4.7 **The Integrated Impact Assessment (IIA) has been completed and concluded the following: N/A**

6.0 Consultation

- 6.1 Ward Councillors
- 6.2 Leigh Park Traders Association

Appendices:

Appendix A – Guideline for Street Trading Town Centres

Background Papers: None

Agreed and signed off by:

Legal Services: 14 March 2014

Executive Head of Governance & Logistics: 14 March 2014

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HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

4 FEBRUARY 2004

STREET TRADING GUIDELINES

- 1.1 Following consultation with Town Centre Groups and other interested parties the Council, on 11 April 1990, adopted guidelines and principles in respect of street trading to aid decisions and to help prospective applicants.
- 1.2 One of these guidelines suggested that a commercial fee should be charged with a view to answering criticisms of street trading from established shop owners. The Council was keen to enhance the viability of the three shopping precincts in the Borough and saw the opportunity to grant properly regulated street trading consents as a means of achieving this objective but at the same time wished to be able to charge a fee which reflected the “prime shopping space” that would be made available to the street trader. However, following the judgement of the Divisional Court in R v Manchester City Council Ex parte King, the Council in 1991 accepted that it could no longer charge a commercial fee and approved a guideline (set out below) which seeks to avoid unfair competition to established shop traders.

The Principles are:-

- (i) street trading should not impede either pedestrian movement or access for emergency vehicles;
- (ii) street trading should, so far as possible, be regulated to ensure sufficiently high standards are maintained;
- (iii) free standing street trading should be equitable in that no unfair financial advantage accrues to such traders at the expense of established town centre retailers;
- (iv) street trading is only justified if it positively enhances the attraction of the shopping centre to the general public; and
- (v) sites allocated to free-standing street trading should be flexible so as not to interfere with organised town centre events.

The guidelines are:-

- Consent will not normally be granted for any location where the trade proposed would be in direct competition with the established shop traders at least if the Council is satisfied that there is adequate provision of the sort of trade proposed.
- Trading should deal predominantly with impulse purchases.
- The location of the stall must be determined at the time of licence application.
- Stalls should conform with design and space standards specified in advance, which will vary depending on the type of trader.
- An upper limit will be set on the number of traders in each centre. (To be reviewed annually).

- Applications for the licensing of free standing street traders will be considered individually, although the Council may eventually decide to deal with them on an annual basis following advertisement.
- Daily street cleansing for the space occupied by the stall holder will be the stall holder's responsibility. (Litter clearance, sweeping and scrubbing down).
- The stall and other associated equipment is to be removed at the end of each day's trading.

Mark Gregory
Democratic Services Officer
Democratic Services