

Report of	Meeting	Date
Executive Member for Places	Council	17 July 2012

REVISION OF STREET TRADING CONSENT CONDITIONS

PURPOSE OF REPORT

1. To seek approval of the changes to the conditions attached to the Street Trading Consent scheme operated within Chorley under the provisions of Local Government (Miscellaneous Provisions) Act 1982.

RECOMMENDATION(S)

2. It is recommended that Council approve the changes to the conditions of the Councils Street Trading Consent scheme as contained in this report.
3. If approved the new conditions will have immediate effect.

EXECUTIVE SUMMARY OF REPORT

4. The current conditions attached to the Street Trading Consent Scheme operated within Chorley Borough area contain a condition that street trading cannot commence before 0900 hours on any weekday and Saturday and must cease by midnight on those days.
5. Furthermore no trading other than ice cream vending is permitted on Sundays.
6. It is believed that the conditions relating to the times of trading have not been reviewed since the Street Trading Consent Scheme was adopted in the mid 1980s.
7. A full set of existing conditions are appended at Appendix A to this report.
8. During the past 25 years both customer and trading practices have changed significantly with the growth of fast food takeaways operating on a 24 hour basis. Therefore street traders who retail fast foods such as breakfast type meals are currently having to operate in contravention of the time condition to compete or are unable to operate at times when trade is most likely to be fruitful.
9. It is proposed to amend the time condition to enable street traders to operate from 0730 hours up to 2300 hours on any day of the week.
10. Furthermore it is proposed to allow street traders the opportunity to seek alternative trading hours which may be granted as a condition of an individual street trading consent at officers discretion.
11. There is one additional minor alteration to the conditions proposed, requiring traders to liaise with the relevant highways authority/agency before trading from a site on any adopted roadside or layby.
12. The draft revised conditions are appended as Appendix B to this report.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

13. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy	X	Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

14. The Councils Public Protection Team issue Street Trading Consents for a period of 12 months under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

15. There are currently 28 consents that are on issue and relate, in the main, to owners of mobile catering units.

16. The power to impose conditions on a street trading consent is contained in Schedule 4 Paragraph 7(4) of the Local Government (Miscellaneous Provisions) Act 1982 and provides that:

“When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.”

And paragraph 7(6) provides that:

“the Council may at any time vary the conditions of a street trading consent”.

There is no provision for consultation or right of appeal by consent holders.

17. The current conditions were adopted in the mid 1980's and place a restriction on the hours of operation as follows:

“Trading may only take place between the hours of 9.00am and midnight on Monday to Saturday inclusive, except that a vendor of refreshments, ice cream and ice lollies only, may also trade between the hours of noon and midnight on Sundays.”

18. Current trading practices are very different to those when the conditions were first approved 25 years ago and officers are aware that a majority of the traders operate before these hours without causing any annoyance or nuisance to anyone and therefore have not prioritised the breach of condition for enforcement action.

19. In addition customer preferences have changed with an established market for fast food breakfast type food available in many fixed retail outlets from early morning.

20. Many of the street traders offer a “breakfast service” to members of the public and start trading daily at approximately 07.30hours in contravention of the current conditions.

21. The time conditions are therefore being revised to reflect this and it is recommended that trading times be amended to allow street traders to operate on any day of the week from 0730 hours to 2300 hours.
22. It is also proposed that a provision for traders to apply for alternative hours to trade outside these times which may be granted on a case by case basis subject to officers being satisfied that no undue nuisance is caused.
23. The majority of the street traders operate on private land or in commercial setting where there are no sensitive residential properties. However, there is provision within the conditions to revoke the consent where traders are deemed to be causing a nuisance or annoyance to persons using the street or otherwise. This provision will be retained.
24. Some traders choose to operate from a main highway or layby and currently are advised to seek advice on the siting of the mobile vehicle from the highways authority/agency.
25. A new condition is being proposed which requires the trader to liaise with such an authority or agency prior to commencing trading. Officers will seek some evidence that such liaison has taken place in order to be satisfied that the condition has been met.

IMPLICATIONS OF REPORT

26. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

27. The changes recommended do not require any additional resources there is no financial impact on the Council's budget.

COMMENTS OF THE MONITORING OFFICER

28. The powers which the Council can exercise to vary conditions are addressed within the body of the report.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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