

CANNOCK CHASE COUNCIL

COUNCIL

29 FEBRUARY 2012

REPORT OF HEAD OF ENVIRONMENTAL HEALTH

RESPONSIBLE PORTFOLIO LEADER: ENVIRONMENT

CONSENTED STREETS FOR THE PURPOSE OF STREET TRADING

1. Purpose of Report

- 1.1 To seek approval for the passing of a resolution to consent all streets for the purpose of street trading.
- 1.2 To set a date when the resolution shall become effective.
- 1.3 To clarify the Council's position regarding street trading by mobile food vendors such as ice cream vans.

2. Recommendations

- 2.1 That Council resolve to apply Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to the whole of the district of Cannock Chase District Council.
- 2.2 That all streets within the district of Cannock Chase District Council shall be designated Consent Streets as per the Local Government (Miscellaneous Provisions) Act 1982 with effect from 12 April 2012.
- 2.3 That the fees and charges applied to mobile food vendors should be the same as for trading on private land.

3. Summary (inc. brief overview of relevant background history)

- 3.1 At the meeting of Council on 24 August 2011, a Policy on Street Trading was agreed and adopted together with agreement to commence the statutory advertising of its intention to consent all streets in the district for the purposes of Street Trading. A copy of the relevant Minute is attached at Annex 1 to this report.
- 3.2 The statutory advertising has taken place and no objections to the proposal have been received. A copy of the Public Notice which was published in a local newspaper on two consecutive weeks in January 2012 is attached at Annex 2 to this report.
- 3.3 Support for the proposal has been received from Staffordshire Police, Staffordshire County Council Highways Department and Hednesford Town Council.
- 3.4 Since adoption of the Policy on Street Trading, a concern has been expressed by some mobile food traders (ice cream vendors) that they would be required to pay the daily out of town fee for trading within the district which is considered inappropriate.

4. Key Issues and Implications

- 4.1 By consenting all streets within the district for the purposes of Street Trading, there can be full regulatory control rather than the dual standards that currently apply.
- 4.2 Reasonable conditions can be attached to Street Trading consents to prevent obstruction or danger and prevent nuisance or annoyance.
- 4.3 The agreed and adopted Policy on Street Trading gives a three tier system of fees and charges for traders in respect of pitches in town centres, out of town and on private land.
- 4.4 It is considered appropriate to charge such traders an annual figure commensurate with trading on private land and Members are asked to consider this. The current fee being £50 per annum, subject to annual review.
- 4.5 If the Council resolve to consent all streets for the purpose of Street Trading, this must be advertised in a local newspaper on two consecutive weeks and the resolution becomes effective at least 28 days from the second advertisement.
- 4.6 It is considered that 12 April 2012 would be an appropriate date for the resolution to become effective.

5. Conclusion(s) and Reason(s) for the Recommendation(s)

- 5.1 The proposal to consent all streets for the purpose of Street Trading has been advertised and no objections have been received in the statutory consultation period.
- 5.2 Support has been received from Staffordshire Police, Staffordshire County Council Highways Department and Hednesford Town Council.
- 5.3 Separate to the statutory consultation, concern has been raised by mobile food vendors regarding the potential level of fee that they may be required to pay and it is recommended that an annual fee is applied, being the same fee as for trading on private land, to address these reasonable concerns.

6. Other Options Considered

- 6.1 This report fulfils the requirement of Minute 33B of the Council's meeting held on 24 August 2011 and no other options have been considered.

7. Report Author Details

K.J. Sulway, Environmental Protection Manager (ext. 4480).

SCHEDULE OF ADDITIONAL INFORMATION

INDEX

Contribution to Council Priorities	Section 1
Contribution to Promoting Community Engagement	Section 2
Financial Implications	Section 3
Legal Implications	Section 4
Human Resource Implications	Section 5
Section 17 (Crime Prevention)	Section 6
Human Rights Act Implications	Section 7
Data Protection Act Implications	Section 8
Risk Management Implications	Section 9
Equality and Diversity Implications	Section 10
List of Background Papers	Section 11
Report History	Section 12
Annexes to the Report i.e. copies of correspondence, plans etc.	Annex 1, 2, 3 etc.

Section 1

Contribution to Council Priorities

Council approved the proposal to consent all streets for the purpose of Street Trading at its meeting on 24 August 2011.

Full regulatory control over Street Trading would benefit the local economy.

Section 2

Contribution to Promoting Community Engagement

A statutory advertising of the proposal to consent all streets has enabled all those with an interest to make representation.

A copy of the Public Notice was sent to Staffordshire Police and Staffordshire County Council and details were given to all Town and Parish Councils.

Section 3

Financial Implications

It is anticipated that any additional enforcement costs will be recovered from the fees and charges set. The level of fees and charges will be reviewed annually. If permission to trade is refused, the applicant can only challenge the refusal by way of judicial review and this may incur additional costs to the Council.

Section 4

Legal Implications

The Legal implications are set out throughout the report.

Section 5

Human Resource Implications

There are no Human Resource implications arising from this report. All administration and enforcement of Street Trading will take place by existing staff within the Environmental Health Department.

Section 6

Section 17 (Crime Prevention) Implications

None identified.

Section 7

Human Rights Act Implications

There are no Human Rights Act implications arising from this report.

Section 8

Data Protection Act Implications

There are no Data Protection Act implications arising from this report.

Section 9

Risk Management Implications

The Council has agreed to bring all Street Trading into regulatory control. This can only be achieved by consenting all streets.

Section 10

Equality and Diversity Implications

All applications for Street Trading Consents will be dealt with on their merits.

Section 11

List of Background Papers

Email responses from Staffordshire Police, Staffordshire County Council Highways Department and Hednesford Town Council.

Section 12

Report History

Council Meeting – 24 August 2011

Annexes

Annex 1: Minute 33(B) Council Meeting 24 August 2011

Annex 2: Public Notice published in Chronicle, 12 and 19 January 2012

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE COUNCIL
HELD IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
AT 4.00 P.M., WEDNESDAY, 24 AUGUST, 2011

PART 1

33. Adoption of Draft Policy on Street Trading

Consideration was given to the Report of the Head of Environmental Health (Enclosure 8.1 – 8.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The draft Policy on Street Trading be approved and adopted as attached at Annex 1 to the report.
- (B) The proposal to consent all streets for the purpose of street trading, be approved.

**Local Government
(Miscellaneous Provisions) Act 1982
Schedule 4 – Street Trading
Designation of Streets**



TAKE NOTICE that Cannock Chase District Council is to consider passing a resolution that:-

1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the whole of the district of Cannock Chase District Council on the passing of the resolution;
2. All streets within the district of Cannock Chase District Council shall be designated Consent Streets as per the Local Government (Miscellaneous Provisions) Act 1982 two months after the passing of such a resolution

Any representations regarding the proposed resolution may be made in writing to the **Council at Beecroft Road, Cannock, WS11 1BG**. All such representations should be made by **17 February, 2012**.

www.cannockchasedc.gov.uk