

Report of the Assistant Director Corporate Services to the meeting of the Miscellaneous Licences Panel to be held on 27th June 2008.

A

Subject:

A proposal from the Council's Bingley Town Centre Manager to introduce street trading restrictions in various streets within Bingley town centre.

Summary statement:

At their meeting on 1st April 2008, Members considered the above proposal and resolved that the statutory consultation and advertisement period be initiated.

The formal objection period has now ended and the Assistant Director of Corporate Services submits this report for consideration of members.

Suzan Hemingway
Assistant Director Corporate Services
(City Solicitor)

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Portfolio:

Corporate

Improvement Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 Members resolved at their meeting on the 1st April 2008 that the Assistant Director Corporate Services be authorised to initiate the procedures required for designating streets for the purposes of street trading, in Bingley Town Centre.
- 1.2 No representations were received as a result of the statutory consultation exercise and advertisement period.
- 1.3 A plan showing the proposed prohibited area and consent streets/areas is attached at Appendix 1.
- 1.4 Consents to trade issued by the Council are subject to general conditions. A copy of the conditions is attached at Appendix 2.

2. Background

- 2.2 In accordance with the resolution of Members on 1st April 2008, a notice was posted in the Telegraph and Argus Newspaper on 15th April 2008 advertising the street trading proposal and requesting comments in writing to be forwarded to the Assistant Director Corporate Services. The Council's Highways Section and the West Yorkshire Police were also consulted as required by statute.

3. Other Considerations

- 3.1 Street Trading prohibitions are currently in place in Bradford City Centre, the Midland Road area of Bradford, Victoria Road in Saltaire and the town centres of Keighley, Shipley, Ilkley and Haworth.
- 3.2 Where street trading prohibitions are in place, a person is guilty of an offence and on summary conviction shall be liable to a fine, if that person engages in street trading in a prohibited area or engages in street trading in a consent area without being authorised to do so by the Council.

4. Legal Appraisal

- 4.1 In order to designate streets as prohibited or consent streets, following the 28 day consultation period, the Council is required to:-
 - a) consider any representations made within that period;
 - b) pass a resolution designating the streets;
 - c) place a notice of the passing of such a resolution in a local newspaper for two consecutive weeks.

5. Options

Members are asked to consider this report and decide whether to:

1. Resolve to adopt the proposals designating streets within the Bingley Town Centre as prohibited or consent streets, for the purposes of street trading, as follows:

Prohibited

Main Street (part)
Wellington Street (part)
Millgate (part)
Ferrand Lane
Busfield Street
Dryden Street
Market Street
Kings Court
Chapel Lane
Foundary Hill
Burrage Street
Ferncliffe Road (part)

Consent

Main Street (part)
Wellington Street (part)
Myrtle Place
Queen Street
Airedale Street

2. Resolve not to designate the streets referred to above.

6. Financial and resource appraisal

- 6.1 The cost of notices will be met from existing budget provision of the Bingley Town Centre Manager.

7. Other implications

7.1 Equal Rights

There are no apparent equal rights implications

7.2 Sustainability implications

There are no sustainability implications.

7.3 Community safety implications

There are no apparent community safety implications

7.4 Human Rights Act

Once consents are granted to individual traders, there may be human rights implications in respect of Article 1 to the First Protocol of the Convention (peaceful enjoyment of possessions) arising from revocation/non-renewal of such consents.

7.5 Trade Union

There are no apparent trade union implications in respect of this report.

8. Not for publication documents

None

9. Recommendations

Members are asked to consider this report and make a decision as to whether to resolve to introduce street trading restrictions for the streets referred to at 5.1 above or resolve not to introduce restrictions within Bingley Town Centre.

10. Appendices

1. Plan showing proposed street trading restrictions.
2. General Conditions attached to street trading consents

11. Background documents

Local Government (Miscellaneous Provisions) Act 1982.

Appendix 1



Bingley Shopping Centre Atlas
Based Upon The Retail Mix In The Immediate Environment



goad
For more information on
our products and services
www.goadplans.co.uk
0845 6016011
goad.sales@uk.experian.com

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PROHIBITED AREA
CONSENT AREA

MULTIPLES V INDEPENDENTS

LOW	HIGH	N/A

City of Bradford Metropolitan District Council

www.bradford.gov.uk

Occasional Street Trading - Licensed/Consent Sites

Booking conditions

Sites may only be booked for 6 days in a calendar month.

Bookings cannot be taken in Bradford for the period of the Bradford Festival; this is usually of 3 weeks duration during June and July, or for late night shopping days and Saturdays in the run up to Christmas (except for bookings linked to these events).

All bookings may be subject to change or cancellation at short notice because of local conditions e.g. on the advice of the Police, due to environmental or emergency works.

You may be asked to leave the city centre if you or your staff do not comply with the conditions described here.

Personnel

No more than 3 persons representing your organisation can work from the licensed site.

Personnel must wear identification giving their name, the organisation's name and their photograph at all times and must conduct themselves in a professional manner.

Activities by personnel employed by your organisation must be restricted to the area of the designated licensed site.

Each person representing your organisation must have a copy of the permission letter from the Licensing Team to use the site.

The promotions should be supervised at all times.

Conditions of Licence/Consent

1. No street trading shall take place except between 08.00 and midnight from Mondays to Saturdays and on Sundays only where the trade is in compliance with the Sunday Trading Act 1994 ("the hours of trading"). Only trading during the times specified on the licence or consent will be permitted and only one trader will be allocated one site at any one time.
2. At all times the licence or consent holder shall comply with all the statutes and legislative orders currently in force.

Particular attention should be paid to the requirements of the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1966, the Food Safety Act 1990 ,the Shops Act 1950 Health and Safety at Work Act or any other subsequent relevant legislation and regulations.

3. The licence/consent holder or his/her business shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or City of Bradford Metropolitan District Council.
4. No water or waste material shall be discharged onto the highway or any adjacent property.
5. The licence/consent holder's vehicle/stall shall be kept in a clean, safe and well maintained condition.
6. Any vehicles which are used to transport the stall/unit or goods to the licence/consent site must be removed from the site before trading commences and must not return until 30 minutes before trading ceases.
7. The vehicle/stall shall be removed from the site within 30 minutes of the end of each day's trading and be in situ no more than 30 minutes prior to the start of each day's trading. (Please note a Traffic Order has been implemented which prohibits vehicular traffic in all City Centre pedestrian precincts between the hours of 10.30 and 16.00).
8. The licence/consent holder shall remove all refuse within a 25ft. radius of the vehicle/stall from time to time during the day of trading and every day at the end of trading.
9. The licence/consent holder shall ensure that his/her stall/vehicle is positioned only on the site in the licence/consent street for which he/she holds a street trading licence/consent.
10. The licence/consent holder shall not encroach beyond the limits of the site, and at all times shall comply with the requirements of City of Bradford Metropolitan District Council or its authorised officers.
11. A copy of his/her licence/consent shall be carried by the operator of the stall/vehicle when trading and must be produced when requested by Police or authorised Council officers.
12. If a licence/consent holder or his/her employee is requested to move his/her stall/vehicle by the Council, Police or Fire Officer, he/she shall immediately comply with that request.
13. A licence/consent holder must ensure that any other person employed to assist in trading also complies with the aforementioned conditions.
The holder of a street trading licence/consent may employ any person (18 years or over) to assist in trading without the need for further consent from the Council.

14. The licence/consent holder shall not hawk food unless he/she is registered under The Food Premises (Registration) Regulations 1991 by City of Bradford Metropolitan District Council.
15. This licence/consent is not transferable.
16. The above General Conditions may be varied by any Special Conditions relating to a particular location or particular type of goods to be offered for sale.
17. The licence/consent holder shall at all times whilst his vehicle/stall is trading from the site retain a refuse container upon the site.
18. The licence/consent holder shall not place any signs or any objects upon the pavement except a refuse container which would protrude further than 0.5 metre on one side of the barrow without the written consent of the Council.
19. The Council reserves the right to revoke this licence/consent at any time whether for a breach of the Conditions or otherwise and in such circumstances as it believes appropriate may temporarily suspend the licence/consent on such days and times and for such purposes as the Council considers necessary for it to do so.

The Council will endeavour to give reasonable notice of its intention to temporarily suspend a Licence/Consent.

20. The licence/consent holder shall not hawk or carry about any article for sale or by calling or making any noise by means of an instrument or loudspeaker or otherwise seek to attract attention or custom to any licence/consent site.
21. Any application by the licence/consent holder to vary the list of authorised goods, attached to the licence/consent, must be made in writing to the Legal and Democratic Services Director. The proposed new goods should not be displayed until written approval is given.
22. The licence/consent holder shall hold a valid insurance policy for public liability for single claims up to £500,000 and the Legal and Democratic Services Director or other authorised officer of the Council shall be at liberty to call for and inspect such policy of insurance and the receipt for the current premium.
23. Any application for the grant of a licence/street trading consent or renewal or proposed variation to an existing licence/consent must be made in writing to the Council. A licence/consent holder may terminate a licence/consent by written notice to the Council.
24. In order to comply with the Children and Young Peoples Act 1933 and City of Bradford Metropolitan District Council Byelaw with respect to Employment of Children and Street Trading no-one under the age of 18 shall be employed by the licence/consent holder at the site (unless employed by their parents or guardians in which case the age is 14).
25. The licence/consent fee is payable in advance.