

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Miscellaneous Licences Panel to be held on 20 January 2012.

A

Subject:

A proposal from the Regeneration Manager to relax street trading restrictions in the City Park area of Bradford City Centre.

Summary statement:

The Regeneration Manager has approached the Licensing Team with a proposal to introduce a consent street trading regime in the proposed City Park area of Bradford City Centre which is currently under construction, in order to increase the vitality and interest in the City.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:

Environment & Waste Management

Report Contact: Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Overview & Scrutiny Area:

**Environment & Waste Management
Safer & Stronger Communities**



INVESTORS
IN PEOPLE



2009-2010
Positive engagement
of older people
2006-2007
Improving Rural Services:
Empowering Communities



CITY OF
BRADFORD
METROPOLITAN DISTRICT COUNCIL

1. SUMMARY

The Regeneration Manager has approached the Licensing Team with a proposal to relax the current Street Trading Prohibition in the proposed City Park area of Bradford City Centre which is currently undergoing construction by the introduction of a consent street trading regime.

- 1.1 The view of the Regeneration Manager is that the relaxation of the current restrictions is required to increase the vitality and interest in the city centre. This is supported by Bradford City Centre Operations Manager.
- 1.2 Bradford Chamber of Trade, Bradford Chamber of Commerce & Industry and West Yorkshire Police also support this proposal. The emails of support are attached at Appendix 1
- 1.3 Plans showing the current street trading restricted areas and the proposed consent areas are attached marked Appendix 2

2. BACKGROUND

- 2.1 The control of street trading is regulated by the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Street Trading in Bradford City Centre has been largely prohibited since 1st January 1985, when Members of the former General Services Sub-Committee resolved that certain streets within the city centre be designated as prohibited streets.
- 2.3 A number of streets within the City Centre were re-designated as Licence or Consent Streets in 1994, 2000 and 2001 following requests from the various Council Departments.
- 2.4 Street trading prohibitions are also in place in the Midland Road area of Bradford, Victoria Road Saltaire and the town centres of Keighley, Shipley, Ilkley and Haworth.
- 2.5 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.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

- 4.1 In order to designate a street/streets as consent streets, the Council is required to:-
 - a) Publish a notice of intent in a local paper, which must allow 28 days for representations;

- b) Serve a copy of the notice on the Police and the Highway Authority;
- d) After expiry of the 28 day period the Members would be asked to consider all representations made within the period;
- e) The Council may then pass a resolution designating the street;
- f) Notice of the passing of such a resolution must be placed in a local newspaper for two consecutive weeks.

5. OPTIONS

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

- a) authorise the Assistant Director Environmental & Regulatory Services to initiate the procedures outlined in 4.1 above. A second report will then be referred to Members following the statutory 28 day representation period, requesting members to further consider the proposal taking account of any representations made.
- b) not authorise the initiation of the procedure outlined in 4.1 above, thereby not relaxing any street trading restrictions in Bradford City Centre without any further consideration.

6. FINANCIAL & RESOURCE APPRAISAL

The cost of notices will be met from existing budget provision of the Bradford City Centre Manager.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Street Trading is defined in Paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 as:-

“the selling or exposing or offering for sale of any article (including a living thing) in a street”.

“street” includes—

(a) any road, footway, beach or other area to which the public have access without payment; and

(b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

Streets and public places may be designated as:-

Prohibited streets where street trading is prohibited altogether;

Licence streets where licences providing for trading can be issued by the Council;

Consent streets where the Council's consent is necessary for trading.

The conditions of operation for licence or consent holders are attached at Appendix 3.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent sustainability implications.

9.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications

9.5 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.

9.6 TRADE UNION

Not applicable

9.7 WARD IMPLICATIONS

The relevant affected areas lie within the City ward.

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

Members are asked to consider this report and make a decision as to whether to authorise the Assistant Director Environmental & Regulatory Services to initiate the procedures outlined in this report, towards designating the areas shown on Appendix 2 (b), as consent streets for street trading purposes.

12. APPENDICES

1. Emails of support.
2. Plans showing current street trading restrictions and proposed consent streets.
3. Conditions of operation for licence or consent holders.

13. BACKGROUND DOCUMENTS

Emails.
Plans.
Conditions.

Melanie McGurk

From: Bob Parker
Sent: 08 September 2011 11:58
To: Melanie McGurk
Subject: FW: Street Trading on City Park

From: Val Summerscales [mailto:thesecretary@bradford-chamber-of-trade.co.uk]
Sent: 02 August 2011 11:48
To: Bob Parker
Subject: Re: Street Trading on City Park

Hi Bob

Our response would be :-

That we support the Council's policy on Street Trading - and as such we support the view that all areas in the central area should be subject to the same criteria - as this should then enable adequate and uniform enforcement

Regards

Val

----- Original Message -----

From: Bob Parker
To: Val Summerscales ; Mike Cartwright ; kevin.pickles@westyorkshire.pnn.police.uk
Sent: Thursday, July 28, 2011 4:07 PM
Subject: Street Trading on City Park

Dear all,

I need to extend the current Street Trading consent status on Centenary Square to also cover the new City Park. This isn't a formality and I would appreciate an indication of your support by email for the Council taking this move.

Regards,

Bob
Bradford City Centre Operations Manager
Economic Development Service

Department of Regeneration and Culture -- making great places

- Planning, Transportation and Highways
- Housing, Employment and Skills
- Economic Development and Property
- Culture and Tourism

City of Bradford Metropolitan District Council - City Centre Management, Bradford Design Exchange, 34 Peckover Street, Little Germany, Bradford BD1 5BD

T 01274 434407
M 07582 104407
F 01274 434611
E bob.parker@bradford.gov.uk

W www.bradford.gov.uk/regeneration

Melanie McGurk

From: Bob Parker
Sent: 08 September 2011 11:57
To: Melanie McGurk
Subject: FW: Street Trading on City Park : NOT PROTECTIVELY MARKED

From: kevin.pickles@westyorkshire.pnn.police.uk
[mailto:kevin.pickles@westyorkshire.pnn.police.uk]
Sent: 01 August 2011 13:58
To: Bob Parker
Subject: Fw: Street Trading on City Park : NOT PROTECTIVELY MARKED

Bob

No objections, I support this.

KP

Inspector
City Ward Neighbourhood Policing Team
Bradford South
Trafalgar House
Ext 77135
07921 111625
01274 376535
kevin.pickles@westyorkshire.pnn.police.uk
<http://www.westyorkshire.police.uk/npt/bradfordsouth>

"Bob Parker"
<bob.parker@bradford.gov.uk>

28/07/2011 16:07

To
"Val Summerscales"
<theseecretary@bradford-chamber-of-trade.co.uk>, "Mike Cartwright"
<Mike.Cartwright@bradfordchamber.co.uk>,
<kevin.pickles@westyorkshire.pnn.police.uk>

cc

Subject
Street Trading on City Park

Dear all,

I need to extend the current Street Trading consent status on Centenary

Square to also cover the new CityPark. This isn't a formality and I would appreciate an indication of your support by email for the Council taking this move.

Regards,

Bob

BradfordCityCentre Operations?Manager

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5BD

T???? 01274 434407

M????07582 104407

F???? 01274 434611

E???? bob.parker@bradford.gov.uk

W??? www.bradford.gov.uk/regeneration

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REPORT MINOR CRIME ONLINE: Report a West Yorkshire crime online, request a callback or report lost property, all via our website <http://www.westyorkshire.police.uk/>

Melanie McGurk

From: Bob Parker
Sent: 08 September 2011 11:57
To: Melanie McGurk
Subject: FW: Street Trading on City Park

From: Mike Cartwright [mailto:Mike.Cartwright@bradfordchamber.co.uk]
Sent: 29 July 2011 14:59
To: Bob Parker; Val Summerscales; kevin.pickles@westyorkshire.pnn.police.uk
Subject: RE: Street Trading on City Park

Bob

We're not opposed to extending street trading to City Park, as long as 'common sense' is applied when considering requests to hold special and one-off events in the city. I know this is a kind of 'how long is a piece of string' question but I'm sure you get my drift. That is, they (traders) shouldn't necessarily get preference in decision-making when other events are being considered.

Example? If Classic Car Show or similar had to be staged on 2 sites due to the 'rights' of traders and visitor numbers could be affected, then that would not be good.

Hope that makes sense.

Mike Cartwright
Policy & Representation Executive
Tel: 01274 230057 Mob: 07827 318681 Fax: 01274 771081
Information – Services – Events &# 8211; Advice – Training – International – Lobbying

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Bradford Chamber, Devere House, Vicar Lane, Little Germany, Bradford BD1 5AH, Tel: 01274 772777. Bradford Chamber of Commerce & Industry. Limited by Guarantee. Registered in England No. 54 940. Website: <http://www.bradfordchamber.co.uk>

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From: Bob Parker [mailto:bob.parker@bradford.gov.uk]
Sent: 28 July 2011 16:07
To: Val Summerscales; Mike Cartwright; kevin.pickles@westyorkshire.pnn.police.uk
Subject: Street Trading on City Park

Dear all,

I need to extend the current Street Trading consent status on Centenary Square to also cover the new City Park. This isn't a formality and I would appreciate an indication of your support by email for the Council taking this move.

Regards,

Bob
Bradford City Centre Operations Manager
Economic Development Service

08/09/2011

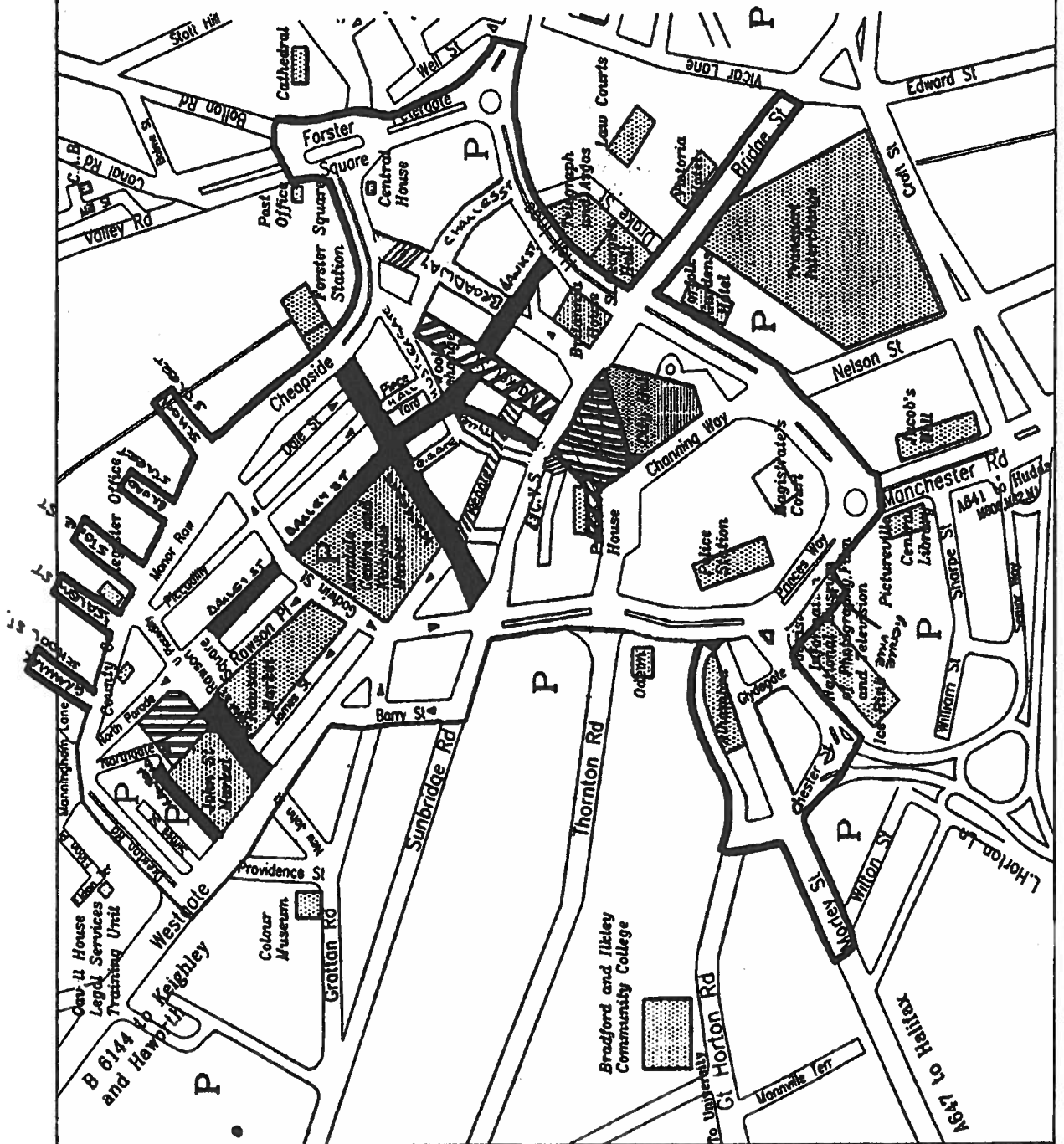
Current Street Trading Restricted Areas

BRADFORD CITY CENTRE PROHIBITED STREET TRADING

- Prohibited Streets
- Licence Streets
- Consent Streets

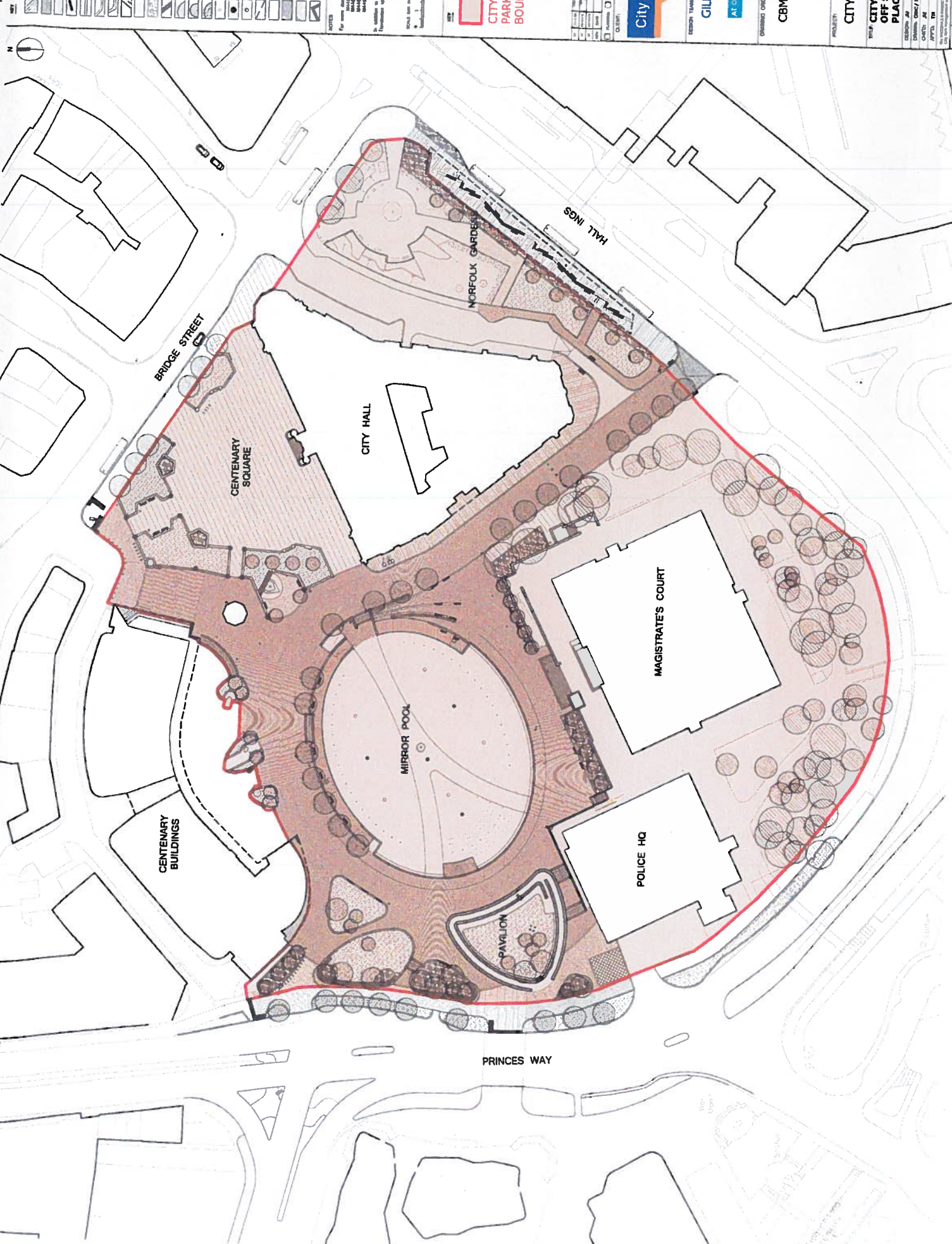


* Plan not to scale



APP 2(C6)

Proposed consent areas



- landscaping planting
- temporary site parking
- water treated ground
- watercourse edge & bridge assets
- stone walls
- kerbs
- Centenary Square existing walls
- subways
- grass
- hardstanding / gravel paving
- hedges
- large road-adjacent tree planting
- medium sized mature tree planting
- existing trees
- burials
- art installations
- lighting columns
- extent of project works
- receptor soil anchor point
- concrete paving slabs
- asphalt footpaths
- locally paving

NOTES
 For more details of the works see the following drawings:
 APP 2(C7) - Landscape Design
 APP 2(C8) - Water Treatment
 APP 2(C9) - Receptor Soil Anchor Point
 APP 2(C10) - Construction Methodology
 In addition to the above drawings, please refer to document C1100
 (Landscape Specification Summary)

SCALE 1:1000
 0 10 20 30 40 50

**CITY PARK OFF STREET
 PARKING PLACES ORDER
 BOUNDARY**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	Issue for comment	15/06/2011		
2	Issue for comment	20/06/2011		
3	Issue for comment	20/06/2011		
4	Issue for comment	20/06/2011		
5	Issue for comment	20/06/2011		
6	Issue for comment	20/06/2011		
7	Issue for comment	20/06/2011		
8	Issue for comment	20/06/2011		
9	Issue for comment	20/06/2011		
10	Issue for comment	20/06/2011		

City of Bradford MDC
www.bradford.gov.uk

DESIGN TEAM
GILLESPIES ARUP
ATOLL
ATOLL

DESIGNED CONSULTANT
CBMDC REGENERATION

PROJECT
CITY PARK, BRADFORD

TYPE
CITY PARK - OFF STREET PARKING PLACES ORDER SITE PLAN

DESIGNED BY
ATOLL

DRAWN BY
ATOLL

CHECKED BY
ATOLL

DATE
20.6.2011

SCALE
1:500

Occasional Street Trading - Licensed/Consent Sites

Booking Conditions

There are nine licensed sites in the District which are designated for the occasional use of charity and commercial promotions, small scale events and street entertainment (see attached location plans).

These are:-

Bradford City Centre: Ivegate BD1 1RU

Keighley Town Centre: Low Street

Shipley Town Centre: Well Croft

Saltaire: Victoria Road (part)

Bingley: Main Street (part), Wellington Street (part), Myrtle Place, Queen Street, Airedale Street **(NO BOOKING UNTIL FURTHER NOTICE)**

No other area of Bradford City Centre, Keighley, Bingley or Shipley Town Centre or Victoria Road, Saltaire may be used for promotional activities, except Centenary Square in Bradford (for details of this contact Cultural Services on 01274 433788).

Automatic bollards have been installed in Bradford City Centre. Vehicles which are used to transport stalls/units or goods to the licence/consent site in Ivegate, which is within the Pedestrian Zone, will only be allowed access before 10.30 am and after 16.30 pm. Drivers should use the intercom system provided and observe the traffic light system. Any Vehicle for Shipley Town Centre must be on site by 9.00 am and cannot leave until after 16.30

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 stall/vehicle 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. Vehicles will not be allowed to access the Ivegate, Bradford site between 10.30 am and 16.30 pm.
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 Town Centre pedestrian precincts between the hours of 10.30 and 16.00, or 10.30 and 16.30 in respect of Bradford City Centre).
8. The licence/consent holder shall remove all refuse within a 25ft. radius of the stall/vehicle 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 stall/vehicle 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.

FOR INFORMATION

26. Offences: any person who
 - (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in a licence/consent street without being authorised to do so by the Council; or
 - (c) trades from a stall/vehicle other than that for which a licence/consent has been given; or
 - (d) trades in a location other than that for which a licence/consent has been given; or
 - (e) trades at times other than those for which a licence/consent has been given; or
 - (f) contravenes any of the "Conditions of Operation for Licence or Consent Holders as listed above.

shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Charity Collections and sales

A Street Collection Permit is required if you make a collection or sale for charity at the event. Applications for this require a minimum of 2 weeks notice and should be made to the Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RW, telephone number; 01274 432240.

Charges

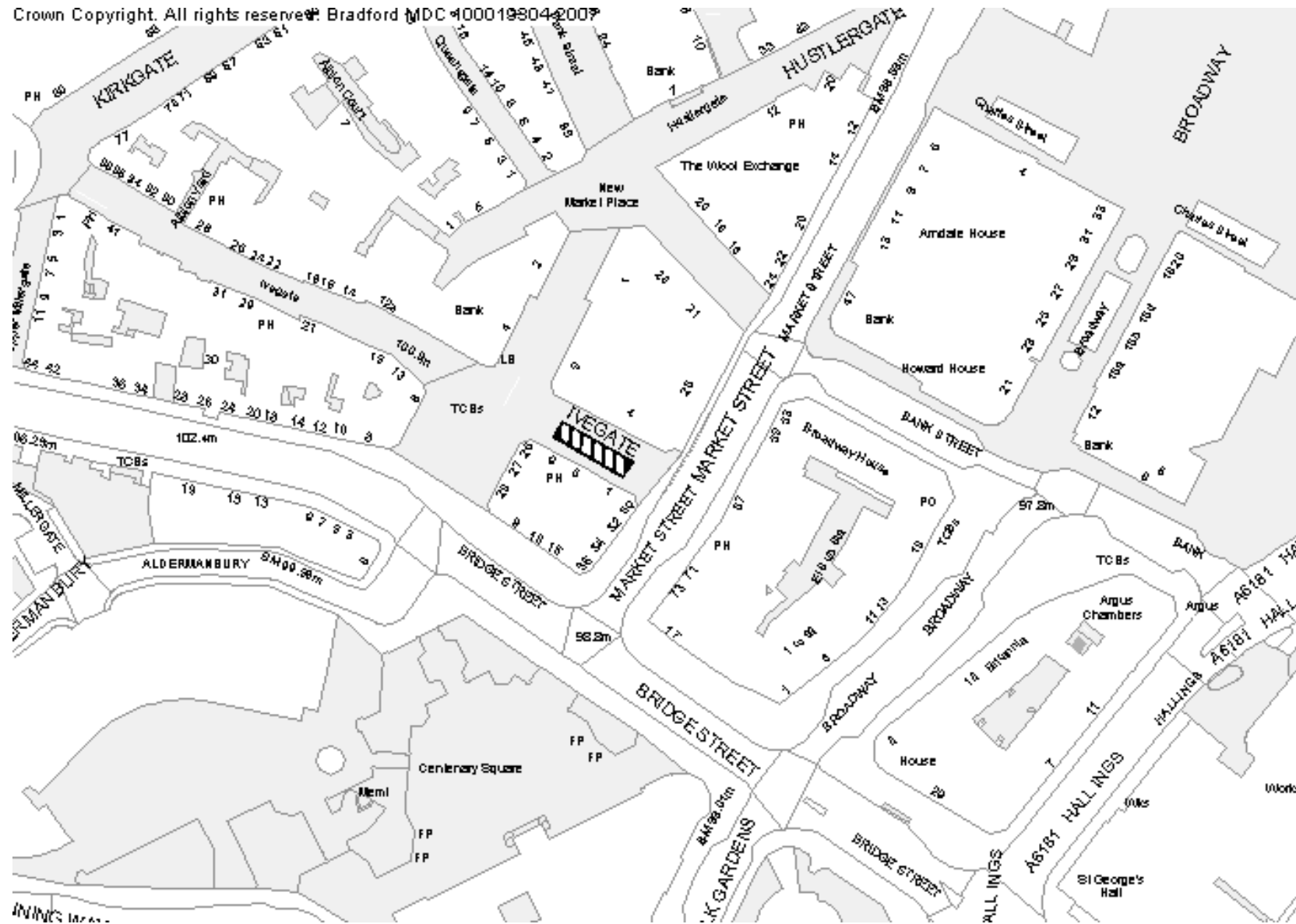
£108 per day.

Exemptions - Registered charities are exempt from these charges.

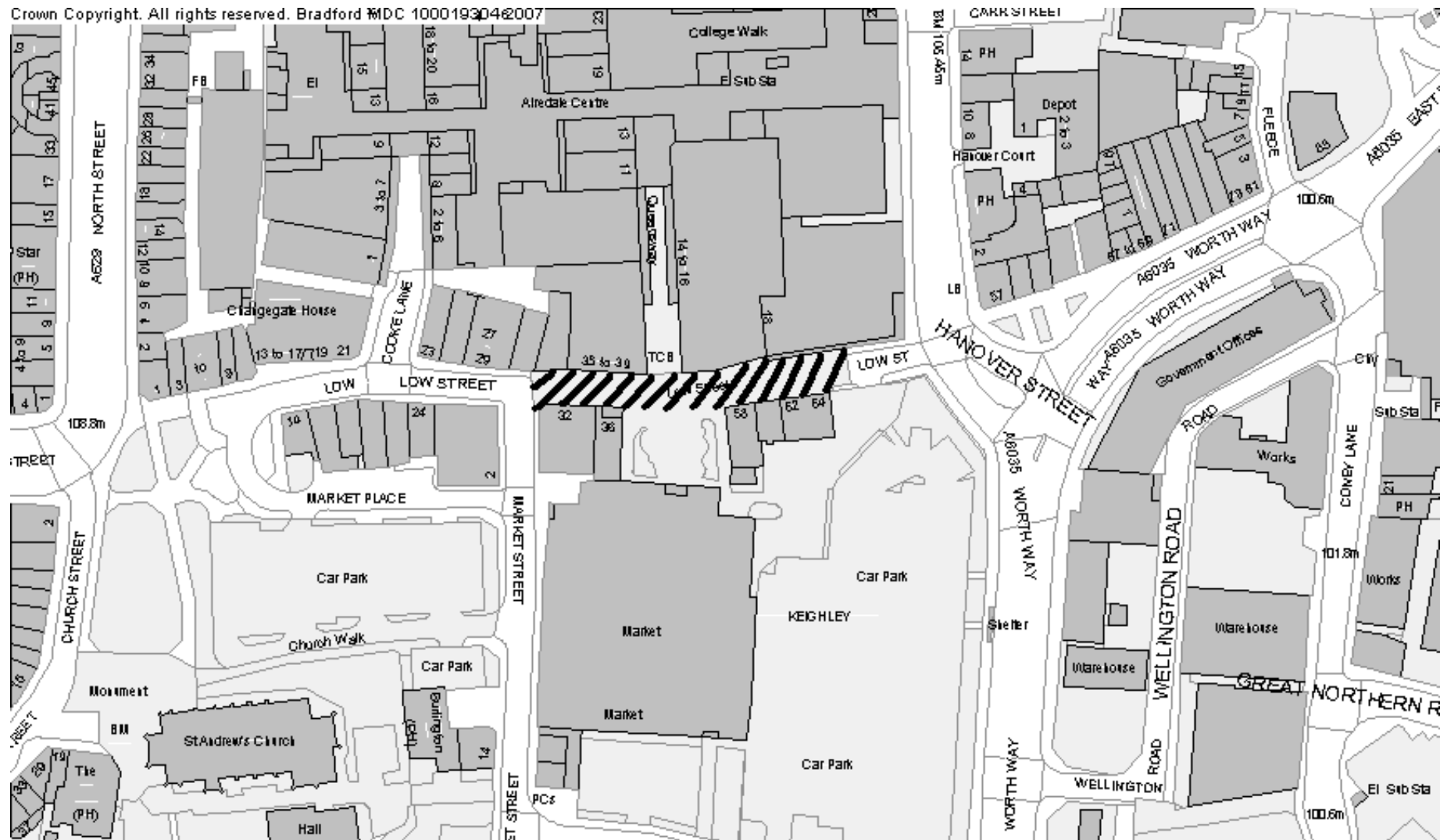
Availability

To check the availability of city/town centre consent sites please ring the Licensing Team on 01274 432240 or email licensingteam@bradford.gov.uk.

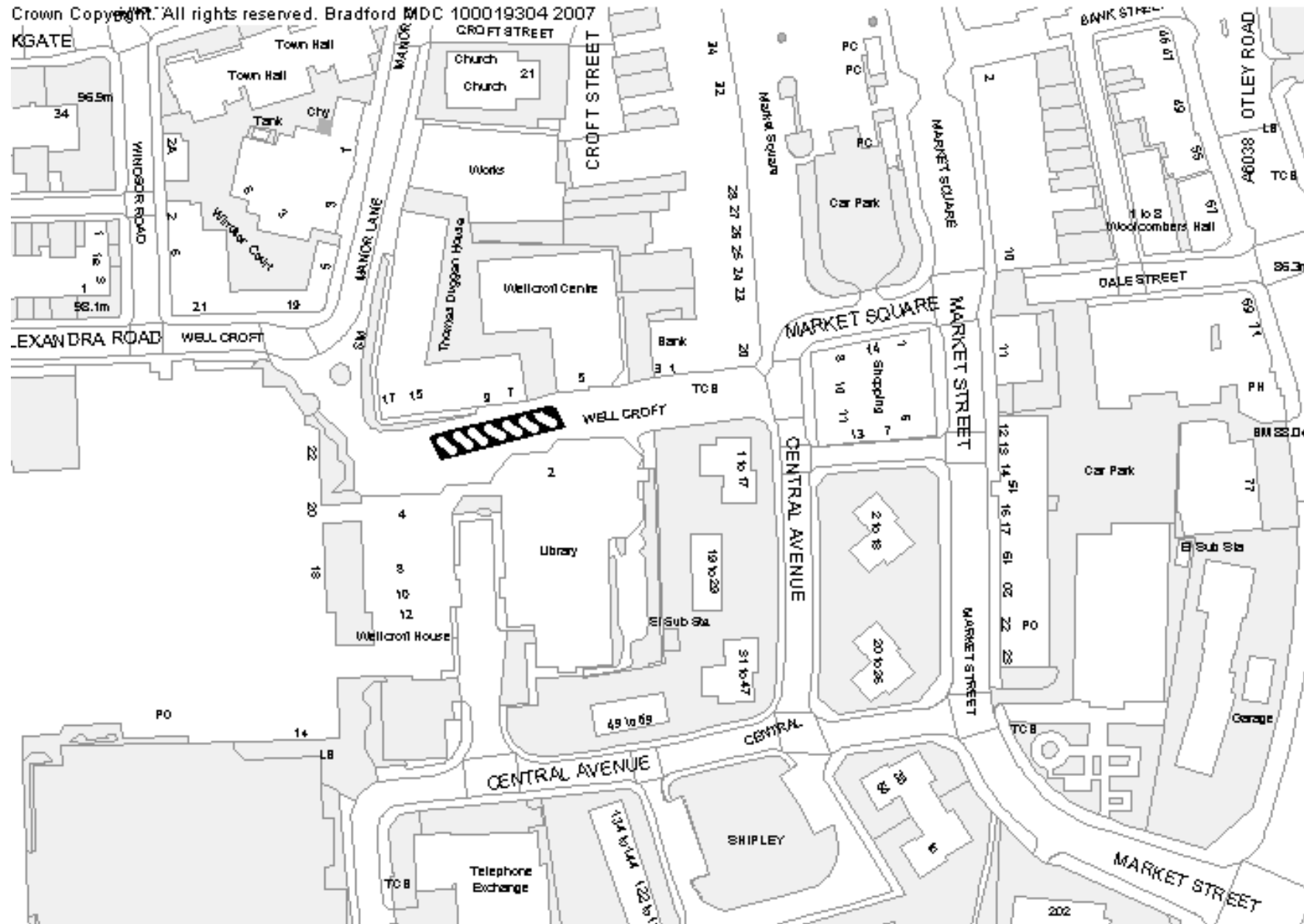
Street Trading – Ivegate, Bradford BD1 1RU



Street Trading – Low Street, Keighley



Street Trading - Wellcroft, Shipley



Street Trading – Victoria Road, Saltaire

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Street Trading – Bingley Town Centre

