

**MUNICIPAL YEAR 2008/2009 REPORT NO.**

**MEETING TITLE AND DATE:**

Licensing Committee  
- 20 August 2008

**REPORT OF:**

Director of Environment and  
Street Scene

**CONTACT OFFICER:**

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<b>Agenda – Part:</b>	<b>Item:</b>
<b>Subject:</b> <b>London Local Authorities Act 1990 – Street Trading Policy</b>	
<b>Wards: All</b>	
<b>Cabinet Member consulted:</b> <b>Councillor Terry Neville</b>	

**1. EXECUTIVE SUMMARY**

- 1.1 Public consultation in respect of a draft Street Trading Policy (the 'Policy') was undertaken between 10 June & 22 July 2008.
- 1.2 The Licensing Committee is invited to consider the responses received to that consultation and to amend and/or agree a second draft Policy prior to it being submitted to Council for agreement on 19 September 2008.

**2. RECOMMENDATION**

- 2.1 To amend and/or agree a second draft Policy and recommend it for the approval of Council on 19 September 2008.

### **3. BACKGROUND**

- 3.1 At present within the borough, there are 6 streets designated for street trading with 5 street trading licences in force. Also, there are 4 highways permits for tables and chairs to be placed on the highway for the use of customers. The current licensing situation is set out at Annex 1.
- 3.2 The Cabinet Member for Environment and Street Scene agreed that a new Street Trading Policy be drafted with the aim of permitting the use of the highway adjacent to restaurants, bars and cafés for tables & chairs and also the use of the highway for seasonal and farmers markets.
- 3.3 Between 10 June & 22 July 2008 the Council consulted with existing licensees, businesses and residents associations on a draft Street Trading Policy.
- 3.4 Nineteen responses were received to the consultation, and the actions recommended by the respondents were considered.
- 3.5 Copies of the consultation responses are set out at Annex 2.
- 3.6 A Second Draft Street Trading Policy is set out at Annex 3.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 No changes to current designated areas:
  - 4.1.1 Given the minimal take-up of Street Trading Licences in designated streets, and the low number of existing tables and chairs permits, the Council could choose to do nothing.
  - 4.1.2 In this scenario, any application for a Street Trading Licence from the holders of the 4 existing Highways Permits would be refused on the grounds that those pitches are not located in Licence Streets. The applicants would have a right of appeal to the Magistrates Court.
- 4.2 Retain the status quo:
  - 4.2.1 Given that there are only 4 existing tables & chairs permits, the council could choose retain the status quo by simply designating the pitches for those permits as Licence Streets.
  - 4.2.2 In this scenario, no new street trading, tables & chairs or seasonal markets would be permitted.

### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 To enable the Members of the Licensing Committee an opportunity to second draft Policy and recommend it for the approval of Council on 19 September 2008.

## **6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

### **Financial Implications**

- 6.1 The charges will recover any licensing costs that will be incurred should the extension of street trading proceed that will be subject to Portfolio approval and therefore such charges will be the subject of a separate report.

### **Legal Implications**

- 6.2 Under the London Local Authorities Act 1990, when considering making the required designating resolutions, the Council must consider the representations made as part of the consultation exercise.
- 6.3 In granting any Street Trading Licences, the Council can impose additional reasonable conditions to those standard conditions.
- 6.4 In some circumstances depending on the area involved and the scale/type of activity this may involve a change of use, which would also require planning permission.
- 6.5 Where the owner or occupier of a private forecourt adjacent to a shop sells, exposes or offers for sale of goods or service on his/her land, this is exempt from being a licensable street trading activity.
- 6.6 If the Council passes the resolution to designate a street for the purposes of street trading, it must publish a further notice on two consecutive weeks giving 28 days notice of the coming into force of the designation. This will require publication in one of the newspapers circulated weekly in the Borough.
- 6.7 Once the designation is in force, it is anticipated that a transitional period of 6 months would be required to set up the licensing scheme and licence those traders who wish to trade legally on the pavement in accordance with the conditions imposed. Following this period, enforcement action could then be considered to remove unlicensed street trading from the highway.

### **Property Implications**

- 6.8 None.

## **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 7.1 Specific service standards will be published in relation to the processing of licences if the Council approves additional designated areas.

## **8. COMMUNITY IMPLICATIONS**

- 8.1 The proposals outlined in this report are aimed at providing additional opportunities for those businesses and customers who wish to consume refreshments al fresco without impeding access to the highway or compromising safety of pedestrians.

## **9. PUTTING ENFIELD FIRST**

- 9.1 The proposals support "Putting Enfield First" and will specifically impact upon:
- 9.1.1 Work with partners to increase prosperity and promote sustainable and cohesive communities, by Promote the growth and sustainability of enterprise and small businesses.
- 9.1.2 A cleaner, greener Enfield.

### **Background Papers**

None

Current Licence Streets & Street Trading Licences

Current Licence Streets (as at 17 September 2003) and current Street Trading Licences (as at 22 February 2008) :

FORECOURTS

Licence Street : Ashfield Parade, N14 (nos. 2 – 20 & 3 – 37)  
Licence(s) : no current licences

Licence Street : Chase Side, N1 (nos. 42 – 40, 56 – 112 & 3 – 97)  
Licence(s) : no current licences

Licence Street : Fore Street, N18 (8 – 137 & 42 – 208)  
Licence(s) : No. 2, outside 50 – 54 for food & drink

STREET STALLS

Licence Street : Church Street, N9 (outside the Cemetery)  
Licence(s) : No. 1, outside Cemetery for cut-flowers and plants

Licence Street : Great Cambridge Road, N9 (15 Empire Parade)  
Licence(s) : no current licences

Licence Street : Leeds Street, N18  
Licence(s) : No. 3, Pitch 60 for eggs and salad  
No. 4, Pitch 62 for green grocery  
No. 5, Pitch 63 for fruit, flowers & nuts

Current Highways Permits for Tables and Chairs (as at 22 February 2008)

- (a) Ashfield Parade, N14 (no. 21, Ashfield Café)
- (b) Cockfosters Road, EN4 (no. 6 Cockfosters Parade, Miracles Café)
- (c) Green Lanes, N13 (nos. 67 – 77, The Occasional Half)
- (d) Green Lanes, N21 (nos. 701 – 703, Pizza Express)

**RESPONSES TO THE PUBLIC CONSULTATION ON THE  
DRAFT STREET TRADING POLICY  
UNDER THE LONDON LOCAL AUTHORITIES ACT 1990**

- (a) The Licensing Authority received nineteen responses to the public consultation. The details of the respondents are set out below and their responses are attached :

No.	Respondent	Returned a questionnaire?	See page(s)
i	Enfield Business & Retailers Association (EBRA)	Yes	1 – 4
ii	Southgate Community Anchor Forum	No	5 – 21
iii	Southgate Residents Association	Yes	22 – 23
iv	'Southgate Residents'	No	24
v.	Punto Restaurant in Green Lanes	Yes	25 – 26
vi.	Gulluoglu Confectionery in Green Lanes	Yes	27 – 28
vii.	Bigger Peach in Dudden Hill Lane	Yes	29 – 30
viii.	Mr K. Iyer of Burleigh Gardens	Yes	31 – 32
ix.	Ms H. Lipieta of Kinderton Close	No	33 – 34
x.	Ms J. Maggs of Chelmsford Road	Yes	35 – 37
xi	Mr R. Wright of Fox Lane	Yes	38 – 40
xii.	Ms J. King of Fox Lane	Yes	41 – 43
xiii.	Ms J. Cox of First Avenue	Yes	44 – 45
xiv	Mrs C. Donnelly & Mr. K. Sharp of Broadoak Avenue	No	46
xv.	Cllr A. Dreblow	No	47
xvi.	LBE Head of Street Scene	n/a	n/a
xvii.	LBE Transportation Section Manager	n/a	n/a
xviii.	LBE Head of Environmental Health	n/a	n/a
xix.	LBE Planning Area Manager	n/a	n/a

(b) Of the ten questionnaires were completed with the following results :

	<b>Yes</b>	<b>No</b>	<b>Don't Know /No Opinion</b>
<b>Is the Policy clearly written and easy to understand?</b>	<b>80%</b>	<b>0%</b>	<b>20%</b>
<b>Are there any further measures that the Council should consider in respect of Part A – Application Procedure?</b>	<b>10%</b>	<b>30%</b>	<b>60%</b>
<b>Are there any further measures that the Council should consider in respect of Part C – Licence Conditions?</b>	<b>10%</b>	<b>60%</b>	<b>30%</b>
<b>Are there any further measures that the Council should consider in respect of Part D – Seasonal &amp; Farmers Markets?</b>	<b>20%</b>	<b>30%</b>	<b>50%</b>
<b>Are there any matters that the Council should consider in respect of the list of Primary and Secondary Licensed Streets?</b>	<b>20%</b>	<b>50%</b>	<b>30%</b>
<b>Is there anything that you feel the Policy has not adequately addressed?</b>	<b>30%</b>	<b>30%</b>	<b>40%</b>

