

MUNICIPAL YEAR 2008/2009 REPORT NO.

MEETING TITLE AND DATE:

Licensing Committee
- 29 October 2008

REPORT OF:

Director of Environment and
Street Scene

CONTACT OFFICER:

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Agenda – Part:	Item:
Subject: London Local Authorities Act 1990 – Street Trading Resolution	
Wards: All	
Cabinet Member consulted: Councillor Terry Neville	

1. EXECUTIVE SUMMARY

- 1.1 On 17 September 2008 Council approved a Street Trading Policy.
- 1.2 In order to enact that policy, Council must pass a Resolution to designate streets within the borough for street trading.

2. RECOMMENDATION

- 2.1 To consider, amend and agree the draft Resolution.

3. BACKGROUND

- 3.1 On 20 August 2008, the Licensing Committee amended and agreed a draft Street Trading Policy.
- 3.2 On 17 September 2008 Council approved that draft Policy, as recommended by the Committee. The Policy permits, in respect of suitable highways within the borough, the use of the footway adjacent to restaurants, bars and cafés for tables & chairs. Also, the Policy provides for the occasional use of those footways for seasonal and farmers markets.
- 3.3 The Law requires that, prior to any Policy taking effect, the Council must first publish a 'notice of intention' to pass a Resolution (to designate streets for street trading) in a local newspaper. Also, any representations made in respect of that newspaper-notice must be considered by Council before any Resolution is passed.
- 3.4 On 24 September 2008 the Council's 'notice of intention' was duly published in the Enfield Advertiser newspaper.

A copy of that newspaper-notice is attached as Annex A.

- 3.5 Any representations in respect of the newspaper-notice must be made within 28-days. In this case, the last date that representations could be made was 22 October 2008.
- 3.6 To date (i.e. 21 October 2008) no representations have been received in respect of the newspaper-notice. The Principal Licensing Officer will confirm, at the Committee meeting, whether any representations were received subsequent to the publication of this report.
- 3.7 In the absence of any representations, the Committee is invited to consider, amend and agree the wording of the draft Resolution.

A copy of the draft Resolution is attached as Annex B.

- 3.8 The Committee is invited to recommend that any agreed Resolution be passed by Council on 12 November 2008.

4. ALTERNATIVE OPTIONS CONSIDERED

Not applicable

5. REASONS FOR RECOMMENDATIONS

- 5.1 To enable the Members of the Licensing Committee an opportunity to consider, amend and agree the draft Resolution and recommend it for the approval of Council on 12 November 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

Licensing Committee Report of 20 August 2008
Council Report of 17 September 2008

SOUTHBURY ROAD - NEW "AT ANY TIME" WAITING AND LOADING RESTRICTIONS - KINGSWAY and EMILIA CLOSE - NEW "AT ANY TIME" WAITING RESTRICTIONS AND NO-ENTRY INTO THE ACCESS ROAD LYING TO THE REAR OF NOS. 104 TO 162 KINGSWAY FROM EMILIA CLOSE WATERFALL CLOSE - NEW "AT ANY TIME" WAITING RESTRICTIONS

HEIDGE LANE - NEW ZEBRA CROSSING

Further information may be obtained from Traffic and Transportation Services, telephone number 020 8379 3553.

1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Enfield (The Council) propose to make the Enfield (Waiting and Loading Restriction) (Special Parking Area) Amendment No. 9, Order 2008 and the Enfield (Prescribed Route) (No. 9) Traffic Order 2008 under sections 6 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.

2. The general effect of the Orders would be to introduce:-

- (a) new "at any time" waiting and loading restrictions in parts of Southbury Road;
- (b) new "at any time" waiting restrictions in parts of Kingsway and Emilia Close;
- (c) a "no-entry" for vehicles in Emilia Close entering the unshared access road to the rear of Nos. 104 to 162 Kingsway; and
- (d) new "at any time" waiting restrictions in part of Waterfall Close.

3. FURTHER NOTICE IS HEREBY GIVEN that on 6th August 2008, the Council gave Notice that it had approved under section 23 of the 1984 Act, the provision of a new zebra pedestrian crossing adjacent to Nos. 108 and 110 Hedge Lane. This Notice was premature in that the Council at that time was still considering the proposal. The Council however has since approved this crossing and should you wish to make any representation in respect of it, please write to the Operations Manager, Traffic and Transportation Services at the address detailed in paragraph 5 below.

4. A copy of the proposed Orders, of a map indicating the locations and effects of those Orders and the Council's statement of reasons for proposing to make the Orders can be inspected at the Reception Desk, "B" Block, the Civic Centre, Silver Street, Enfield, Middlesex EN1 3XD during normal office hours on Mondays to Fridays inclusive. (Note: Should you wish to discuss the proposals in more detail with a Council officer, please ring the above-mentioned telephone number to arrange a mutually convenient time).

5. Any person desiring to object to the proposed Orders, or make any other representations in respect of them should send a statement in writing to that effect, and in the case of an objection stating the grounds thereof, to the Operations Manager Traffic, the Civic Centre, Silver Street, Enfield, Middlesex EN1 3XD, quoting the reference LB/TGS2/1004, by 15 October 2008.

6. Under the Local Government (Access to Information) Act 1985, any letter you write to the Council in response to this Notice may, upon written request, be made available to the press or to the public, who would be entitled to take copies of it if they so wished.

Dated 24 September 2008



MARIO LECORDIER
Operations Manager Traffic

**LONDON BOROUGH OF ENFIELD
LONDON LOCAL AUTHORITIES ACT 1990 -
PART III (STREET TRADING)
NOTICE OF INTENTION TO DESIGNATE
LICENCE STREETS**

NOTICE IS HEREBY GIVEN that on 12 November 2008 the LONDON BOROUGH OF ENFIELD intends to pass a resolution (with effect from 1 January 2009) to designate certain streets as 'licence streets' for the purposes of street trading.

The resolution shall only permit the following street trading activities to take place:

1. Tables and chairs service - outside premises that are permitted to provide food and drink for consumption by the public on the premises;
2. Occasional farmers markets - in which farmers, growers or producers are present in person to sell their own produce to the public;
3. Short-term seasonal markets - in which seasonal produce is offered for sale to the public.

The resolution shall only permit these street trading activities to take place on the footways adjoining the following roads. Street trading shall not be permitted unless safe and convenient pedestrian movement can be ensured:

Aldermans Hill N13	Colmans Parade EN1	London Road EN1
Ashfield Parade N14	Crecent West EN4	Main Avenue EN1
Baker Street EN1	Crown Lane N14	Mortagu Road N9 & N18
Bournes Road N9	Fore Street N18 & N9	Nightingale Road N9
Bowes Road N11 & N13	Forty Hill EN2	Ordnance Road EN3
Bramley Road N14	Gallard Road N9	Perival Road EN1
Britsdown Avenue EN3	Green Lanes N13 & N21	Queen Annes Place EN1
Broadway (The) N14	Green Street EN3	Ridge Avenue N21
Bullsmoor Lane EN1, EN3 & EN8	Green (The) N14 & N18	Savoey Parade EN1
Bury Street West N9	Hazelbury Road N9 & N18	Silver Street EN1
Bush Hill Parade EN1	Hertford Road EN3 & N9	Southbury Road EN1
Cannon Hill N14	High Road N11	St Marks Road EN1
Chase Side EN1, EN2 & N14	High Street EN3 & N14	St Orge Parade EN1
Chaseville Park Road N21	Hoe Lane EN3	Station Road N11
Chaspide N18	Laverder Hill EN2	Tottenham Road N13
Church Street EN1	Lincoln Road EN1 & EN3	Town (The) EN2
Cookfosters Road EN4	Windmill Hill EN2	Western Avenue N9

Representations relating to this intended resolution may be made in writing, BY NO LATER THAN 22 OCTOBER 2008, to: The Principal Licensing Officer, London Borough of Enfield, PO Box 57, Civic Centre, Silver Street, Enfield EN1 3XH or by e-mail to: licensing@enfield.gov.uk DATED: 24 September 2008



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LONDON BOROUGH OF ENFIELD

LONDON LOCAL AUTHORITIES ACT 1990 – PART III (STREET TRADING)

RESOLUTION TO DESIGNATE LICENCE STREETS

The LONDON BOROUGH OF ENFIELD resolves, with effect from 1 January 2009, to designate the footways adjoining the following roads, where safe and convenient pedestrian movement can be ensured, as 'licence streets' for the purposes of street trading :

Aldermans Hill N13	Colmans Parade EN1	Nightingale Road N9
Ashfield Parade N14	Crescent West EN4	Ordnance Road EN3
Baker Street EN1	Crown Lane N14	Percival Road EN1
Bounces Road N9	Fore Street N18 & N9	Queen Annes Place EN1
Bowes Road N11 & N13	Forty Hill EN2	Ridge Avenue N21
Bramley Road N14	Galliard Road N9	Savoy Parade EN1
Brimsdown Avenue EN3	Green Lanes N13 & N21	Silver Street EN1
Broadway (The) N14	Green Street EN3	Southbury Road EN1
Bullsmoor Lane EN1, EN3 & EN8	Green (The) N14 & N21	St Marks Road EN1
Bury Street West N9	Haselbury Road N9 & N18	St Onge Parade EN1
Bush Hill Parade EN1	Hertford Road EN3 & N9	Station Road N11
Cannon Hill N14	High Road N11	Tottenham Road N13
Chase Side EN1, EN2 & N14	High Street EN3 & N14	Town (The) EN2
Chaseville Park Road N21	Hoe Lane EN3	Westerham Avenue N9
Cheapside N18	Lavender Hill EN2	Winchmore Hill Road N14 & N21
Church Street EN1	Lincoln Road EN1 & EN3	Windmill Hill EN2
Cockfosters Road EN4	London Road EN1	
	Main Avenue EN1	
	Montagu Road N9 & N18	

The LONDON BOROUGH OF ENFIELD further resolves that the street trading activities permitted in the licence streets listed above shall be restricted to :

1. Tables & chairs service – outside premises that are permitted to provide food and drink for consumption by the public on the premises; or
2. Occasional farmers markets – in which farmers, growers or producers are present in person to sell their own produce to the public; or
3. Short-term seasonal markets – in which seasonal produce is offered for sale to the public.

DATED: 12 November 2008.