

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS SUB-COMMITTEE 3		
DATE:	1 NOVEMBER 2017	AGENDA ITEM:	4
TITLE:	REVIEW OF STREET TRADING CONSENT LOCATIONS, DELEGATIONS & PROPOSAL FOR ADDITIONAL SITES WITHIN THE READING TOWN CENTRE (INNER DISTRIBUTION ROAD)		
LEAD COUNCILLOR:	SARAH HACKER	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	PLANNING, DEVELOPMENT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report summarises the work carried out by Council Officers to identify additional street trading pitches in the town centre which will increase the offer to residents as well as revenue for the Council.
- 1.2 It sets out criteria for issuing street trading sites in the town centre.
- 1.3 It asks for delegated authority to issue street trading consents in the town centre only as it would be quicker and more cost effective for the Council.

2. RECOMMENDED ACTION

- 2.1 That you approve the 2 additional town centre pitches in respect of street trading.
- 2.2 That you delegate authority to officers to vet and issue consents in the town centre where applications are not of a controversial nature.
- 2.3 That you approve the criteria for officers to use when issuing street trading consents to applicants.

3. POLICY CONTEXT

- 3.1 The current delegations register provides authority to the Head of Planning, Development and Regulatory Services to grant, renew and refuse street trading consents in Reading town centre (inside the inner distribution road).

- 3.2 At present, there are just 6 street trading pitches in the town centre at Broad Street West.
- 3.3 The current 6 traders are licensed to sell the following items according to their consent.
- Flowers
 - Jewellery/belts/buckles/socks
 - Bags/scarves/belts/buckles
 - Ice cream/sweet peanuts/hot drinks & soft drinks
 - Filled wraps
 - Soups and burgers

4. THE PROPOSAL (1)

4.1 Current position:

4.2 The Licensing section receives enquiries on a daily basis from traders wishing to have a pitch in the town centre. However, at present street trading is restricted to 6 consent pitches all located in Broad Street. Appendix 1 provides a plan of Broad Street marked with the existing 6 consent pitches marked.

4.3 The Licensing section has worked with the Highways team to confirm that 2 additional town centre sites are suitable for street trading. A map identifying the proposed 2 additional sites is attached at appendix 2.

4.4 A set of the standard conditions which are attached to Street Trading consents are found at Appendix 3.

4.5 Officers have consulted the following agencies and a copy of the consultation is attached to this report as appendix 4.

Thames Valley Police	No comments received
Network Management	Comment received, No objection
Highways	No comments received
Local Councilors	No comments Received

4.6 A summary of each proposed street trading site is set out below.

CIVIC OFFICES (Main Entrance) - Officers are of the opinion that a single trader providing coffee and cakes in the day time only, would provide an additional welcome to persons using the facilities provided by Council and passing pedestrians.

CIVIC OFFICES (North Side) - Officers are of the opinion that a day time food trader to the side of the Civic offices would provide an additional welcome to the area and there is also scope for an evening pitch servicing the evening economy.

6. ADDITIONAL OPTIONS PROPOSED

6.1 The following 3 proposals are outlined as follows:

6.2 PROPOSAL 1

6.3 That the Committee delegates authority to Council officers to make available the 2 additional sites to suitable applicants.

6.4 In 12 months, review the site location and effectiveness of each street trading pitch. If required bring a report back to Licensing committee with any changes that need to be considered to the consents of the pitches.

7. PROPOSAL 2

7.1 Currently committee members decide whether to grant a consent for a street trader. Officers are mindful of the cost associated with holding committee hearings, so propose to vet and issue consents to suitable applicants.

7.2 Officer will refer applications to the Licensing Applications Committee, where they are of the opinion that the application may be controversial. This may include more than one applicant offering the same products for sale or conflict with one or more of the Council's partners aims or objectives.

8. PROPOSAL 3

8.1 Officers propose a framework for granting street trading consents in the town centre which takes into account a set of criteria designed to achieve a minimum level of suitability for licensing street traders. It also provides guidance for prospective applicants to work towards. The criteria will be used when making any decision. Any applications which in the opinion of officers may be controversial will be referred to the Licensing Committee for determination.

8.2 The framework is set out below:

Criteria	Guidance
Style of stall	Stall appearance needs to be compatible with the amenities of the area. In most cases stalls will need to be removable at the end of every day.
Size of stall	The measurement of the stall or similar unit will normally be 4 metres in length, 2 metres wide and 2.3 metres in height. Any larger stall or unit will be considered only at the discretion officers in conjunction with the chair of the licensing committee.

Hours operated	To be determined by location and type of goods for sale but generally 07.00 - 21.00hrs, seven days a week unless a lesser time table has been approved by the council. 21.00hrs until 02.00hrs or such time table approved by the council.
Experience of operator	Operator to produce satisfactory details of relevant experience
Financial stability of operator	Operator to produce details of financial standing
Seasonality	Consent will only be granted for seasonal goods for the period of time that the goods are in season.
Food Hygiene experience	Where unwrapped food is sold, there must be <ul style="list-style-type: none"> a) Food hygiene certificates for all stall holders and assistants. b) A written food safety management system appropriate to the business
Environmental Impact	Biodegradable or recyclable packaging/bags will be used. Where bins will be required ie. For food stalls there must be clean up around the area of consent on a prescribed basis. (hourly/daily). There will be no noise from the stall which will be considered a nuisance or detrimental to the area.
Local Community impact	Where consideration for potential benefits to the local economy have been identified and included in applications, these applications will be given priority in the decision process.

9. OTHER OPTIONS CONSIDERED WITH REASONS NOT TO SUPPORT

9.1 Retain the current 6 street trading sites in the town centre only.

10. CONTRIBUTIONS TO STRATEGIC AIMS

10.1 Controlling Street trading with the use of appropriate and applicable conditions contributes to the council's strategic aims of:

- Developing Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
- Establishing Reading as a learning City and a stimulating and rewarding place to live and visit
- Promoting equality, social inclusion and a safe and healthy environment for all.

11. EQUAL OPPORTUNITIES

11.1 Any member of the general public can apply for a street trading consent. The sale of goods by street traders will be to all sections of the community.

12. SUSTAINABILITY IMPLICATIONS

12.1 Street traders form a valuable part of a vibrant and living town. Some members of the public appreciate the ability to purchase food or purchase goods from different suppliers. However, we must protect people who live near to these sites to prevent any deterioration in their quality of life.

13. COMMUNITY ENGAGEMENT AND INFORMATION

13.1 The primary purpose of issuing street trading consents is to regulate street trading and prevent any unreasonable disturbance to local residents from these operators.

13.2 Consultations have been carried out with Thames Valley Police, Network Management, Highways and Local ward Councillors.

13.3 Whilst street trading consents add to the vibrancy and culture of the Borough of Reading, conditions attached to street trading consents assist in ensuring that the operations do not intrude on the lives of local residents.

14. EQUALITY IMPACT ASSESSMENT

14.1 Section 149 of the Equality Act 2010 states that a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14.2 Consideration has been given to equality implications arising out of these applications. It has been determined that an Equality Impact Assessment is not required in respect of this proposal, however there is a general Equality Impact Assessment covering all licensing functions available on request.

15. LEGAL IMPLICATIONS

- 15.1 The Council may attach such conditions to a street trading consent as it considers reasonably necessary including conditions to prevent obstruction of the street, danger to persons using it or nuisance or annoyance whether to a person using the street or otherwise.

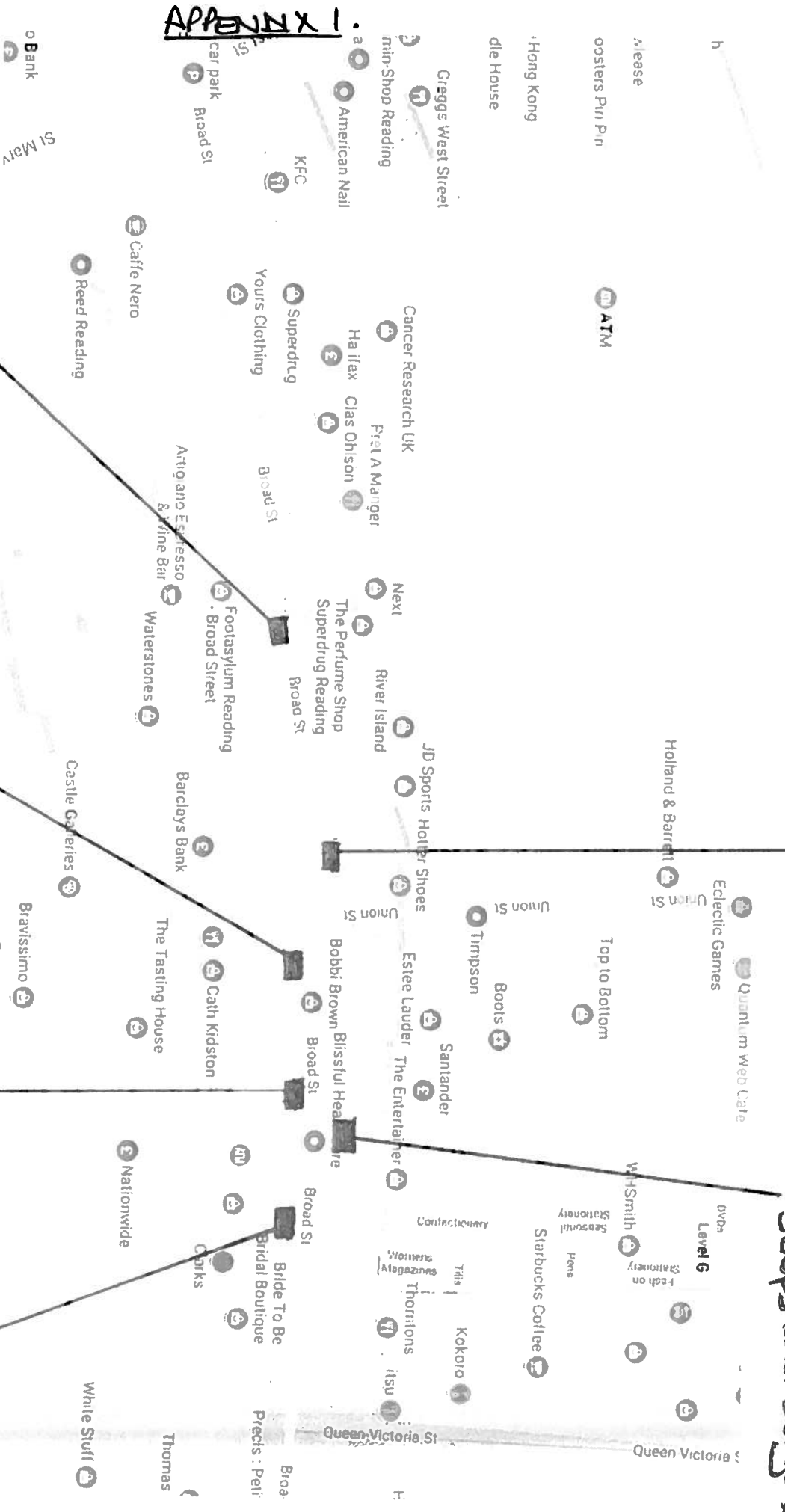
16. FINANCIAL IMPLICATIONS

- 16.1 Any appeal against a refusal to grant a street trading consent or any imposed conditions attached to the street trading consent could result in the council having to bear the legal costs to defend its action.
- 16.2 There is no right of appeal to the Magistrates' or Crown Court therefore the only mechanism by which an applicant may appeal, is by way of Judicial Review.

17. BACKGROUND PAPERS

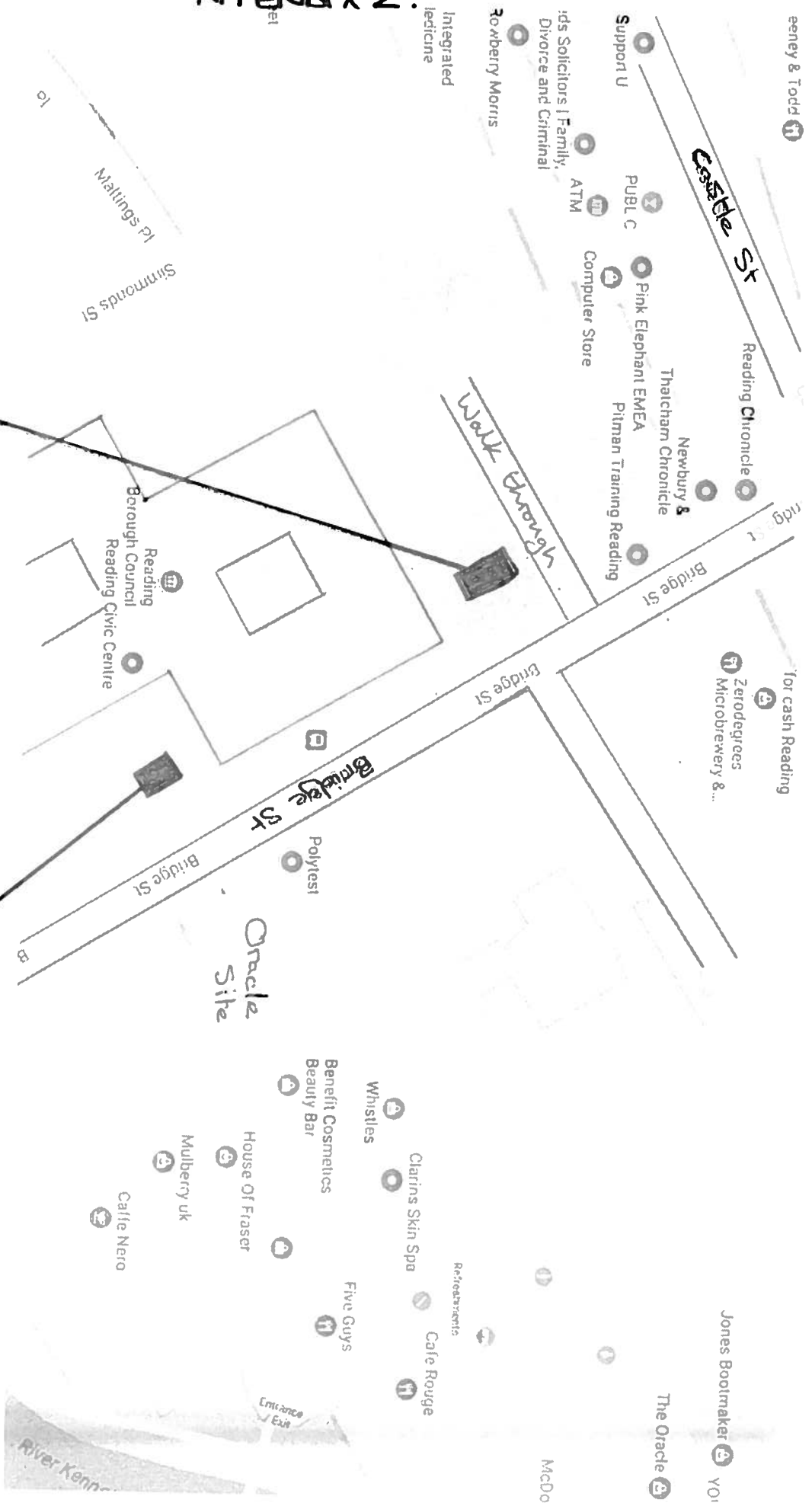
- 17.1 Street trading has taken place in Reading for many years and general conditions have been developed over times which have been approved by this committee. The current set of street trading, general conditions were reviewed in September 2014, a copy of which, are attached at appendix III to this report.
- 17.2 Appendix 1 - Map detailing existing street trading sites
Appendix 2 - Map detailing the 2 proposed additional street trading sites
Appendix 3 - List of standard conditions attached to street trading consents
Appendix 4 - Copy of consultation

Google Maps Reading Town Centre Street Trading sites



APPENDIX 1.

Proposed 2X Additional Town Centre Street Trading Sites



APPENDIX 2.

1x Daytime Pitch
1x Evening Pitch

1x Daytime Pitch

STREET TRADING CONSENTS**GENERAL CONDITIONS**

1. In this consent reference to the consent holder shall include servants and agents of the consent holder.
2. The consent holder shall provide a copy of this consent to all those in his/her employment.
3. These general conditions may be varied by any special conditions relating to a particular location as listed in the Consent Certificate.
4. At all times the consent holder and/or any assistant shall comply with all statutes, statutory instruments and byelaws currently in force in respect of themselves and their vehicles. Particular attention should be paid to the requirements of Health and Safety and food safety laws. Advice on these requirements can be obtained from the Consumer Protection (Environmental Health) Department.
NB. The Consent does not override any Regulations regarding parking, food hygiene, obstruction, etc.
5. The consent holder shall not cause any nuisance or annoyance to any other user of the highway.
6. The consent holder shall on all occasions when carrying on business, be strictly sober and conduct him/herself in a proper, civil and decorous manner pursuant to the consent.
7. The consent holder shall ensure that his/her vehicle/stall is positioned only in the allocated area of the Consent Street for which he/she holds a Street Trading Consent. Such stall or vehicle shall be removed from the site, immediately after the close of each trading day.
8. At the close of each trading period, the consent holder must clear the area immediately around the vehicle/stall of any advertisement, notice and/or rubbish associated with the trading unit
9. The consent holder shall display the consent conspicuously on his/her vehicle/stall and it must be produced for examination when requested by a Council Enforcement Officer, Police Officer or Police Community Support Officer.
10. If a Council Enforcement Officer, Police Officer or Police Community Support Officer requests that the consent holder vehicle/stall be moved, it shall be moved immediately in compliance with the request.
11. The consent holder shall ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the vehicle/stall.

12. The type, colour and dimensions of any vehicle, trailer or stall or similar to be used under the Consent shall be subject to written approval by Reading Borough Council. No change of any such approved vehicle, trailer or stall or similar is permitted without prior consent, in writing, from Reading Borough Council.
13. The consent holder shall not park his/her vehicle on any part of a footway. (Unless it is approved by the council).
14. The consent holder shall have and maintain a proper insurance policy for third party risks.
 - a) For locations off the public highway, the minimum insurance cover shall be £5,000,000 per claim, and shall cover the consent holders vehicle, trailer or stall, product liability and any additional equipment under his/her control.
 - b) For locations on the public highway, the minimum insurance cover shall be £10,000,000 per claim, and shall cover the consent holders vehicle, trailer or stall, product liability and any additional equipment under his/her control.
15. Adequate precautions shall be taken by the consent holder to prevent the risk of an outbreak of fire at his/her stall, trailer or vehicle. Where a power source or heating appliance is present, for example a generator or bottled gas container, a suitable fire extinguisher shall be provided. In addition, a fire blanket shall be provided in vehicles selling hot food.
16. The Consent is personal to the consent holder and is not transferable except in the case of the death of the consent holder, when the Consent may be transferred to a member of the consent holder's family with the written approval of the council.
17. The consent holder shall not place any signs or any object upon the pavement, or any other part of the highway or other public place, without prior approval from the council.
18. The consent holder shall not sell or offer or expose for sale any goods or articles other than those described within the Consent.
19. The consent holder is permitted to have the number of assistants necessary to undertake relevant duties associated with the operation of the street trading unit. The Consent Holder shall provide full details of all assistants, including name, address, date of birth and a passport style photograph to the Council. No assistant shall commence work on a street trading unit until such time as that person has been approved in writing by the Council. No person other than the Consent Holder or an approved assistant shall be permitted to work on the street trading unit.
20. The use of amplified music and/or amplified speech from any street trading unit is not permitted unless approved in advance, in writing, by the Head of Planning, Development & Regulatory Services. Where such approval is given, the amplified music and/or speech, shall only be permitted at background levels and only between 08:00 hours and 23:00 hours.

21. The consent holder's vehicle/stall shall be kept safe, clean and maintained in a roadworthy condition. Where required it must be taxed, insured and have a current MOT Certificate
22. No water or waste material shall be discharged on to the highway or any adjacent property.
23. Where the trading activity involves the sale of food which is provided in any form of container or wrapping, at least one refuse container shall be provided by the consent holder and placed near to his/her vehicle/stall and be available for use by his/her customers. A clear notice shall also be displayed on or near his/her vehicle/stall requesting customers to deposit litter in the refuse container.
24. The consent holder must arrange access to toilet facilities for the consent holder and any assistants during trading hours. This must include a written agreement with other businesses if there are no public toilets nearby. If no arrangements can be made then a suitable chemical toilet must be provided. The chemical toilet must be maintained in a hygienic condition and any waste disposed of in compliance with the law.
25. Planning permission shall be obtained for the use of a chemical toilet before trading commences pursuant to the consent if legally required.

CONDITIONS RELATING TO THE SALE OF FOOD

26. If food is prepared, served or sold, a written food safety management system (FSMS) based on HACCP principles must be agreed with the Consumer Protection (Environmental Health) Department of this council BEFORE trading for the first time. If there are any significant changes to the menu or equipment used then the FSMS must be reviewed and resubmitted to the council for agreement when renewing the licence.
27. All persons handling unwrapped food must have a food safety training certificate. The certificate must be accredited by the Qualifications and Curriculum Development Agency (QCDA) to the Level 2 Award. This certificate must also be produced for examination when requested by a Council Enforcement Officer, Police Officer or Police Community Support Officer. This training must be renewed at intervals of no more than three years.
28. The level 2 award food safety training certificate must be displayed conspicuously, adjacent to the Consent, in a position so that it is easily visible to customers.
29. Anybody suffering from food poisoning, diarrhoea or more than one bout of vomiting must not work in any food handling area until they have been completely well for at least 48 hours.
30. Any open cuts, spots or boils must be covered with a clean, waterproof dressing to avoid contaminating food. The dressing must be blue so that it shows up in food if it comes off.
31. All applications for the grant or renewal of a Consent, where waste is likely to be generated from the product being offered for sale for example, burgers, kebabs,

sandwiches and ice creams, shall be accompanied by a copy of a current waste transfer note, which must have been made with a licensed waste operator.

32. For all consents using gas as a source of power or heat, a current Gas Safety Certificate must be provided. This must be issued by a Gas Safe Registered Engineer who is registered for mobile catering Liquid petroleum Gas. The gas safety certificate must be renewed at least annually to ensure gas soundness of pipe work and correct operation of appliances, flues and ventilation. A list of qualified engineers is available at www.gassaferegister.co.uk

33. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

CONDITIONS RELATING TO THE SALE OF ALCOHOL AND OTHER AGE RESTRICTED GOODS

34. During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 Licensing Act 2003 must be present at the point of sale.

35. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;

36. In conjunction with the 'Challenge 25, proof of age scheme', the consent holder must have a written refusals log, detailing each occasion where a challenge occurs that results in a refusal to sell alcohol. The log should include the date and time of the challenge and a brief description of the person challenged. The person refusing the sale shall also sign against the record of the refusal. This log is to be made available to Council Enforcement Officers, Police Officers and Police Community Support Officers on request.

37. For all other age restricted products, all persons who appear under the age of 18 shall be required to provide proof of their age, before a sale is commenced. This proof of age shall include a passport, a photo card driving licence or PASS hologram Card. No other proof of age shall be accepted.

38. Where proof of age is requested for the purposes of condition 34, a record in the same format as outlined at condition 35 above must be made.

39. There shall be no sale of alcoholic drinks in glass containers.

40. Alcohol shall only be sold in its original and sealed pre-packed container.

41. There shall be no facilities or containers for customers to decant alcohol into other containers.

42. The consent holder shall not engage in inappropriate discounting of alcohol or irresponsible alcohol promotions for example, sale of alcohol below cost price, discounted sales in the last twenty four hours of trading, large price reductions during the life of the street trading consent.

December 2016

APPENDIX 4.

Street Trading Consultation

Friday 15 September - Friday 29 September 2017

The Council proposes the use of the following additional sites for street trading in the town centre. The intention is to increase the vibrancy and diversity of offer in the town centre. We are considering the additional street trading sites on an annual consent basis to be reviewed after the first 12 months.

You are being consulted as we believe you may have an interest in one or more areas. We would like you to have an opportunity to shape how the site may be used and would be grateful for your general comments about the proposal as well as answers to the following questions indicating which site(s) you are referring to.

- Q1. If a trader was put at this site what would you like it to look like?
- Q2. What sort of goods/services do you think would fit this area?
- Q3. What days/times would you prefer?
- Q4. Is there anything that you would not like to see?
- Q5. Is there anything else that you want to add?

Your response will be included as part of a committee report to Councillors which will be presented on 1st November 2017. Please contact me at licensing@reading.gov.uk if you would like to meet to discuss the proposal further before you place your response.

We would be grateful if you can respond by email by Friday 29 September 2017.

Site	Location	Type/number of units
Site 1	Bridge Street, Reading - Left of main entrance to Civic Offices open space	1 trader day times
Site 2	Bridge Street, Reading - side of Civic Offices nearest entrance to the nursery	1 trader day times 1 trader evenings