

CAMBRIDGE CITY COUNCIL

REPORT OF: Andy White, Markets and Street Trading Manager
TO: Licensing Sub-Committee 11/05/2012
WARDS: Market

Street Trading applications for 2012/13

1 INTRODUCTION

- 1.1 The Licensing Sub-Committee is asked to consider applications for Street Trading pitches Number 5 on Trumpington Road and Number 7 in Guildhall Place. These streets have been designated consent streets under the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Street Trading Consents are valid for up to one year and they permit traders to sell items on the highway from an agreed space. The pitches offer affordable trading to local people and are highly sought after. There are 25 pitches in the City selling a variety of goods ranging from cold food, hot food and retail items.

2. RECOMMENDATIONS

- 2.1 To consider the applications for street trading pitches number 5 and 7 and to decide to which trader the consent should be granted.
- 2.2 To grant a consent to trade to the successful applicants for one year from 1st June 2012 until 31st March 2013 subject to the Council's standard conditions and subject to signing the appropriate documentation.

3. CONSIDERATION OF APPLICATIONS

3.1 There are two applicants for Pitch No.5 and two applicants for Pitch No. 7. Detailed guidance on the approved criteria for deciding between the applications and how members should approach their decision is set out in Appendix A. The guidance has been provided in advance to the applicants.

3.2 One of the approved criteria is not considered in the detailed guidance. This is described as:

“Local person – whether the trader is local and employs local people.”

All applicants satisfy this criterion and so it is not necessary to consider it further. The officers have some reservations in any case about whether this is a legitimate consideration and it will be considered as part of the review of street trading mentioned in the guidance note.

3.3 As part of the hearing there will be an opportunity for each applicant to give a 10-minute presentation on their business proposal. As each applicant knows of the assessment criteria set out in the Guidance Note at Appendix A, their proposal should be focused on how and why they meet the criteria.

3.4 The Council’s Street Trading Scheme Code of Practice for Design of Stalls and Style of dress is set out at Appendix B. This code sets out the criteria for the design of stalls to be used on the consent pitches allocated to traders operating within the City and indicates the standards of dress which are acceptable. The applicants will be asked to submit details of their existing or proposed stall to the Council prior to the Sub-Committee hearing and officers will advise the Sub-Committee whether the stalls meet or would meet the Council’s guidelines.

3.5 The Guidance Note at Appendix A sets out details of the retail offers adjacent to each pitch.

3.6 At the hearing, the Sub-Committee will be provided with copies of the application forms submitted by the applicants for each pitch

4. Applicants for each pitch

4.1 As indicated in the guidance, members need to assess the applications against the agreed criteria. Applicants have been sent the criteria and, as mentioned, will be expected to use their presentations

to explain how they meet the criteria. However, the following summary information is available about each applicant.

4.2 Pitch 5

- 4.2.1 Mr T Coppolaro (Ice Cream)
Existing trader 18 years
Two complaints were received on 11th April 2011 and 15th June 2011 but after investigation neither of them were found to be substantiated.
No history of non-compliance with Environmental Health requirements.
- 4.2.2 Mr Mahmut Atay (Ice Cream and Soft Drinks)
Not an existing trader
No history of non-compliance with Environmental Health requirements.

4.3 Pitch 7

- 4.3.1 Mr I Verrecchia (Ice Cream)
Existing trader 34 years
No Complaints Received
No history of non-compliance with Environmental Health requirements.
- 4.3.2 Mr Dan Strauss (Ice Cream)
Not an existing trader
No history of non-compliance with Environmental Health requirements.

5. CONSULTATIONS

The Highways Authority have agreed a given area of the public highway in all the above mentioned Streets. The Conservation Section have confirmed that they are happy to assist the successful applicant in terms of colour and design of their unit.

6. OPTIONS

- 5.1 The Sub-Committee may grant consent if they think fit. They may not grant consent to anyone under the age of 17. When granting consent the Council may attach such conditions to it as they consider reasonably necessary. The Council has standard conditions for street trading consents, which are set out at Appendix C.
- 5.2 Every application must be dealt with on its own individual merits, and, after consideration of the applications the options available in respect of each pitch are :
1. To grant the consent to the applicant;
 2. To reject the application;
- 5.3 The decision taken by the Sub Committee must be supported by reasons, take into account all relevant considerations and not take into account irrelevant considerations.
- 5.4 There is no right of appeal on the merits against the refusal to grant consent although a decision may be subject to legal challenge if not made lawfully.

6 CONCLUSIONS

The Sub Committee is requested to assess each application for pitch 5 and 7 against the other and to decide to whom the consent will be granted in accordance with the guidance in Appendix A.

IMPLICATIONS

- (a) **Financial Implications:** The revenue will meet the cost of the supervision and administration costs from the street trading fees.
- (b) **Staffing Implications:** As above.
- (c) **Equal Opportunities Implications**
A full Equalities Impact Assessment on Street Trading Policy will be undertaken as part of the forthcoming Street Trading Review.
- (d) **Environmental Implications: Nil - this proposal has no climate change impact.**
- (e) **Community Safety: None**

APPENDICES

1. **Appendix A** - Street Trading Hearings for Pitch 5 and 7 - **Guidance for Members of the Licensing Sub-Committee and applicants**
2. **Appendix B** - Street Trading Scheme – Code of Practice for Design of Stalls and Style of Dress
3. **Appendix C** – **Standard conditions for street trading consents**

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

4. Applications procedure
5. Schedule 4 Local Government (Miscellaneous Provisions) Act 1982: section 7 “Street Trading Consents”

To inspect these documents please contact Emma Thornton on extension 7464

The author and contact officer for queries on the report is Andy White on extension 7466 (or Emma Thornton on 7464).

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