



Haringey Council

Agenda item:

GENERAL PURPOSES COMMITTEE

On 19th MAY 2011

Report Title: Temporary change to Street Trading Policy

Report of Anne Lippitt – Interim Director of Urban Environment

Signed :

De Lippitt 11/5/2011

Contact Officer : Robin Payne – Head of Enforcement Services

Wards(s) affected: All

Report for: Non-Key Decision

1. Purpose of the report

1.1. Haringey's Street Trading Policy sets out a framework for the approval and control of street trading in the borough. This policy specifically prevents the issue of temporary street trading licences. This report seeks to have a temporary relaxation of this policy restriction for a trial period. Results of this trial period will feed into a wider review of on street trading and will allow options to be tested for the future use of land to the front of Hornsey Town Hall.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

2.1. A 'Thriving Haringey' is a key Council priority and our Regeneration Strategy puts people, places and prosperity at the heart of regeneration in Haringey. Properly regulated and controlled street trading can provide a valuable source of commercial activity and employment for an area. The approach recommended here will ensure that our policy for on street trading supports our regeneration policy objectives.

3. Recommendations

3.1. That Members of General Purpose Committee agree to amend the current street trading policy so that applications for temporary street trading can be permitted

for a trial period of 6 months from this decision. This decision would apply to

a. Whole borough; or

b. Specified areas:

The pedestrian area to the front of Hornsey Town Hall

Parts of Archway Road N6I

Car park at the Boogaloo- Archway Road N6

Holmesdale Road N6

Lymington Avenue N22

Elm Park Road N15

3.2. That Members of GPC agree to consultation being undertaken with residents and traders in the affected areas prior to any trial period being implemented

4. Summary

4.1. The Licensing of Street Trading within the borough is governed by the London local Authorities Act 1990 (the Act). This allows the Council to designate streets as 'licence streets' where street trading may take place, to make regulations to control trading and to set fees and charges. The Act provides for the issue of temporary street trading that can last a day or any specified period. Applications would be determined on their merits against the adopted regulations, but would not be restricted to designated streets.

4.2. On the 15th August 1992 the Council passed a resolution to adopt these powers and chose also to retain a previous policy position that did not permit any temporary street trading.

4.3. This reports seeks to relax this policy position so that a wider review of street trading can be informed by a trial of temporary street trading. In addition a separate review of options for the future use of land to the front of Hornsey Town Hall is being undertaken. This review has identified that the current policy here to prohibit temporary street trading is limiting options for trialling innovation in the use of this area. Consultation with residents and existing traders will also be undertaken prior to an area being used for street trading.

4.4. To allow temporary licences to be processed, a fee structure will need to be agreed that allows for the recovery of appropriate costs, as defined in the Act under section 32. This Authority already has a fee for temporary licence set at the rate of £44 for an application for a temporary licence for up to 6 months, and a further fee of £28.50 for a six day trading period, per stall.

5. Chief Financial Officer Comment

5.1. Street Trading activities are expected to be self-financing so it is expected that the fees already set will cover the costs of this trial period

6. Head of Legal Services Comments

6.1. The legal aspects are outlined in the body of this report. The issuing of temporary street trading licences is expressly permitted under the London local

Authorities Act 1990. Fees may be charged to sufficiently cover reasonable administrative or other costs associated with the Council's street trading functions. Applicants refused licences have a right of appeal to the local magistrates court.

7. Equalities & Community Cohesion Comments

7.1. Street trading regulations will ensure that no restriction of access is caused for those with disability or other reasonable access requirements. Any future street trading policy will require consultation with affected groups including the Haringey Disability First Consortium (HDFC).

8. Use of Appendices

8.1.

9. Local Government (Access to Information) Act 1985

9.1. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent amendments.

9.2. Haringey's Street Trading Policy (1992)

10. Background

10.1. The Licensing of Street Trading within the borough is governed by the London local Authorities Act 1990 part III. This allows the Council to –

- Designate streets as 'licence streets' where street trading may take place, (under a permanent annually renewed licence or a temporary licence issued for a maximum of 6 months)
- Make regulations to control trading in the borough
- Set fees and charges.

10.2. On the 15th August 92 the Council passed a resolution to adopt Part III of the London Local Authorities Act 1990. Regulations made under Section 27 of the Act prescribe standard conditions that would apply to all street trading licence.

10.3. At that time Members chose to retain aspects of an existing policy agreed in 1991 relating to trading on the footpath. Specifically this policy did not permit any licensed temporary street trading within the borough, although arrangements for licensing are provided for under section 31 of the Act. The power for an Authority to grant temporary Street Trading licences do not have to be in a designated street.

- 10.4. A temporary licence may be granted for a single day or other periods of time up to a maximum of 6 months dependant on whether the activity/event is a one-off of short duration e.g. promotions or an event taking place over a longer period such as a Christmas market.
- 10.5. Section 32 of the Act requires the Authority to give notice of the proposed fees to licences holders and to publish them in a local newspaper. Following publication of the notice traders and the public must be permitted a minimum period of 28 consecutive days during which they may make representation in respect of the charges.
- 10.6. The legislation stipulates that the council may only recover from street trading the costs of administering and enforcement of the street trading activity. Such figure may include the cost of administration (including buildings and amenity costs, telephone and postage costs) enforcement, staffing, travelling costs, cost of hearings, appeal costs and any other items associated with issue and maintenance of the licence. There are fees set as stipulated above in the summary.

11. Policy Considerations

- 11.1. The council is bringing together under a new Single Frontline service a range of on street council services, including a Neighbourhood Action Team which will include a uniformed street patrolling service delivering a range of street care and enforcement interventions. To support this new service we will be reviewing our policies and processes for controlling on street trading and other activities. As part of this review we are reviewing our street trading policy arrangements and have identified that Haringey is the only borough that has a blanket ban on temporary street trading. The service is looking at the opportunities and that permitting temporary street trading will bring and is looking to pilot this approach at suitable locations.
- 11.2. We have received enquiries from perspective traders and Members wishing to make temporary sites available. Members have asked that parts of the Archway Road which has local traders all wishing to develop a Farmers market, be given the opportunity to operate for an interim period. We have also had members of the Jewish community enquiry about the possibility of doing seasonal trading to accommodate for certain religious events.
- 11.3. The use of Hornsey Town Hall also needs to be considered as there are plans to regenerate the town hall and the Committee dealing with those plans would like to consider the viability for a small market area outside the town hall on the forecourt/road area.
- 11.4. Potential additional sites that could be suitable for temporary street trading could include -
- Parts of Archway Road
 - Areas off Wood Green High Road – Lymington Avenue

- Holmesdale Road N6
- Elm Park Avenue N15
- Forecourt outside Hornsey Town Hall N8

This list is not intended to be exhaustive list and any final pilot locations for temporary street trading will be subject to local consultation and agreement by Chair to this committee.

12. Proposed Procedure for considering temporary street trading

12.1. Officers will take into consideration the following factors when dealing with any request to grant a temporary street trading licence:

Consultation with residents and existing traders in the areas affected.

- The presence of existing street furniture.
- The proximity and nature of any road junctions and pedestrian crossing points.
- The number of sites already designated in the same street;
- Whether the proposed site would ensure continued free access to members of the public using the road or pavement or cause obstruction to e.g. pedestrians, prams and wheelchairs.
- Whether it leaves the recommended minimum clear passage of 2.0 metres (or 2.8m on TfL roads), between the front edge of any display and the edge of the kerb or any item of street furniture (railings, lamp posts etc) – whichever is the nearer to the display.
- The safety of pedestrians.
- Whether there may be a negative effect on the character and appearance of the area.
- Any relevant Council policies relating to the town centre in question whose implementation might be impeded or compromised by the designation.

No licence will be issued where it is shown that the area would be obstructed by placing of any stall or mobile vehicle on the pavement or road.

