


**Report of:** The Environmental Health Business Manager



**To:** General Purposes Licensing Committee

**Date:** 11<sup>th</sup> May 2007 **Item No:**

**Title of Report :** Street Trading – Request to Extend Trading Hours

### Summary and Recommendations

 **Purpose of report:** To advise on representations received regarding the trading hours of evening street traders and determine whether Committee wish to review the trading hours on the basis of these representations.


 **Key decision:** **No** 


 **Portfolio Holder:** Councillor Jean Fooks





#### **Scrutiny Responsibility:**

 **Ward(s) affected:** All

Report Approved by: Environmental Health Business Manager  
Emma Griffiths – Legal & Democratic Services  
Andy Collett – Financial & Asset Management

 **Policy Framework:** Approved Street Trading Scheme

 **Recommendation(s):** Licensing Committee is recommended to resolve to:-

-  1) Either :-
-  a) Confirm that the current finish time for evening street trading consents should remain at 3.00am, or
  -  b) extend the trading hours of evening street traders beyond the current 3.00am finish time. Committee to determine to what time and on what days of the week. or,
  -  c) Authorise the Environmental Health Business Manager to carry out a period of consultation with a view to extending the trading hours of evening street trading consents beyond the current 3.00am finish time.
- 2) To determine what action to take, against those traders observed to be trading well beyond the currently permitted 3.00am finish time.
- 3) If resolving to increase trading hours, to recommend an increase in street trading fees for evening street traders to cover any additional enforcement

costs to ensure rigid compliance with the requirements of the street trading conditions.

## **Introduction**

1. On 4<sup>th</sup> January 2007, The General Purposes Licensing Committee considered a report on the trading hours of evening street trader as requests had been received to extend the current finish time of 3.00am in the light of changes to customer numbers brought about by the Licensing Act 2003.
2. Following discussion, the Committee resolved to keep the finish time at 3.00am.
3. All the affected traders were written to on the 9<sup>th</sup> January 2007 and advised of the Committees decision and were also advised that monitoring would take place to ensure that the required finish time was being observed.

## **Impact of the Decision**

4. Following notification of the Committees decision, several of the traders expressed their dissatisfaction at not being represented at the meeting on 4<sup>th</sup> January and felt that their viewpoint was not adequately taken into consideration. Prior to the meeting on 4<sup>th</sup> January, the traders representative was written to and advised of the date and time of the meeting. This was followed up with a telephone call 2 days prior to the meeting where it was stated that although the traders representative was unavailable, all the traders had been written to and advised that they should attend.
5. As a result of this dissatisfaction, a meeting was held with the traders and their representative to discuss their concerns. The two main concerns were the reduction in trade caused by closing at 3.00am when other permanent licensed premises could trade beyond this hour and the perceived risk of trying to close when customers were still expecting to be served.
6. The reduction in trade is discussed in the original report of 4<sup>th</sup> January.
7. With regard to the perceived risk of closing whilst customers still want to be served, the traders were advised that this situation had been brought about by them trading beyond the 3.00am finish time in the past and therefore they had some responsibility for addressing this behaviour. The traders were advised to display prominent notices stating that the trading hours ceased at 3.00am and no food would be served after this time. They were also advised that it would obviously take a period of adjustment until customers became used to the 3.00am finish being adhered to and we would be also mindful of this fact.
8. A further concern from the traders was their lack of representation at the meeting on 4<sup>th</sup> January and it became apparent that there had been very limited contact between the traders representative and the traders

themselves and most had not been made aware of the need for them to attend the meeting on 4<sup>th</sup> January as their representative would not be in attendance.

### **Trading Observations**

9. Occasional observations have been made by the Environmental Health Emergency Out Of Hours Team during their work in the city centre. As a result of these observations, some traders have been seen to comply with the 3.00am finish time whereas others have continued to trade well beyond 3.00am.
10. Thames Valley Police have also observed instances of trading beyond 3.00am. Reports were received from the police in early February of the apparent difficulty experienced by traders trying to close when a large crowd of customers were wanting to be served – with the consequent risk of disorder. However, The City Centre Inspector has stated that he is unaware of any further problems of traders being unable to close owing to customer demand. He has also offered the opinion that 3.00am is an appropriate finish time for the majority of traders with some degree of flexibility to allow a select number of traders to trade until 4.00am.
11. In late March, comments were received from two traders that the situation of being unable to close due to customer demand seems to be resolving itself as customers are now getting used to the fact that trading hours cease at 3.00am.

### **Representations Received**

12. Representations from several groups and individuals have been received in the last few months concerning the trading hours of evening street traders.
13. The traders themselves claim to have substantial support for later trading hours in the form of petitions signed by their customers. However, none of these documents have been seen by Officers.
14. Pembroke College had previously made representations ( In November 06) concerning the problems caused by late trading by the traders in St Aldates and Pembroke Square and provided details of occasions where the permitted trading hours had been exceeded.
15. St Edmund Hall JCR have expressed support for the traders and opposition to the restriction on trading hours to 3.00am as it is felt that the traders provide a useful service to students.
16. The Master of University College has written to express support for the trader situated by the college in maintaining it's operating hours.
17. A representation has been received from an individual who feels that the evening street traders are the source of mess & litter in the city centre.

18. Several anonymous letters of complaint (seemingly from the same source) have also been received complaining about late operation of the vans in Pembroke Square & St Aldates but it has not been possible to ascertain the origin or authenticity of these documents.

### **Options For Consideration**

19. In general, the street traders have expressed a wish to continue trading until 4.00am rather than the current 3.00am and have also stated that an increase in fees to cover the cost of any increased enforcement to ensure this time is rigidly adhered to by all the traders would be acceptable to them. Several traders have mentioned that an annual increase of £500 would be acceptable to them.
20. However, the traders have also stated that this increase in trading hours is most wanted on Friday & Saturday nights so would accept the current 3.00am finish on other days of the week.
21. The trading times for these street trading consents are regulated by a condition attached to the consent. Paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 provides that a Council may attach such conditions as it considers reasonable and necessary. Paragraph 7 also provides that the Council may at any time vary the conditions of a street trading consent.
22. Therefore, any change to the trading hours may be made by decision of the General Purposes Licensing Committee.
23. Although Schedule 4 does not require the Council to consult or publish notice of its intention to vary its consent conditions, extending the trading hours of the evening traders is likely to be contentious.
24. Committee may therefore wish to consider undertaking a period of public consultation prior to making a final decision on the question of extending trading hours.
25. Alternatively, Licensing Committee may wish to determine that no change to trading hours is appropriate at this time and reconfirm the 3.00am finish time for all evening street trading consents as at their meeting on 4<sup>th</sup> January 2007.
26. If the Committee determine to maintain the 3.00am finish, they may also wish to consider what action to take against those traders that have been observed trading well beyond the permitted 3.00am finish since being advised in January of the need to comply with this requirement. Actions possible include written warnings to traders, prosecution for illegal street trading or revocation of existing street trading consents.
27. If extensions are granted to the street trading consent hours, the traders would also be required to apply for a variation to the trading hours of their premises licences for the sale of late night refreshment.

## Recommendation

Licensing Committee is recommended to resolve to:-

1) Either :-

- d) Confirm that the current finish time for evening street trading consents should remain at 3.00am, or
- e) extend the trading hours of evening street traders beyond the current 3.00am finish time. Committee to determine to what time and on what days of the week. or,
- f) Authorise the Environmental Health Business Manager to carry out a period of consultation with a view to extending the trading hours of evening street trading consents beyond the current 3.00am finish time.

2) To determine what action to take, against those traders observed to be trading well beyond the currently permitted 3.00am finish time.

3) If resolving to increase trading hours, to recommend an increase in street trading fees for evening street traders to cover any additional enforcement costs to ensure rigid compliance with the requirements of the street trading conditions.

**Name and contact details of author:** Neil Bacon  
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**Background papers:** Various letters of representation

