

APPLICATION FOR STREET TRADING CONSENT MR ROGER GREEN

Portfolio Area: Environment
Report Presented by: Mrs Rachel Crouch

Background Papers:

Appendix 1 - Copy of application made by Mr Roger Green – High Street, Braintree location 1st Choice

Appendix 2 - Photographs of proposed location - High Street, Braintree

Consultation Comments

Appendix 3 - Essex County Council Letter of Objection

Appendix 4 - Planning comments

Letters of support

Appendix 5 – Mr David Connolly Jewellers

Appendix 6 – Mrs T Leeks & family

Appendix 7 – Mrs Ann Poulter

Appendix 8 – Copy of application made by Mr Roger Green – Bank Street, Braintree location 2nd Choice

Appendix 9 - Photographs of proposed location Bank Street, Braintree

Consultation Comments

Appendix 10 - Essex County Council Letter of Objection

Appendix 11 – Melvyn Crow, Braintree District Council

Letters of support

Appendix 12 - Mrs Ann Poulter

Appendix 13 - Street Trading Policy

Corporate Implications: Please refer to table at end of report

- Options:**
1. To GRANT Mr Roger Green's application for a Street Trading Consent in respect of his first choice for his van to be positioned in High Street, Braintree and REFUSE Mr Roger Green's application for a Street Trading Consent in respect of his second choice for his van to be positioned in Bank Street, Braintree.
 2. To GRANT Mr Roger Green's application for a Street Trading Consent in respect of his second choice for his van to be positioned in Bank Street, Braintree and REFUSE Mr Roger Green's application for a Street Trading Consent in respect of his first choice for his van to be positioned in High Street, Braintree.
 3. To REFUSE both of Mr Roger Green's applications for Street Trading Consents in respect of the High Street, Braintree and Bank Street, Braintree locations.

Risks: NONE

Executive Summary

To determine an application made by Mr Roger Green for a Street Trading Consent to enable him to sell ice cream and cold drinks from a van positioned in High Street, Braintree outside Connolly Jewellers which is Mr Green's first choice and to determine a further application by Mr Green to trade from Bank Street, Braintree. Objections have been received from Essex County Council Highways in respect of both applications.

Decision

1. To GRANT Mr Roger Green's application for a Street Trading Consent in respect of his first choice for his van to be positioned in High Street, Braintree and REFUSE Mr Roger Green's application for a Street Trading Consent in respect of his second choice for his van to be positioned in Bank Street, Braintree.
2. To GRANT Mr Roger Green's application for a Street Trading Consent in respect of his second choice for his van to be positioned in Bank Street, Braintree and REFUSE Mr Roger Green's application for a Street Trading Consent in respect of his first choice for his van to be positioned in High Street, Braintree.
3. To REFUSE both of Mr Roger Green's applications for Street Trading Consents in respect of the High Street, Braintree and Bank Street, Braintree locations.

1. High Street, Braintree - Application

- 1.1 On 14th May 2009 the Licensing Department received from Mr Green and validated an application for the renewal of a Street Trading Consent in respect of his ice cream van positioned at High Street, Braintree.

1.2 The hours which Mr Green is proposing to trade are set out below:

Monday, Tuesday, Thursday and Friday 9.00am to 5.15pm

1.3 Following the necessary consultation, the Licensing Department received an objection from Essex County Council Highways which is outlined below and attached as Appendix 3.

Essex County Council is unable to support Mr Green's application to place the ice cream van outside Connolly Jewellers. They have highlighted that the High Street Order states that no vehicles, except buses and delivery vehicles, can enter it and that the Order does not include ice cream vans.

Essex County Council has indicated that as Mr Green cannot legitimately enter the location, it is unable to support the application.

1.4 Essex County Council objected to Mr Green's 2008 application. However, this application was granted following consideration by the Licensing Committee.

In 2008, Essex County Council had concerns that the vehicle would obstruct the free movement of pedestrians and identified that the area already had a number of street furniture items such as bollards, a post and a bench. It was felt that the vehicle might also block sight lines for pedestrians crossing the road.

1.5 Following the receipt of representations from Essex County Council, enquires were made of the Council's Parking Partnership Department in respect of a dispensation. However, the Department has advised that as the County Council has objected, they would be reluctant to issue a dispensation. In any case, a dispensation is only granted for a period of a couple of weeks and a charge is made per day. Under the Order, access to the High Street on market days is different.

1.6 During the duration of the consent for 2008/2009, the Council has received no complaints and is not aware of any enforcement action which has been taken against Mr Green for accessing the High Street to trade.

2. **Bank Street, Braintree - Application**

2.1 Following the representations received from Essex County Council and the absence of a Committee meeting in August during Mr Green's busiest time, Mr Green submitted an additional application for an alternative location.

2.2 On 29th July 2009 the Licensing Department received from Mr Green and validated an application for a Street Trading Consent in respect of his ice cream van positioned in Bank Street, Braintree.

2.3 The hours to which Mr Green is proposing to trade are set out below:

Monday, Tuesday, Thursday and Friday 9.00am to 5.15pm

2.4 Following the necessary consultation, the Licensing Department received an objection from Essex County Council Highways which is outlined below and attached as Appendix 10.

The County Council is unable to support Mr Green's application to place his ice cream van outside Barclays Bank in Bank Street, Braintree, for the

following reasons:

- Bank Street/Rayne Road/Coggeshall Road has parking restrictions of 'No Waiting at Any Time', for which Mr Green would be in contravention of, should he park there.
- The footway is not constructed to allow vehicles driving and parking on it.
- By parking on this junction, he would reduce the forward visibility of approaching vehicles.
- Bank Street's Order states that no vehicles except for delivery vehicles and disabled vehicles can enter it, this Order does not include ice cream vans.

2.5 In addition, the Licensing Department has also received information from Melvyn Crow, Braintree District Council in respect of some forthcoming work taking place in this area, which is attached as Appendix 11.

3. Conclusion

3.1 Where representations have been received, the Licensing Department must in all cases refer the application to the Licensing Committee in accordance with the Council's Street Trading Policy.

Corporate Implications			
Financial:	Not Applicable		
Legal:	None		
Equalities & Diversity:	Not Applicable		
Customer Impact:	None		
Environment & Climate Change:	None		
Consultation/Community Engagement:	Local Committees – None		Partners - None
	Public- None		Staff - None
Key Decision:	No		
Public/Private Report:	Public		
Officer Contact:	Mrs Rachel Crouch		
Designation:	Licensing Officer		
Ext No:	2647		
Email:	raccr@braintree.gov.uk		