

# Carlisle City Council

## Report to Regulatory Panel

### Report details

Meeting Date:	16 <sup>th</sup> March 2022
Portfolio:	Finance, Governance and Resources
Key Decision:	No
Policy and Budget Framework	No
Public / Private	Public
Title:	Application for Street Trading Consent
Report of:	Corporate Director Governance & Regulatory Services
Report Number:	GD.16/22

### Purpose / Summary:

To consider and determine an application made by Russell and Karen Barrington to sell Hot and Cold Food, Drinks and Snacks from Tarn End Car Park.

### Recommendations:

That Members consider feedback from the consultation of the application and determine the application having regard to the Street Trading Policy 2017

- Option 1 - Grant a Street Trading Consent as applied for
- Option 2 Grant a Street Trading Consent with additional conditions
- Option 2 Refuse the application for a Street Trading Consent

### Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

## 1. Background

- 1.1. An application has been made by Russell and Karen Barrington to sell hot and cold food, drinks and snacks from a trailer at Tarn End Car Park, Talkin Tarn, Brampton.

### **Appendix 1.**

- 1.2. Under the Local Government (Miscellaneous Provisions) Act 1982, a street trading consent is required by any person wishing to sell goods on streets designated as a 'consent street'.
- 1.3. The term ~'street' includes any road, footway or other areas to which the public have access without payment (including car parks).
- 1.4. The current Street Trading Policy came into force in 2017 alongside the Council's resolution to make all streets in the Carlisle district 'consent streets'.
- 1.5. The aim of the policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people within the area.
- 1.6. The Policy requires partners and the public to be consulted on an application with a normal 14 day consultation period.
- 1.7. Paragraph 4.1 of the policy details that each application will be assessed on its own merits and consents will not normally be granted where there is one or more of the following:
- **Public Safety:** Where the location of the proposed activity presents an unacceptable risk to the public for instance in terms of road safety, obstruction, fire hazard etc. The term "public" includes the trader, any staff or visitors together with customers and anyone else using the street.
  - Where any proposed trading is within 100 metres of a school entrance.
  - **Avoidance of Nuisance:** Trading must not present an unacceptable risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from council officers, other enforcement officers and the police shall be taken into consideration.
  - **Prevention of Crime and Disorder:** The street trading activity should not present a risk to good public order in the locality in which it is situated. This may for example be an issue in respect of applicants wishing to trade at later hours. Observations and comments from Police will be taken into consideration.
  - **Suitability of the trading unit:** Both internally and externally the unit should be of a good quality design, safe construction and not adversely affect the amenity of the locality. The Council expects a high standard of presentation and appearance from its street traders. Tables or stalls used for street trading shall not normally be more

than four metres in length and one metre in width. No items shall be placed on the floor or within half a metre of it. Bread trays/baskets or similar containers must not be used to provide storage, shelving, support or display for goods; and items placed next to the stall or table must be immediately adjacent to it.

- **Needs of the Area:** The adequacy of other trading outlets will be taken into consideration in relation to:
  - The presence of like outlets already existing in the immediate locality (50 metres) of the proposed street trading site.
  - The general needs of a locality, should no comparable outlets exist.
  - Where there is uncertainty as to whether there is a genuine need for the trader's business then the applicant may have to demonstrate to the Council the need for the proposed trading activity.

1.7 Street Trading Consents are issued for period of up to one year for specific locations and times when street trading can take place. All consents issued carry the Standard Terms and Conditions in order to promote public safety and avoid obstructions, nuisance and annoyance and are attached at **Appendix 2**. A consent may also attract conditions in addition to the standard conditions according to their individual merits.

## **2. Application for Consideration**

2.1 An application has been made by Russell and Karen Barrington to sell hot and cold food, drinks and snacks from a trailer at Tarn End Car Park, Talkin Tarn, Brampton.

2.2 The application is to trade from 8:00am – 5:30pm Thursday – Monday.

2.3 The application contains a site map and photographs of the trading unit.

2.4 A Street Trading Consent is subject to a 14 day consultation period. When an application is received, a notice detailing the application is placed at the site applied for and the following stakeholders are also consulted directly.

- Cumbria Police
- Cumbria Fire Service
- Highways (County Council and/or Highways Agency dependent on location of site)
- Environmental Health
- Ward Councillors

2.5 There has been one objection received regarding the application (Appendix 3) and 10 emails of support for the application. (Appendix 4).

- 2.6 In accordance with Policy the application is referred to the Regulatory Panel to determine the application as an objection has been received.
- 2.7 The objection to the application is based on concerns relating to the increased traffic using the single lane track as access to the car park. The objector also states that the proposal will take business away from Talkin Tarn Tea shop.
- 2.8 The applicants arranged to meet with residents of Tarn End Cottages to show photographs of their unit, give detail of the offer they have and address any concerns that residents may have. The emails of support are from several residents of Tarn End Cottages and car park users who state that they welcome the proposal.
- 2.9 No representation or concerns were received from any Stakeholder detailed in paragraph 2.4.
- 2.10 Cumbria Highways were contacted again for comments following receipt of the objection and a response was received to state that they had the view that the application was not on the Highway, hence no objection and that the site seems to manage with the increased volume of traffic seen during the summer and periods of good weather and it was not presumed that the vendor would attract many additional vehicles.
- 2.11 The Collision Reduction Officer from Cumbria Police was also contacted and he had no objections to the application as he “did not think there will be an issue of extra traffic being attracted to the area just because someone is selling coffee. It is more likely that the existing people that use the carpark will use the facility. If there is an influx and the traffic becomes an issue we will deal with it as we do every year.”

### **3 Legal Comments**

- 3.1 The relevant legislation relating to street trading licences is contained within the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4.
- 3.2 Paragraph 3 specifies that it shall be the duty of the council to grant an application for a street trading licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraph (6) being:
- (a) *that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;*
  - (b) *that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;*
  - (c) *that the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) above;*
  - (d) *that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*

- (e) *that the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder;*
- (f) *that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;*
- (g) *that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.*

3.3 Paragraph (7) sets out that if the council consider that grounds for refusal exist under sub-paragraph (6)(a), (b) or (g) above, they may grant the applicant a licence which permits him—

- (a) *to trade on fewer days or during a shorter period in each day than specified in the application; or*
- (b) *to trade only in one or more of the descriptions of goods specified in the application.*

## **4 Options**

4.1 That Members consider feedback from the consultation of the application and determine the application having regard to the Street Trading Policy 2017

- Grant a Street Trading Consent as applied for
- Grant a Street Trading Consent with additional conditions
- Refuse the application for a Street Trading Consent

Whichever option is determined by the Panel will take immediate effect and there is no right of appeal in respect of the decision made regarding this matter.

### **Contact details:**

Contact Officer: Nicola Edwards, Licensing Manager Ext: 7025

### **Appendices attached to report:**

1. Application for Street Trading Consent
2. Standard Terms and Conditions for a Street Trading Consent
3. Objection to application dated 11<sup>th</sup> February 2022
4. Emails of support for application (10) dated 16<sup>th</sup>-22<sup>nd</sup> February 2022

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- Local Government (Miscellaneous Provisions) Act 1982 Schedule 4
- Carlisle City Council Street Trading Policy 2017

**Corporate Implications:**

Legal - included in the report.

Finance – The granting of a Street Trading Consent may potentially impact the level of income generated from the Talkin Tarn Tea-Rooms operated by the Council although this cannot be quantified.

Equality - None

Information Governance-



## Application for street trading consent

### How will we use your information?

We will use the information you supply to provide an appropriate, timely and effective service. We may share the personal information between our services and partner organisations, such as the police and other government bodies. We will do so when it is of benefit to individuals or for the purpose of preventing and detecting fraud. Read our privacy notice at [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

### Application details:

Type of application	<input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Change of vehicle
If a renewal, please provide your Street Traders Licence Number	
Applicant's full name	RUSSELL + KAREN BARRINGTON.
Applicant's permanent address	
Phone number	
Email address	

### Trading details:

Site address for trading	For renewals, this must be the existing site address: TARN END (CAR PARK)	
During which days and times do you intend to trade?	Monday	8 - 5.30
	Tuesday	
	Wednesday	
	Thursday	8 - 5.30
	Friday	8 - 5.30
	Saturday	8 - 5.30
	Sunday	8 - 5.30
Articles to be sold	HOT and COLD FOOD + DRINK + SNACKS.	

## Vehicle details:

Make and model	MERCEDES VITO
Registration number	
Will vehicle be moved between trading periods?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Enclosed with this application

The following **must** be enclosed with this application – please confirm each item is enclosed:

Photograph of the vehicle	<input checked="" type="checkbox"/>
Site location plan, for Category A traders only - <b>see guidance notes</b>	<input checked="" type="checkbox"/>
Consent from the land owner	<input checked="" type="checkbox"/>
Copy of the vehicle's current MOT certificate and insurance certificate	<input checked="" type="checkbox"/>
Copies of electrical and gas safety records, as applicable	<input checked="" type="checkbox"/>
Public Liability Insurance	<input checked="" type="checkbox"/>
Correct fee - <b>see guidance notes</b>	<input checked="" type="checkbox"/>
Copy of the vehicle's motor insurance	<input checked="" type="checkbox"/>

Guidance notes can be found at **[www.carlisle.gov.uk](http://www.carlisle.gov.uk)**

**Incomplete applications will be returned and not processed.**

Street trading consents are not transferable and they cannot be sold or sublet. The hours of trading, location of trading and products sold cannot be changed during the course of the consent. Consent is only valid for the applicant and the vehicle specified on the application.

The applicant for consent must also be the food business operator.



## Declaration

I agree to comply with the "Conditions for Street Trading Consents" included within the "Street Trading Policy" published at **[www.carlisle.gov.uk](http://www.carlisle.gov.uk)**

I have enclosed all required photographs and documents, as indicated above.

I agree that if I change vehicle during the course of this consent, I will notify Carlisle City Council's licensing team and apply to transfer the consent to my new vehicle.

I understand that if I do not comply with the terms and conditions of any consent issued, the consent may be revoked or not renewed.

I understand that if any of the above factors change, my street trading consent will be revoked immediately and I may be prosecuted for trading without a valid consent.

<b>Applicant's signature</b>	
<b>Print name</b>	KAREN BARRINGTON Russell Barrington.
<b>Date</b>	

Form to be returned to:

**Licensing team, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG**



La petit barista.  
coffee cart



Tarn End  
Car park.



3°

AQI 3

**Tarn End Cottages 8**

Holiday Rental · 2.3 mi







**CITY OF CARLISLE****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****TERMS AND CONDITIONS ATTACHED TO A  
CERTIFICATE OF STREET TRADING CONSENT**

1. This Street Trading Consent is issued to cover a stationary van/portable stall/barrow or other vehicle.
2. Street Trading Consent Certificates are granted for a maximum of 12 months only but may be revoked at any time. The Council also reserves the right to vary these conditions at any time by serving notice in writing.
3. Trading is only permitted in streets designated as "Consent Streets". Permission shall be sought from the land owner before trading.
4. Trading is not permitted which gives rise to an obstruction on the street or danger to persons using it, or causes nuisance or annoyance (whether to persons using the street or otherwise).
5. All vehicles covered by this certificate are to be mechanically sound and hold a current MOT Certificate and Motor Insurance Policy. The trader should also be covered by a Public Liability Insurance.
6. All vehicles and storage premises must be inspected and approved by the Council's Food and Public Protection Team under the relevant statutory provisions and all personnel should comply with the relevant code of practice regarding personal hygiene.
7. The vehicle and storage premises must be maintained at all times in the same conditions as when inspected and passed. Failure to comply with this directive will result in the Street Trading Consent Certificate being instantly revoked.
8. No musical chimes or horn may be used to advertise wares after 1900 hours or before noon and at any other time only in accordance with the relevant code of practice.
9. No street trading is allowed 100 metres of any school or place of education between the hours of 0730 and 1700 Monday to Friday except on the days designated by the Director of Education as school holidays.
10. The Council must be advised, in writing, within seven days of any conviction for motoring or other offences. Failure to comply may result in the certificate being revoked.
11. Street trading is only permitted during hours allowed by law for the sale of the intended wares. The vehicle will cease to trade once the hour has been reached that it becomes illegal to sell any of the intended wares.

12. Vehicles and storage premises are to be made available for inspection on the request of an officer of the City Council or an officer of the law in the execution of their duties.
13. Trade waste shall be stored and disposed of responsibly and in compliance with trade waste legislation. Failure to correctly dispose of trade waste may result with any costs incurred by the Council being recharged to the trader.
14. Any applicant found to have given false information, or does so after a Certificate of Street Trading Consent has been granted, may have his certificate suspended or revoked.
15. The Certificate of Street Trading Consent plate, issued by the Council, must be clearly displayed on the rear or near side of the vehicle.
16. The trader may at any time surrender this consent to the Council and it shall then cease to be valid.
17. The trader may employ any other person to assist them in their trading without a further consent being required.
18. Any person, who in connection with an application for a Street Trading Consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
19. Where this consent is granted for a trailer, the towing vehicle shall remain with the trailer at all times when positioned on the highway.

**From:**

**Sent:** 11 February 2022 12:13

**To:** Licensing Team

**Subject:** \*ak-ne\* ref Tarn End Car Park - Le Petit Barista

Licensing Manager,

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I am resident at Tarn End, and a user of the car park.

I object to the license on the basis of increased traffic using the single lane track as access to the car park and the associated road safety issues that this will create, for the following reasons.

The business will need to place road side advertising from Tarn Road directing traffic, the access track from Tarn Road is a 90degree obscure turn off. This will cause increased access issues and collision risk.

The estimated increased footfall = car numbers to enable a viable business will be approx 200cars/ day and at peak times accessing the single road track will cause a significant traffic issue.

The proposed business will need to take business away from the Tarn County tea shop to be viable, this will in turn take away park revenue from the county park that is used to maintain the Tarn environment.

Regards

-----Original Message-----

From:

Sent: 16 February 2022 20:24

To: Nicola Edwards

Subject: Tarn end coffee bar application

Hi

I would like to support the application,as a local I think it will be a nice service for the area Thanks

Sent from my iPhone



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**From:**

**Sent:** 16 February 2022 20:04

**To:** Nicola Edwards

**Subject:** Tarn End Car Park Coffee Van

Hi

I would like to show my support for the coffee van to be sited at Tarn End Car Park.

As a permit holder and regular user of the car park it would be lovely to be able to finish our walk off with a coffee before heading home.

Regards

Sent from my Galaxy

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-----Original Message-----

From:

Sent: 16 February 2022 19:45

To: Nicola Edwards

Subject: Tarn End coffee bar application

Evening

I d like to support the application .

We have discussed at length the siting in our car park , the quality product and limited opening hours etc

There will be minimal increase in traffic but offering a great service to the owners , holidaymakers and walkers

I hope the application is successful

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-----Original Message-----

From:

Sent: 22 February 2022 16:25

To: Nicola Edwards

Subject: Tarn End Car Park "coffee bar"

Good afternoon

I support this application

I have seen photos of what is proposed and I believe it is a very tasteful addition to the amenities provided I wish them success with their new venture

Sent from my iPhone

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**From:**

**Sent:** 20 February 2022 10:28

**To:** Nicola Edwards

**Subject:** Tarn End Coffee Van Application

Good afternoon,

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## Tarn End Coffee Van Application

I think it would be great if there was a coffee van at Tarn End car park.

There are holiday cottages that would make use of it & the visitors to Talkin Tarn using this car park.

I have visited a number of walks in Carlisle and have made use of the coffee vans there, such as Rickerby Park & Kingmoor Woods.

Kind Regards

Sent from my iPhone

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**From:**

**Sent:** 20 February 2022 10:33

**To:** Nicola Edwards

**Subject:** Tarn End Coffee Van Application

Hello, I would like it if the coffee van at Tarn End application was successful.

We often walk around Talkin Tarn and use the Tarn End car park. There are not many places close by that are easy to pull up outside & get a take away coffee so we would be pleased to see this happen.

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**From:**

**Sent:** 22 February 2022 16:00

**To:** Nicola Edwards <

**Subject:** Tarn End Coffee bar application

To whom it may concern

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I have been the first occupier of the development at Tarn End since Feb 2021. I am the only permanent resident.

Prior to this I have been resident in the Talkin area for 26 years and know the area well.

I would like to support the application for a coffee bar to be located in the carpark of the former Tarn End hotel.

I have met the proposed retailers and I am impressed by their planning, foresight and wish to bring a new business to the area.

The footfall and increased vehicle traffic on the access road will have minimal impact in my opinion.

Regards

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**From:**

**Sent:** 22 February 2022 16:00

**To:** Nicola Edwards

**Subject:** Tarn End Coffee Bar Application

Afternoon

As a owner of a property at Tarn End, I have no objection to the coffee bar.

There will be minimal increase on the footpirnt and it is always good to support local enterprises such as these.

Warm regards

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-----Original Message-----

From:

Sent: 22 February 2022 16:47

To: Nicola Edwards

Subject: Tarn End Cafe Bar

Dear Nicola

I wish to advise that the      who are resident in Number      at Tarn End unanimously support the local coffee bar. I am delighted to support local businesses; we need more of them.

Best wishes

Sent from my iPhone



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-----Original Message-----

From:

Sent: 22 February 2022 17:34

To: Nicola Edwards

Subject: Tarn End Coffee Bar

Nicola,

We are owners of Number Tarn End Cottages. We have absolutely no objection to the bar opening up in the car park. We feel it will offer a great service to walkers, holiday makers and owners. We also like to support small business especially in these hard times. We truly hope this will be passed at committee.

Kind regards

Sent from my iPad