

Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Honey Lane Street Trading



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell - Assistant Director (Legal)

Committee Secretary: Adrian Hendry (01992 564246)

Recommendation/Decisions Required:

1. That the Committee agree to either:

- **re-designate the whole of Honey Lane as a Consent Street other than the part between the two accessways to the M11; or**
- **re-designate the part of Honey Lane shown on the plan submitted by the Waltham Abbey Town Council as a Consent Street; or**
- **refuse to designate any part of Honey Lane as a Consent Street; or**
- **If all or any part of Honey Lane is re-designated as a consent street that the Committee recommends to the Council that the Authority adopt a policy against issuing a consent on any part of Honey Lane which is adopted Highway and that any application for a consent on adopted highway be referred to the Licensing Sub-committee.**

Report:

1. Epping Forest District Council was approached by Waltham Abbey Town Council, requesting that Honey lane was designated as a prohibited street for the purpose of street trading. The Town Council expressly mentioned parking in the length of Honey Lane between the two access roads.

2. A report was made to the Licensing Committee on 15 April 2009 and it was decided that the Council would undertake the necessary consultation with a view to making the whole of Honey Lane, Waltham Abbey, Essex into a prohibited street in accordance with the Local Government (Miscellaneous) Provisions Act 1982 for the purpose of street trading.

3. On the 14th October 2009, a resolution was passed making the whole of Honey Lane a Prohibited Street.

4. A public house has allowed a burger van to trade from its car park which constitutes street trading for the purposes of the 1982 Act and enforcement action is being considered. The public house is not situated on an area between the two access roads to the M11 and the burger van does not cause any obstructions. However, because Honey Lane is not a consent street the Council cannot give consent for it to be placed there. There may be similar businesses which are being prevented from trading in this way.

5. The owner of the burger van asked the Council to consider designating Honey Lane as a consent Street which would allow him to trade. A report was made to the last Licensing Committee and it was agreed that the matter go out to consultation to allow street trading other than between the two motorway accesses.

6. Replies have been received from the following:

- Waltham Abbey Town Council has objected on the grounds of Road Safety and Public Nuisance. The Town Council have agreed that the stretch of roadway from the cemetery to past the Woodbine would be acceptable for street trading and have marked the roadway concerned in red.
- Trevor Baker Group Manager (Maintenance West) – Essex County Council – supported the retention of the area between the two roundabouts remaining a prohibited street.
- Mrs. I. B. Barron – Head teacher of The Leverton Infants and Nursery School – has written on behalf of the governors of the school objecting to this proposal.
- Alan Quintin – a resident of Honey Lane - Traffic congestion would be increased unacceptably
- A Tuck – a resident of Honey Lane – points out the lack of parking space and it is very busy around the schools
- Dr F Pymont, Mrs F Pymont and Mr R Pymont who are residents of Honey Lane object and again point out the restricted width of the roadway and the schools. There are also calming measures in Honey Lane and they have concerns that street trading would attract parking.
- L Thurlow objects as Honey Lane is a very busy and dangerous road.
- Mr. W Wooster and Mrs. W Wooster residents of Honey Lane have objected to allowing trading along Honey Lane.
- J O'Reilly – a resident of Honey Lane has objected as this is a busy residential road and has again mentioned the school and potential danger to children.
- Mr and Mrs Perryman – residents of Honey Lane objected on the grounds of traffic problems and litter.
- Julie Tysterman – a resident of Honey Lane objected on the grounds of road safety and that by letting street trading happen here it would be taking away trade from the town centre of Waltham Abbey
- A number of residents of Honey Lane sent in individual letters objecting on the grounds of
 1. The safety of children,
 2. Noise and Disturbance,
 3. Smells,
 4. Hazardous Parking,
 5. Residents Driveways being blocked,
 6. Litter and Waste,
 7. Road Safety,
 8. Night time work,
 9. Vermin,
 10. Privacy, and Diminution of Property Value.

Copies of the letters and emails are attached. Some objectors have requested that this matter be held in abeyance until a further consultation has taken place. The consultation has been held in accordance with the statutory requirements and a number of informative

objections have been received.

7. If the Committee decide to re-designate the whole or part of Honey Lane it does not mean that any person can start trading there. It is necessary for a consent to be applied for and, if granted, conditions can be placed on the consent specifying the place where any van or stall can be sited, what can be sold, the requirement for litter picking etc. The consent can be revoked and must be renewed each year

8. Many of the objections are made on the grounds of road safety as Honey Lane is narrow, well used and there are schools in the area. The Committee may consider that if it agrees to any part of Honey Lane being re-designated a consent street there would remain safety issues which do not apply to any trading that takes place on an adjoining car park. It would be possible for the Council to adopt a policy in those areas against granting a consent on the grounds of road safety to allow trading on any area that is publically adopted highway. Any such application would have to be referred to the sub-committee for a decision who would have to take account of the policy and reasons for it when deciding any application.

9. The Licensing Committee is therefore asked to decide whether the Council should

- re-designate the whole of Honey Lane as a Consent Street other than the part between the two accessways to the M11.
- re-designate the the part of Honey Lane shown on the plan submitted by the Waltham Abbey Town Council as a Consent Street, or
- refuse to designate any part of Honey Lane as a Consent Street.

Reasons for Proposed Decision:

10. To properly regulate street trading in Honey Lane.

Other Options for Action:

11 None.

Resource Implication:

It will be necessary to pay for the notices to be placed in the local papers. The cost will depend upon the size of the notice.

Legal and Governance Implications:

Local Government (Miscellaneous) Provisions Act 1982 - Street trading could be permitted in parts of Honey Lane where currently they are not.

Safer and Cleaner and Greener Implications:

None

Background Papers:

Agenda and Minutes of the Licensing Committee of 14th October 2009

Impact Assessments:

Not Applicable