

Appendix 1 - Responses received

Respondent	Comments	Officer Comment
<p>Portfolio Holder for Environment</p>	<ul style="list-style-type: none"> <li>- Why is a DBS considered necessary? Any interaction with vulnerable people would be in a public setting. Does this risk deterring people who are rehabilitating after a custodial sentence and who may have limited other employment opportunities?</li>   <li>- Does the extension of the consultation period constitute a delay in how long prospective street traders have to wait before starting trade? I'd be put off if told I had to wait a month, and doubt that two weeks is insufficient time to consider an application.</li>   <li>- What are the options around setting the minimum food hygiene rating at 4, &amp; how often are street traders assessed?</li> </ul>	<p>The council has a responsibility to ensure the holder of a street traders' licence is a fit and person, the basic DBS check helps to achieve this and is common practice among Local Authorities. The provisions of the Rehabilitation of Offenders Act 1974 require that "spent" convictions are not taken into consideration when determining a licence application.</p> <p>This would mean a longer minimum period before prospective traders could begin work. Extending the consultation period to 28 days from the current 14 days will enable officers to carefully consider relevant information received and follow up necessary enquires. This would also achieve consistency with other licensing procedures including licensing under the Licensing Act 2003 and Highways Act tables and chairs licensing.</p> <p>This is a matter for Council discretion, although where a licence is declined the applicant may appeal, so should be reasonable. Fixed premises may trade legally with a lower rating. Officers have recommended a minimum rating of 3 which means that hygiene standards are "generally</p>

	<ul style="list-style-type: none"> <li>- Will Sunday trading remain prohibited under these proposals?</li>   <li>- What is the rationale for 50 metres between traders? Aren't street stalls more effective when they are clustered together?</li>   <li>- By a restriction on traders keeping their vans or diesel generators running, I presume this means a ban?</li> </ul>	<p>satisfactory". A rating of 4 means that the premises hygiene standards are "high".</p> <p>Once a business has been rated it cannot normally be re-rated until at least three months later.</p> <p>Sunday trading laws do not apply to street traders because they are not classed as large premises. The conditions which restrict trading around places of worship on Sundays will continue.</p> <p>This is a matter for the discretion of the Council. The intention is primarily to reduce congestion and to address concerns that have historically been raised by traders in fixed premises who face higher costs including business rates.</p> <p>The intention is to stop licensed traders at fixed pitches relying on internal combustion engines running continually for reasons of air quality and carbon reduction</p>
<p>Principal Environmental Health Officer [Commercial Premises] Harlow Council</p>	<p>I wish to make a comment on the consultation for the Street Trading Policy.</p> <ul style="list-style-type: none"> <li>- The policy should be amended on page 20, paragraph 20 to state 'where gas/lpg is used each applicant must provide a copy of their latest gas safety inspection certificate'. It is possible that gas will not be used by the applicant.</li>   <li>- I would suggest reference is made to safety testing for electrical installations and appliances, particularly where this is the main power source, for example</li> </ul>	<p>Recommended this amendment be made</p> <p>Recommended this amendment be made</p>

	<p>'All electrical installations and equipment must be maintained in a safe condition and should be tested regularly by someone competent to carry out such a test'</p> <ul style="list-style-type: none"> <li>- I agree that a broadly compliant score of 3 on the food hygiene rating scheme is achieved by the applicant to provide some reassurance of good food hygiene for the public, however this may hold up the application process. Where the applicant stores their mobile vehicle/premises in Harlow, the Environmental Health department at Harlow council will undertake the food hygiene inspection in order to award a food hygiene rating. Where the applicant/food business operator is new, there may be a delay in carrying out that inspection. Current food standards agency guidance asks for Local Authorities to prioritise food hygiene inspections in accordance risk therefore new lower risk businesses may not receive their inspection for a number of months. Applicants may also submit a registration and not be ready for their inspection for a number of months, for example whilst they are awaiting delivery of their vehicle/trailer. Where the applicant keeps their mobile premises/trailer in another Local Authority, the applicant would be registered by that Local Authority, whose policy may be not to award a rating if they haven't seen the applicant trading.</li> </ul>	<p>As is currently the case the council will take all steps to expedite applications as soon as practicable.</p>
<p>Watch Manager Essex Fire &amp; Rescue</p>	<p>I have read the street trading policy and from a fire service perspective there is little to comment on. I would ask that we take into consideration some of the principles we apply to other areas such as;</p> <ul style="list-style-type: none"> <li>- Ensuring that there is sufficient width to allow a fire appliance to pass (3.7m)</li> </ul>	<p>Recommended these principles be incorporated into the policy inspection/approval process.</p>

	<ul style="list-style-type: none"> <li>- Ensuring that access to buildings is not hindered by street traders</li> <li>- Fire hydrants and the indication plates are not obstructed.</li> <li>- Street traders should not obstruct emergency escape routes from buildings</li> </ul> <p>Much of this is in spirit, covered by paragraph 3.13 but perhaps something a little more specific might help reinforce the principles.</p>	
<p>Highways Officer Essex Highways</p>	<p>Thank you for giving me the opportunity to comment.</p> <ul style="list-style-type: none"> <li>- It is not clear enough or has not been emphasised within the documentation that Essex County Council are the care takers of the public highway and that consent/support from them is required.</li> <li>- Page 14 3.6 it states 20 traders permitted operative under one licence, each trader should apply for their own street trading licence unless it is a market (which the relevant council has market status)</li> <li>- No street licences can be issued to adjacent businesses.</li> <li>- Any street licence being given to a trader located within a carriageway must be parked a minimum of 15 metres from a junction.</li> <li>- Any street licence being given to a trader located within a carriageway must not be parked on any parking restrictions.</li> </ul>	<p>Recommended the draft policy be amended to reflect this Comment</p> <p>Essex County Council are listed in the policy as a consultee for individual applications and as such are able to comment on applications on an individual basis. The Council would expect such comments to incorporate the matters outlined in their consultation response.</p>

	<ul style="list-style-type: none"> <li>- Any street licence being given to a trader located within a carriageway must not be parked in front of or opposite a dropped kerb which will cause issues for entering/exiting a business or property.</li> <li>- Any street licence being given to a trader located within a carriageway must not obstruct any forward visibility.</li> <li>- Any street licence being given to a trader located within a carriageway cannot use the footway/verges to place any bins/tables/chairs/signage/umbrellas without written consent</li> </ul>	
<p>Licensed Street trader – multiple mobile units</p>	<p>In response to the notification of the introduction of a new Street Trading Policy: Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Consultation on the introduction of a Harlow Council Street Trading Policy.</p> <p>We would like to oppose the requirements stipulated in the below point:</p> <ul style="list-style-type: none"> <li>- Restriction on mobile traders stopping within 50 metres of any school (from an hour before the start of the school day until an hour after the end of the school), hospitals, and places of worship (on Sundays and other recognised day of worship).</li> </ul> <p>We have operated in Harlow for 30 years and have a long standing relationship with the local schools, with a number of schools allowing us to park on their grounds (Passmore and Layton Green) The nature of our relationships have resulted in many numerous donations, by us, to the schools. In addition, we are regularly requested, by the schools, to trade at their events; fetes, sports days etc.</p> <p>Given the seasonal nature of our business and the fact that we are</p>	<p>Members are invited to consider this representation. The proposed restriction supports the formally recognised code of practice to on noise from ice cream van [etc.] chimes which when applied can protect traders from action for noise nuisance. A further consideration is congestion in the vicinity of school and promotion of healthy eating goals.</p>

	<p>only present during the term time, we strongly feel that the proposed requirement of a 50 metre distance will have a lasting impact on, not only our business, but on us as a family.</p> <p>The pandemic has hit us hard, with schools closed and events cancelled. It is in recent months that we have been able to work again.</p> <p>We plead with you that this proposed restriction be reviewed.</p>	
<p>Licensed Street trader</p>	<p>I have taken a look at the new suggestions with regards to street trading for our licences for ice cream vans please see some suggestions/responses below,</p> <ul style="list-style-type: none"> <li>- I agree with some of these new things like CRB checks it's a good idea being as we work with the general public.</li> <li>- One major thing which should be re considered is the rule about no ice cream vans near schools.</li> </ul> <p>We get asked by so many schools to attend there school fetes, leaver prom days to treat the children, also when the weather is good schools book us to treat the children to ice cream too.</p> <p>Also the majority of parents want us there so they can give the kids a treat after there long day at school, if we happen to miss a day at the school most parents ask where we was as kids was upset we wasn't there.</p> <p>We don't only serve children/parents but often teachers come out to buy ice cream to. If this was to be put in place it would upset many people as well as having a detriment effect to our business.</p> <p>Over the years it has got harder trading on the streets so for the opportunity to trade at schools to be taken away would have a big</p>	<p>Members are invited to consider this representation. The proposed restriction supports the formally recognised code of practice to on noise from ice cream van [etc.] chimes which when applied can protect traders from action for noise nuisance. A further consideration is congestion in the vicinity of school and promotion of healthy eating goals.</p>

	<p>effect to the trade and it has become part of our living.</p> <p>I know we make a lot of children happy when they see us after school and I hear most parents say to the children they deserve it as been good all day at school.</p> <ul style="list-style-type: none"> <li>- Also I know I have brought this up many times and I understand you don't want engines on in Broadwalk and have asked if we can run from electric, after modifying a van at a large cost to me to be told there is no longer electric is also having an effect on the business.</li> </ul> <p>Myself personally have been in the town with a street trading license for over 25 years with no complaints and to not be given electric to trade after making changes to run from electric and no new electric points been put in for me is very disappointing.</p> <p>I have a van there this month with just scoop ice cream which just isn't the same as people can buy this from the shops they all ask for the whippy machine which needs power and this has had a huge reflection in our takings and I'm not sure we can carry on trading with no power.</p> <p>Please can we investigate further on getting a power supply fitted?</p>	<p>The Council owns Broadwalk and has in recent years taken the view that it does not wish to let pitches to traders using continuously running combustion engines.</p> <p>This is a specific commercial matter for the trader and the Town Centre management to resolve and not a matter of licensing Policy as such.</p>
<p>Pritpal Dhingra</p>	<p>Re: Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982</p> <p>Consultation on the introduction of a Harlow Council Street Trading Policy</p> <p>I want to draw your attention to proposed clause no V. As a full time market trader, I have worked at many council and private run markets over the years.</p>	<p>There would be a cost to applicants in obtaining a basic DBS certificate. The Council has a responsibility to ensure the holder of a street traders' licence is a fit and person, the basic DBS check helps to achieve this and is common practice among Local Authorities. The provisions of the Rehabilitation of Offenders Act 1974 require that "spent" convictions are not taken into consideration</p>

	<p>None of them required me, or other traders, Basic Disclosure and Barring Service (DBS). I think it is extra cost burden and red tape for the traders. I probably would have understood if this was the criteria for a new trader but you have known us (only 3 of us) for years. I therefore ask to you to do not implement this clause. If you insist on doing it, then the council should absorb the cost for every renewal application (£23).</p>	<p>when determining a licence application.</p> <p>The Council has taken a supportive position with regard to pitch fees for traders in the Town Centre.</p>
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