

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER MEETING – JOBS, ECONOMY AND  
TRANSPORT**

**12 November 2013**

Report of the Acting Strategic Director – Environmental Services

**PETITION – REQUEST FOR THE REMOVAL OF A MOBILE  
CATERING UNIT, CRANFLEET WAY, LONG EATON**

- (1) **Purpose of the Report** To bring to the attention of the Cabinet Member the results of an investigation into the siting of a mobile catering unit as a result of a petition.
- (2) **Information and Analysis** At the meeting on 10 September 2013, the Cabinet Member acknowledged receipt of a petition requesting the removal of a Mobile Jacket Potato Seller from the verge (Minute No.45/13 refers).

**Background**

Cranfleet Way is an adopted highway that comprises of a very wide carriageway, verge area and footway, and is classified as a main distributor in to a housing estate. Several weeks ago, a trader set up a mobile catering unit and parked this on the verge area and began selling jacket potatoes.

The County Council operates a practice of ‘non-disapproval’ for mobile stalls providing that traffic regulations are not infringed and the operations of the mobile catering unit do not give rise to any road safety concerns.

Erewash Borough Council has not dedicated Cranfleet Way as a ‘Consent Street’ in terms of the Local Government Miscellaneous Provisions Act 1982, which provides Borough or District Councils with powers to provide and operate facilities for recreation and refreshment within the boundary of the highway. The powers also extend to allow the Borough/District Councils to provide third parties permission to locate and operate such facilities within the highway by operating a licensing scheme.

Details of street trading schemes in the Borough of Erewash can be viewed on its website using the following link [www.erewash.gov.uk](http://www.erewash.gov.uk).

## **Public**

As there are no Traffic Regulation Orders in situ and initially, there were no major road safety concerns, then the County Council tolerated the existence of the mobile catering unit. However, as time progressed, the operator of the catering unit started to position tables and chairs in the verge and, at this point, the County Council sought the co-operation of the operator to move the respective items from the highway as these were deemed to be a road safety hazard.

Within a few days of the formal discussions, the mobile catering unit withdrew from the pitch on Cranfleet Way and has not returned since.

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Background Papers** Held on file in the Network Management Division of the Environmental Services Department. Officer contact details – Glynis Ainley, extension 38589.

(7) **OFFICER'S RECOMMENDATIONS** That:

7.1 The Cabinet Member notes that the catering unit is no longer in place.

7.2 The local Member and petitioners be advised accordingly.

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**