

## PART A

**Report to:** Licensing Committee  
**Date of meeting:** September 2015  
**Report of:** Head of Community and Customer Services  
**Title:** Continuation of the interim town centre street trading policy

### 1.0 SUMMARY

- 1.1 In July 2014, Members agreed on an interim town centre street trading policy which runs until September 2015, in The Parade, to complement the Big Events programme. Apart from the purpose of regenerating The Parade area this was also adopted to support a few micro-businesses and small to medium enterprises to add quality and value to the events.
- 1.2 The policy was set up as an interim measure to gauge support and feasibility of street trading in the town centre which ties in with the Big Events programme and complements the market offer. Members are now being asked to consider continuing with this policy subject to minor modifications.

### 2.0 RECOMMENDATIONS

- 2.1 That the Committee approve the town centre street trading policy 2015 - 18 as attached at appendix 1.
- 2.2 That the Head of Community and Customer Services be given delegated authority to make minor amendments to the policy in consultation with the Chair of the Committee.

**Contact Officer:**

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension 8429 or email: [jeffrey.leib@watford.gov.uk](mailto:jeffrey.leib@watford.gov.uk).

**Report approved by:** Alan Gough, Head of Community and Customer Services

### 3.0 **DETAILED PROPOSAL**

- 3.1 The council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading within the Borough. Streets may, with the agreement of the highways authority, be:
- (1) prohibited streets, where no street trading activities may take place
  - (2) licence streets, for formalised street markets
  - (3) consent streets, for more irregular and ad-hoc trading
  - (4) undesignated, where trading may take place without restriction.
- 3.2 Street trading means offering for sale or selling any goods (including living things) but not the offer or sale of services. Therefore offering or selling balloons, food, jewellery or DVDs would be within this definition, but not offering or selling television subscription or car breakdown membership subscriptions.
- 3.3 There are a number of exemptions to the street trading controls. These include:
- (1) sales of newspapers and periodicals
  - (2) sales by holders of pedlar's certificates
  - (3) sales for charitable purposes where a street collection permit has been issued
  - (4) sales at pavement cafes licensed under the Highways Act 1980 and
  - (5) sales by a roundsman
  - (6) trading as part of a charter market.
- 3.4 Generally speaking the council's current policy is that all streets outside of the town centre are designated as 'consent' streets where prior permission is needed to trade from within 10 metres of the roadway. Major roads within the Borough such as the A405, A41, A411 and part of the A412 are generally designated as prohibited streets.
- 3.5 Within the town centre, the High Street and roads leading from the High Street are designated as prohibited streets as is Albert Road South. St Mary's Square and The Parade are designated as consent streets. In the case of The Parade, this has been restricted since 1984 to non-commercial trading. In the case of St Mary's Square any commercial trading was limited to street markets organised by the council but only for a one-year trial in 2006 – 2007.
- 3.6 To avoid confusion it should be made clear that this policy does not impact or regulate operations of the charter market, which operates separately.
- 3.7 Under the interim town centre street trading policy, a maximum of six street trading consents are issued at any one time to coincide with events and activities associated

with the Big Events programme, or with events approved by the Council and organised by members of the cultural leaders group, the Town Centre Partnership and One Watford partners (or similar programmes if this policy is extended). The consents are granted for a day at a time and are time-limited to coincide with the operating times of the events or activities within The Parade. The current interim policy is attached at appendix 2.

- 3.8 This report seeks approval from the Committee for a more permanent policy to replace this interim policy as part of a wider town centre strategy to operate for up to the next three years.
- 3.9 Only three consents have been issued since the policy was introduced (out of a theoretical maximum of around sixty). No significant issues were identified with those traders, nor any incidences of illegal trading reported. Part of the reason for the low take-up may be that potential traders were not aware of the new opportunity, which is part of the marketing mix for each Big Event. Some of the events (eg the Big Dance or the Big Sports Day) did not naturally lend themselves to being suitable for trading either because of the timing or the available space to place traders.
- 3.10 This policy has been subject to the Government's guidance on consultation principles<sup>1</sup>. We have consulted with internal departments and have also asked the Town Centre Manager and Town & Country Markets (TCM), as the operators of the market, for their views. A copy of the questions asked as part of the consultation are attached at appendix 3.
- 3.11 The foremost concern from TCM is that they would like a clearer demarcation between their "day stalls" for casual traders, and the Big Event stalls. Officers feel that there is sufficient demarcation of the two zones, because the town centre street trading policy is not intended to apply between Bentine Lane and Clarendon Road, where the day stalls are located. The policy only applies to The Parade, from its junction with Rickmansworth Road down to Bentine Lane.
- 3.12 TCM have also suggested we mention the size of the pitches available under the policy. Officers are not aware of any complaints being made regarding pitch sizes which have been granted consents so far, although there has only been a limited take-up of consents. The location of pitches is agreed with the events team, and they consider pitches are not located to obstruct the pavement or hinder access. This is also how street trading consents throughout the rest of the Borough are considered, ensuring that they do not cause unnecessary obstruction or nuisance, but not by prescribing a maximum size of pitch. It is suggested that this approach continues, and if size or particular location of pitches does become an issue, this can be reviewed on a case-by-case basis with the events team.
- 3.13 Furthermore, because of the difference in the fees (currently the council's pitches are for £21 per day and market stalls are rented for £24 per day) there is a concern that traders may choose to book directly with the council as it is cheaper. The licensing team operate on a cost recovery basis, and the fee which is charged is the cost of processing these applications. To increase the fee would be to make a profit, which would be illegal.

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<sup>1</sup> <https://www.gov.uk/government/publications/consultation-principles-guidance>

- 3.14 The Section Head (Culture and Play) has responded in favour of a more permanent policy although has suggested some changes as below..
- 3.15 He suggested that the policy states that the goods which are offered for sale must complement the event and have the approval of the events team. This will replace clause 4(1) of the interim policy which requires that goods must not simply appear to be of a better quality than something already on offer for sale within The Parade or the charter market. The events team will still be able to exercise control over what goods are appropriate for each event, and can also ensure that different stalls do not sell the same goods and enter into direct competition with each other as per the interim policy, although this could be relaxed if the events team felt it appropriate for the event.
- 3.16 It is also suggested that the list of preferential goods be expanded to include:
- potatoes, fries, hotdogs
  - popcorn
  - fruit juice, smoothies, prosecco, frozen cocktails, soft drinks

This list was never intended to be exhaustive and officers did realise that this may be modified from time to time. It is proposed that this list remains flexible and can be subject to modification by the Head of Community and Customer Services, and therefore these specific additions are not included other than pop corn, fruit juice, smoothies and soft drinks to complement the wider preferences of the policy of healthy eating.

- 3.17 Finally, it was suggested that the maximum number of consents which could be issued for events be increased from six to ten. This is a maximum number, and will not be appropriate for every event, but does allow greater flexibility. There is little evidence that there is demand for more consents, and this issue can be revisited at a later date if it is felt that the number of available consents should increase. The Town Centre Manager indicates that she feels 6 is sufficient and so it is proposed to leave it as 6 at present.
- 3.18 Since the introduction of this interim town centre street trading policy we have had several requests from different businesses and organisations who would like to trade in the town centre during the Big Events programme. Taking into consideration the demand of street trading in the town centre during the Big Events programme, it is proposed that continuing with the current interim policy will satisfy the demands of the local trade and continue to offer a wide choice of shops trading in quality products to the residents during the showcasing of the various events in The Parade.
- 3.19 Given the experimental nature of the policy, officers also recommend that the Head of Community and Customer Services be given delegated authority to make any minor modifications to the policy where necessary, in consultation with the Chair of the Committee.

## 4.0 **IMPLICATIONS**

### 4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no legal implications arising from this report.

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Not implementing the policy	1	1	2

Appendices

Appendix 1 – Draft street trading policy

Appendix 2 – Interim street trading policy

Appendix 3 – Consultation questions and tabulated responses of consultees

Background Papers

No papers were used in the preparation of this report.

File Reference

Town Centre Street Trading Policy