

**\*PART A**

**Report to:** Licensing Committee  
**Date of meeting:** 25 June 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Continuation of the town centre street trading policy

**1.0 Summary**

- 1.1 In July 2014, the Licensing Committee agreed an interim town centre street trading policy which ran until September 2015, in The Parade, to complement the Big Events programme. Apart from the purpose of regenerating The Parade area, it 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. In September 2015, the Committee agreed to make the policy more permanent, and, with a few amendments, it was extended until 31 December 2018. The current town centre street trading policy is shown in Appendix 1.
- 1.3 The Licensing Committee is now being asked to extend the policy with some minor amendments until 31 December 2021 subject to the results of a public consultation.
- 1.4 It should be noted that that corporately, work is underway to develop a Town Centre Vision, as well as a 5 – 7 year Cultural Plan, which may mean that this policy will need to be reviewed before 31 December 2021.

**2.0 Risks**

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response (Treat, tolerate, terminate,	Risk Rating (the combination of severity and
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			<b>transfer)</b>	<b>likelihood)</b>
Not implementing the policy	The Parade would revert to a Prohibited Street and no commercial street trading would be permitted at any event	Ensure policy is properly implemented by 31 December 2018	Treat	2
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the courts	Carry out consultation in accordance with the Government's published principles of consultation	Treat	2

## 2.0 RECOMMENDATIONS

- 2.1 That the Committee approve the draft town centre street trading policy 2018-2021 attached at Appendix 2 for consultation.
- 2.2 That the results of the public consultation on the draft town centre street trading policy 2018-2021 be brought back to Licensing Committee in September with a view to approving the policy.

### **Contact Officer:**

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**Report approved by:** Alan Gough, Head of Community and Environmental 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 current 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. 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.
- 3.8 When agreed by the Licensing Committee in 2015 the policy included provision for this aspect of it to be extended to other events approved by the council and organised by members of the cultural leaders group, the Town Centre Partnership and One Watford partners. This part of the policy has not, however, been extended.

It is proposed to consult on whether the policy should be amended to allow a number of street trading consents coincide with events run by other organisations such as the Business Improvement District (BID).

- 3.9 The maximum of six street trading consents agreed in 2015 was an increase from the maximum of four that was specified in the 2014 interim policy.
- 3.10 A maximum number of trading consents was specified to limit the amount of competition that traders at events such as the Big Beach would offer to existing businesses and market traders in the town centre.
- 3.11 When the town centre street trading policy was last reviewed in 2015 the Section Head (Culture and Play) suggested that the maximum number of consents be increased to increase flexibility when planning events such as the Big Beach. It is therefore proposed that this part of the policy be a particular focus of the consultation.
- 3.12 It is also suggested that the policy is reviewed when it comes to only granting consents for one day at a time. The Big Events programme is now well established and events do not only last for one day at a time, but can last for multiple days, such as the Big Beach, Big Screen, or Big Skate. It is therefore proposed that this part of the policy be a particular focus of the consultation.
- 3.13 The existing policy states that preference will be given to food businesses that have a food hygiene rating of 4 or above.

It is proposed to strengthen this part of the policy so that consents will only be issued to food businesses that have a food hygiene rating of four or above.

#### 4.0 **CONSULTATION**

- 4.1 Officers propose consulting with the bodies set out on Appendix 3, and asking the questions set out in Appendix 4. In addition, it is proposed to place a copy on the council website, and in the local press, for comments to be made by other parties, either online or by paper. It is suggested that the consultation runs from 29 June until 10 August 2018, in order that comments can be reported to the Committee at its next meeting on 26 September 2018.
- 4.2 This approach is in accordance with the Government's consultation principles. These state that the length of consultation should take into account the nature and impact of the proposal, and that consultations which are too short will not give enough time for the consultation to be considered and will reduce the quality of the responses. The proposed changes are not so wide ranging that a lengthy consultation is required, but there is sufficient time for the consultees and any other person to respond to the consultation.

## 5.0 Implications

### 5.1 Financial

5.1.1 The Shared Director of Finance comments that it is expected that there will be no change in income or workflow cost from the proposals, although this can only be confirmed or amended as necessary after the consultation. The income is a statutory fee and any Watford 2020 implications will be dealt with separately to this report.

### 5.2 Legal Issues (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the legal implications are set out in the body of the report.

### 5.3 Equalities/Human Rights

5.3.1 An Equalities Impact Assessment of the new policy will be undertaken

## Appendices

- *Appendix 1 Current Town Centre Street Trading Policy*
- *Appendix 2 Proposed Town Centre Street Trading Policy draft*
- *Appendix 3 Proposed consultees*
- *Appendix 4 Proposed consultation questions*

## Background Papers

No papers were used in the preparation of this report.

## File Reference

- *TBC*