

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 30 September 2021

Report author: Licensing Manager

Title: Continuation of the town centre street trading policy until 31st December 2025

1.0 Summary

- 1.1 In July 2014, Members agreed on an interim town centre street trading policy which ran until September 2015, in The Parade, to complement the Big Events programme. In addition to the purpose of regenerating The Parade area this was also adopted to support a few micro-businesses and small to medium size enterprises to add quality and value to the events.
- 1.2 In September 2015 Members agreed to make the policy more permanent with a few amendments. It was initially extended until 31st December 2018 and then reviewed and continued until 31st December 2021 when the current policy expires.
- 1.3 At the 8th July 2021 Licensing Committee Members agreed that officers should hold a public consultation on a revised policy to be implemented for four years from the expiry of the current policy.
- 1.4 Members are now being asked to consider the results of the public consultation and approve the final policy.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
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 st December 2021	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
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3.0 Recommendations

- 3.1 That the Committee approve the town centre street trading policy 2021-2025 as attached at Appendix 1.
- 3.2 That the Group Head of Community & Environmental Services be given delegated authority to make minor amendments to the policy in consultation with the Chair of the Committee.

Further information:

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Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

- 4.1 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.
- 4.2 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.
- 4.3 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.

- 4.4 Generally speaking the council's current policy for outside the town centre 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.
- 4.5 Within the town centre, to which this policy relates, the High Street and roads leading from the High Street are designated as prohibited streets as is Albert Road South. However, The Parade is designated as a consent street and has been restricted since 1984 to non-commercial trading.
- 4.6 To avoid confusion it should be made clear that this policy does not impact or regulate operations of the charter market, which operates separately.
- 4.7 Under the current town centre street trading policy, a maximum of 10 street trading consents can be issued at any one time to coincide with events and activities associated with council-run events or similar events approved by the Group Head of Community & Environmental Services. Consents will generally not be issued for more than one day at a time, but a flexible approach will be adopted depending on the duration and the nature of the event.
- 4.8 Officers would advise that a new policy is approved to allow flexibility to consider street trading approval for town centre events and to continue the position of the council since such a policy was first approved in 2014. Officers would advise that this aim is consistent with the council's Cultural Strategy 2018-2025, which does highlight the events space in the town centre as being a cultural and community hub encouraging a more diverse footfall into the town centre. The council still has the aim of growing cultural and community activities.
- 4.9 Consultation
- 4.10 The scope of the consultation was agreed at Licensing Committee on 8th July 2021. The consultation period ran from 14th July until 25th August.
- 4.11 The consultees are listed in Appendix 3. Members may wish to note that all 277 properties were written to within the policy area, along with the three people who were granted commercial street trading consents by the council under the existing policy.

- 4.12 Details of the consultation were placed on the council website and a public notice was displayed at the Town Hall from 15 July 2021. Consent holders and authorities such as the Police were contacted on 19 July 2021. All businesses and residents within the in the town centre were written to on the 2 August 2021.
- 4.13 As agreed at the July committee the consultation focussed on the proposals to make three minor amendments to the current policy:

Section of policy	Change	Reason
1 (3) Approval of events	Confirm approval of similar events to be made by the Group Head of Community & Environmental Services	Change in job title only
3 (3) Application process	Remove reference to specify the number of passport-style photographs and photographs of equipment to be submitted as part of the application	Reduces burden on applicants and reflects that applications may be submitted electronically in which case duplicate documents are not required
Standard Conditions	Change condition 13 regarding notifying damage to the highway to the council	Updated contact details

- 4.14 Consultation responses
- 4.15 Only one consultation response was received and this was from Hertfordshire constabulary who confirmed they had no comments regarding the proposed revised policy.
- 4.16 Officers are therefore proposing no amendments to the draft policy approved for consultation by the Licensing Committee on 8th July 2021 which is attached at appendix 1.
- 4.17 Officer's would suggest that the lack of responses to the consultation does not reflect on the quality of the consultation but is a result of:
- The proposed changes only being very minor with little or no impact on existing licence holders or other stakeholders;
 - The previous policy having been fit for purpose meaning that there had not been any negative impacts from the operation of the policy from either a licence holder or stakeholder perspective.
- 4.18 The Town Centre Street Trading Policy can be reviewed at any time if the need is identified so should issues arise or amendments be needed prior to the agreed 2025 review date then these can be addressed at that time.

4.19 Members should note that the developing Town Centre Vision and the emerging Cultural Plan may affect the types of events held in the Town Centre in the future, as well as the location that they might be held. This policy therefore needs to be kept under review so that it can support and help deliver both strategies.

5.0 Implications

5.1 Financial

5.1.1 The Shared Director of Finance comments that there are no direct financial implications in this report.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the legal implications are contained within the report.

Appendices

- Appendix 1 Town Centre Street Trading Policy
- Appendix 2 Consultees
- Appendix 3 consultation responses

Background papers

- No papers were used in the preparation of this report.