

## PART A

**Report to:** Licensing Committee  
**Date of meeting:** 14 July 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Interim town centre street trading policy

### 1.0 SUMMARY

- 1.1 The Council has the power to regulate both ad hoc and formal street trading within the Borough should it choose, and has an existing regime that does so. The improvements to the town centre coupled with regenerating The Parade through a cultural programme have created the opportunity to review the policy for that part of the town centre.
- 1.2 Officers recommend a small, limited trial of street trading in The Parade to initially complement the Big Events programme. This does not replace the existing policy for the rest of the Borough.

### 2.0 RECOMMENDATIONS

- 2.1 The Committee adopts the interim town centre street trading policy at appendix 1
- 2.2 The Head of Community and Customer Services be given delegated authority to make any minor amendments to this policy including, where needed, in consultation with the chair of the Licensing 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 the schedule 4 to 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 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, 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 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 are 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 There are two town centre locations that are an exemption to the overall policy, and it is not intended that these will be affected by the implications of this report:

- (1) the fruit and vegetable stall outside 103 The Parade (Watford Town Kebabs). This site was historically used before the town centre street trading controls were introduced and also benefits from planning permission to trade from the land which forms a privately-owned forecourt; and
- (2) the fruit and vegetable stall at the entrance to Charter Place. There has historically been street trading in Charter Place, and a special exemption was granted by the Licensing Committee in 2005 to allow trading from this location.

- 3.7 Members will be aware that the charter market is relocating in September from Charter Place to behind 23 – 33 The Parade (currently occupied by B & M Stores), with market stalls trading on The Parade between Bentine Lane and Clarendon Road on five days of the week.
- 3.8 Members will also be aware of the Big Event programme to regenerate The Parade area through a programme of cultural activities over the next three years. Whilst the programme is designed to also benefit the businesses along The Parade it can also provide an opportunity for the council to support a few micro-businesses and small to medium enterprises who can add quality and value to the events. It is important that the right mix of traders is introduced, given the relocation of the charter market and the number of other businesses along The Parade who will have something to offer to the Big Events audience.
- 3.9 This report seeks approval from the Committee for this interim policy to operate until September 2015 at the latest so that the effects of street trading in The Parade can be evaluated before a more permanent policy is introduced as part of a wider town centre strategy. A draft policy is set out at appendix I for Members to consider. The Provision of Services Regulations 1990 (SI 1990 No 2999) has been taken into account in drafting the policy to ensure it is not discriminatory, and that it is proportionate, clear and unambiguous, objective, publicly available, transparent and accessible.
- 3.10 The policy has been drafted by officers across the Council and including the Town Centre Manager. It will be discussed by the Town Centre Partnership on 14 July 2014, and their views will be reported verbally to the Committee at its meeting.
- 3.11 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, if 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.

##### 4.4 **Potential Risks**

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

Appendices

Appendix 1 – Draft interim street trading policy

Background Papers

No papers were used in the preparation of this report.

File Reference

None