

Report Title: Street Trading Review in Lewes District

Report to: Licensing Committee **Date:** 14 February 2019

Lead Councillor: Cllr Isabelle Linington

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer -

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Purpose of Report:

1. To review the street trading consent scheme and authorise the Senior Specialist Advisor to start a six week consultation of the proposed new guidance.

Officer's Recommendations:

1. That the Committee considers the revised draft Street Trading Guidance.
 2. That the Committee agree the contents of the draft guidance and authorise Senior Specialist Advisor to start a 6 week consultation on the revised guidance.
 3. That a further report is presented to the Committee following the results of the consultation with a final guidance document to be agreed.
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1 Information

- 1.1** The Committee previously agreed the street trading consent policy together with an application process and conditions for Lewes District Council in March 2015. Current Policy with Appendices is included as Appendix 1 and 2.
- 1.2** We have committed to reviewing the document when required and at a minimum once every 5 years.
- 1.3** There has been an increase in the use of the Lewes pedestrian precinct by individual stalls and markets which has caused friction with existing business premises. Feedback has been received regarding the use of the precinct including concern about the intensification in the use of the precinct and the appearance of stalls and seating.

2.0 Significant changes proposed to the current Policy

- 2.1** It is proposed that the number of monthly markets and daily pitches in the precincts is limited following concerns of over intensification of the precincts. Setting a limit will assist officers when reviewing an application and deciding whether or not to grant consent.
- 2.2** Markets by their very nature sell a variety of different goods and it is unfeasible to restrict the sale of certain good which may compete with adjacent businesses. It is proposed therefore to remove the 100 meters direct competition restriction for markets. However where there is conflict it is possible to restrict the number of stalls at the market from selling a certain type of produce.
- 2.3** The precincts should be viewed in their entirety and it is therefore appropriate to consider precinct permits for tables and chairs and items such as 'A' Boards at the same time as street trading. Too many of these elements can create a cluttered look and feel on the precinct and diminish the visual amenities of the area. Currently there are 2 premises which benefit from tables and chairs on Lewes Precinct but interest has been received for additional seating in the area. Should this element be included in the final guidance then a fee structure shall be produced based on numbers of chairs and tables.
- 2.4** Currently the Council does not have a standard for stall design and dimensions. Appendix D has been developed to provide guidance on the type of stall that would be acceptable. It is important that any stalls or markets operating with the benefit of consent enhance the visual amenities of an area and should be of a high quality design.
- 2.5** The minimum public liability insurance has increased from One Million Pounds to Two Million Pounds upon the advice of the Insurance Officer.

3.0 Consultation

- 3.1** It is suggested that subject to the Committee's agreement the revised Street Trading Guidance goes out for consultation for a period of not less than 6 weeks.
- 3.2** The results of the consultation shall then be brought back to the Committee to agree the final guidance document.

4.0 Financial Appraisal

- 4.1** The application fee that is charged to each Trader will cover the costs of administration and monitoring the scheme. It is not anticipated that existing fees will need to increase as amended guidance and application processes will be managed within existing resources.
- 4.2** If it is decided to adopt the section on placing tables, chairs and objects (A boards) on the highway fees will be formulated based on cost recovery.

5.0 Legal Implications

5.1 This Report was considered by the Legal Section on 31 January 2019 (IKEN-8034-MW).

6.0 Risk Management Implications

6.1 I have completed a risk assessment. The following risks will arise if the recommendations are not implemented, and I propose to mitigate these risks in the following ways no new risks will arise if the recommendations are implemented.

6.2 Reputation Risk: It is important that the Council is seen to consider the regulation of Street Traders in an open and transparent process. The Council has a duty to protect residents going about their daily activities in the locality and to promote the economic wellbeing of existing businesses in Lewes District. It is paramount that the Council is seen to be addressing the issue in order to retain a good reputation with the public and businesses. Failure to consider the impacts of Street Trading upon the community appropriately may adversely affect the reputation of the Council. The Guidance and associated conditions seek to balance the rights and responsibilities of itinerant as well as permanent Traders with those of residents.

6.3 Health and Safety: Street Traders may create an obstruction to both pedestrian and vehicular traffic. Further, some activities, such as the use of LPG and generators, may present risks to the public. Allowing Street Trading to be unregulated may lead to significant disruption and puts pedestrians and drivers at risk of injury.

7.0 Background Papers

7.1 Previous Committee report dated 12 March 2015.

8.0 Appendices

- Appendix 1 – Current Street Trading Policy
- Appendix 2 – Current Street Trading Appendices
- Appendix 3 – Proposed Lewes Street Trading Guidance 2019.