

Body: General Licensing Committee

Date: 5th October 2015

Subject: Review of the Councils policy in relation to Street Trading in the Borough of Eastbourne

Report Of: Jay Virgo, Customer First Manager
Ward(s) All

Purpose To present the General Licensing Committee with the revised Street Trading Policy covering the Borough of Eastbourne post consultation. To note the position regarding the fees and charges associated with street trading.

Recommendation:

- a) Members are invited to note the feedback received in relation to the public consultation concerning the review of the council's street trading policy.
- b) Members are invited to delegate any revisions of the Policy in line with the views of the General Licensing Committee to the Senior Specialist Advisor in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder, prior to its consideration and adoption by Cabinet.
- c) Members are invited to note the timetable for consultation, review and implementation.

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1.0 Introduction

1.1 A key Council objective is to increase the vibrancy and vitality of the town, and in particular the town centre. This is embedded in the Community Strategy in the Regeneration & Economy chapter, the Corporate Plan and the Proposed Submission Version of the Eastbourne Town Centre Area Action Plan. The intention is to have a policy that facilitates the provision of extra vitality in the Borough and the appropriate diversification of street trading activity, and to attract a regular street market.

1.2 The Street Trading Policy, adopted in February 2012, sought to allow a range of managed street trading activities across the Borough and is available via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/street-trading-policy/>

- 1.3 The Council currently regulates street trading under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This permits the Council, among other things, to designate streets as "consent streets" or "prohibited streets" for trading purposes.
- 1.4 The Street Trading Policy will not cover all types of trading on the street, as there are some exemptions. Pedlars Certificates, which are issued by Sussex Police to individuals to sell their goods from a mobile unit, moving from location to location. This activity is transitory in nature, where customers approach the Pedlar as opposed to the Pedlar directly marketing their wares. Their activity is regulated under the Pedlars Act 1871.

2.0 Consultation

2.1 Consultation in relation to the review of the Street Trading Policy commenced on the 1st July 2015 and concluded on the 24th September 2015.

2.2 A range of organisations and individuals have been directly consulted about the review of the existing policy, including:

- Sussex Police
- ESCC Child Protection
- Fire Authority
- Planning Authority
- Highways Department
- Food Safety
- Noise Pollution
- Ward Councillors
- Community Safety Partnership
- Chamber of Commerce
- Town Centre Neighbourhood Panel
- Existing Street Traders

2.3 The consultation to review the policy was included on the Council's website at:

<http://www.eastbourne.gov.uk/about-the-council/consultations/>

2.4 The Policy covers the streets where trading will be permitted – 'consent streets' and those where trading will not be permitted 'prohibited streets.'

2.5 The Policy covers the type of trading that can take place; including hours of operation. It also considers the potential impact on established businesses and residents in the area, health and safety implications as well as trading units.

2.6 It incorporates the application process, an overview of how decisions are made, conditions aligned to consents, and the process for enforcement.

2.7 Importantly the policy under review includes reference to the case of *West Berks DC v Paine* [2009] EWHC 422 (Admin). Any area to which the public have access without payment is considered, for the purposes of this legislation, as a "street". Under the wide re-designation of the status of all the roads and streets within the

Borough passed by the Full Council in February 2012 and confirmed by them in July 2012 after the statutorily required consultation and advertisement, this includes areas such as free car parks at Shopping Centres etc.

3.0 Overview of feedback

- 3.1 A copy of the draft review of the policy is included in **Appendix 1**.
- 3.2 The Authority has received 0 responses concerning the review of the policy.

4.0 Implementation Timetable

4.1 The timetable for the review of the policy is tabulated below:

4.2

Procedure	Date/s
Public consultation	1 st July – 24 th September 2015
Full Licensing Committee: <ul style="list-style-type: none"> - To consider results of consultation - Delegate any further revisions of the policy in line with the views of the General Licensing Committee to the Senior Specialist Advisor in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to consideration and adoption by Cabinet. 	5 th October 2015
Seek Cabinet Approval	9 th December 2015

5.0 Links To Strategic Vision

5.1 The Corporate Plan sets out the Council’s priority themes and is available via:

<http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=210648&type=full&servicetype=Inline>

6.0 Policy Review

6.1 The Street Trading Policy will be kept under review and amended as required.

7.0 Recommendations

7.1 Members are asked to agree the recommendations at the beginning of this report.

8.0 Financial & Resource Implications

8.1 Full Council delegated to the General Licensing Committee the setting of fees for street trading consents. Fees will be set having regard to the cost of implementation and administration of the provisions. Applications will be renewed annually and the consent fees will be reviewed at the appropriate time to ensure that they cover the cost of the service.

Background Papers:

The Background Papers used in compiling this report were as follows:

Local Government (Miscellaneous Provisions) Act 1982
Pedlars Act 1871
West Berks DC v Paine [2009] EWHC 422 (Admin)
Street Trading – Eastbourne Policy