

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	13 September 2022
Subject:	Street Trading Policy Review		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
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Appendices:	Appendix 1 - Draft Street Trading Policy Appendix 2 – Proposed Consent and Prohibited Streets		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 The purpose of this report is to seek the Licensing and Enforcement Committee's approval to undertake a 12 week consultation in respect of a review of the draft Street Trading Policy as well as a review of the designation of streets in certain areas of Gloucester as prohibited and consented streets.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE**

- 1) The draft Street Trading Policy and the proposed amendments to the designations of Streets in certain areas of Gloucester as prohibited and consent streets be approved for the purpose of public consultation over a 12 week period.
- 2) To keep the fees and charges as they are and to review them in 12 months time.

3.0 Background and Key Issues

- 3.1 In accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Gloucester City Council has adopted criteria in a street trading consent scheme, where street trading covers the selling or exposing or offering for sale of any article in a designated street.
- 3.2 Street Trading covers a wide range of outdoor retail and catering activities undertaken in public streets, it includes familiar sights such as flower sellers, ice cream vendors, fancy goods, souvenir stalls and a wide variety of hot and cold catering activities.

- 3.3 On 19th February 2009 Council designated all streets in Gloucester as consent streets with effect from 31 March 2009. At the same time, the Council adopted a scheme to determine Street Trading Consent applications. A Street Trading Consent is, therefore, required before any person can trade on any street in Gloucester City unless the trading is specifically exempt under Schedule 4 of the Act e.g. newspaper vendors selling from a booth/stall.
- 3.4 The current Street Trading Policy was adopted in 2017 and is now due to be reviewed in line with the Policy.
- 3.5 In reviewing the street trading policy the opportunity was also taken to review the current designated consent streets.
- 3.6 The draft revised Street Trading Policy is attached as **Appendix 1** of this report and the changes to the draft Policy are shown in Red.
- 3.7 Most of the Policy remains unchanged apart from tidying up some of the wording.
- 3.8 This report also proposes that a review of the consent streets within certain areas of the City is conducted, and a number of proposed changes have been suggested. These can be seen in **Appendix 2**.
- 3.9 The City Centre is currently going through a regeneration and will continue to over the next few years, with the Transport Hub, Kings Square and the proposed Forum to name a few. The Gate Streets form part of this review.
- 3.10 As part of this regeneration review to the Gate Streets the Council are proposing to prohibit Street Trading in Eastgate and Westgate Streets.
- 3.11 The procedure for the designation, variation of designation, or revocation of designation is governed by paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.12 Any such designation must be made by resolution of the Licensing and Enforcement Committee.
- 3.13 Before making any such resolution the Council must, in summary, publish a notice that it intends to pass such a resolution in a local newspaper, following which a minimum period of 28 days must be allowed for formal objections to be made. Following that period the Licensing and Enforcement Committee must consider any such objections and may, if they think fit pass a resolution designating those streets. Further newspaper notices must be placed before the resolution comes into force.
- 3.14 Whilst there is no formal requirement in the Act for a 12 week consultation to take place, it is good practice to consult on proposals when they are at the formative stage, and a thorough consultation can ensure that all relevant issues are taken into account when the final proposals are put to members to commence the statutory resolution procedure.

- 3.15 Currently there are three Street Traders within Eastgate Street who will be affected if after consultation and resolution by members to prohibit Eastgate and Westgate Streets. As the process takes time to resolve it allows the current Street Traders time to find alternative locations.
- 3.16 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, a Council may charge such fees as it considers reasonable for the grant or renewal of a street trading consent.
- 3.17 The fees and charges for Street Trading in Gloucester City were last changed in 2017 and it is proposed that no changes are made at this time and subject to the Committee's decision will be reviewed in 12 months time.

4.0 Social Value Considerations

- 4.1 The whole purpose of consulting is to ensure we focus our resources on the things that mean most and bring most value to our residents.

5.0 Environmental Implications

- 5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

- 6.1 Alternative options will be considered where representations are raised against the Draft Street Trading Policy and the proposal to prohibit Street Trading within Eastgate and Westgate Streets.

7.0 Reasons for Recommendations

- 7.1 The Council's Street Trading Policy has been reviewed to ensure it is up to date and provides clarity and transparency on the way that street trading is controlled in the City.
- 7.2 The proposal to prohibit Street Trading within Eastgate and Westgate Streets is part of the regeneration review of the City Centre.

8.0 Future Work and Conclusions

- 8.1 The Council will where reasonably practicable review the Street Trading Policy every 5 years, or, when changes to legislation or the Council's processes/procedures deem this necessary.
- 8.2 To ensure a proper and transparent consultation, the report proposes that a 12 week consultation period with all relevant parties should be carried out. The following people and bodies will be consulted:

- All Existing Street Traders
- Development Control (Gloucester City Council)
- Highways (Gloucestershire County Council)
- Gloucestershire Constabulary

- Gloucestershire Fire & Rescue
- Community Wellbeing Team (Gloucester City Council)

- Heritage (Gloucester City Council)
- City Centre Manager (Gloucester City Council)
- Local Elected Members

8.3 A further report will be presented to Members following the end of the consultation period. This is likely to be at the March Licensing and Enforcement Committee.

8.4 If after the consultation period members approve to designate Eastgate and Westgate Streets as prohibited streets, then a notice would have to be published of its intention to pass such a resolution in a local newspaper. A minimum period of 28 days must be allowed for formal objections to be made.

9.0 Financial Implications

9.1 The recommendations within this report may have an impact on income to the Council from Street Trading, if the proposal to designate Eastgate and Westgate Streets as prohibited streets is adopted.

9.2 If this proposal is adopted and the current Street Traders within Eastgate and Westgate Streets choose not to trade from another part of the City the Council will see a reduction in income to the Street Trading budget.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 The Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) as amended allows a Local Authority to adopt a provision concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a Policy on how it proposes to control street trading. However, it is considered best practice for a Council to adopt such a Policy to encourage consistency and transparency in the way that its functions are carried out.

10.2 The legal implications are detailed in the main body of the report with regards to the designation of Consented and prohibited Streets and the process that needs to be followed.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 In order to minimise the risk of legal challenge to any policy subsequently adopted, proper and effective consultation on the draft revised street trading policy is being recommended.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

Schedule 4, Local Government (Miscellaneous Provisions) Act 1982