

Surrey Heath Borough Council
Licensing Committee
19th October 2022

Street Trading Policy

Strategic Director: Nick Steevens – Strategic Director for Environment & Community
Report Author: Frances Soper– Environmental Health & Licensing Manager
Key Decision: No
Wards Affected: All

Summary and purpose

The Council regulates street trading in the borough with the objective of preventing nuisance and disorder from street trading activities. The Council currently issues street trading consents to approximately 14 permanent/ temporary traders, allowing the sale of a range of goods from vehicles/stalls on consent streets in the Borough and prevents trading from specified prohibited streets,

Following a review of street trading arrangements in the Borough, this report seeks approval of a new borough-wide draft Street Trading Policy for public consultation. The results of the consultation will be reported back to the Licensing Committee at the 16th February 2023 and adoption of policy recommended. It is intended that the new policy will take effect from 1st April 2023. The updated policy will replace the existing Camberley Town Centre Street Trading Policy dated 2013 and update and consolidate existing street trading procedures.

The report also seeks approval for a resolution to be made to amend the consent and prohibited street provisions and to agree a revised street trading consent fees.

Recommendation

The Committee is advised to RESOLVE that

- i) the revised draft Street Trading policy at Annex 1 to this report be approved for consultation

- ii) a new street designation resolution is sought that will list the prohibited streets, rescind the current list of consent streets and designate all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough.

1.0 Background and Supporting Information

- 1.1 In 1992 the Council passed a resolution bringing into place controls for street trading (selling or offering for sale of goods) under Section 2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act'). The resolution designated all streets in the Borough and the area within a distance of 50m from the center of these streets as either 'prohibited streets', (there are currently 56 in the Borough listed in Annex B of the draft policy at Annex 1), where no street trading is allowed, or 'consent streets' where street trading can take place, subject to the trader receiving a consent to trade from the Council, (and landowner's permission where appropriate), to which conditions can be attached.
- 1.3 In 2009 Park Street and High Street Camberley were changed from prohibited streets to consent streets to enable street trading in the newly pedestrianised areas in the town centre. In 2010 the Council adopted the Camberley Town Centre Street Trading Policy, to provide further controls over the types and presentation of stalls in the town centre and this Policy was further updated in 2013 to identify suitable town locations for street trading (See Background papers).
- 1.4 To consider street trading more widely in Surrey Heath and in light of the public realm works in Camberley town centre, officers have engaged with key stakeholders (Collectively Camberley, groups representing local businesses across the Borough, the Council's Village Working Group), to develop an up-to-date Borough-wide draft Street Trading Policy.
- 1.5 It is the intention that the new policy will replace the current Camberley Town Centre Street Trading Policy and associated street trading procedures and better meet the needs of businesses and residents in and visitors to the Borough. It is the intention that the policy will help in ensuring that Street Trading in the Borough provides quality consumer choice and contributes to the character /ambience of the local environment, whilst ensuring public safety and preventing any possible associated crime, disorder or nuisance from Street Trading. The new policy will also increase the transparency of the decision-making process for the benefit of all stakeholders, setting out clearly the criteria against which applications are determined. The new policy is aligned with objectives of the Council's 5 Year Strategy and draft Town Centre Strategy/Local Plan.
- 1.6 Following the Camberley Town Centre public realm works the opportunity has been taken to review the location of the sites specified in the current Town Centre Policy with Collectively Camberley and Investment and Development colleagues and new sites have been identified and obsolete sites removed. These sites will be kept under review and amended as necessary in line with future developments in the town centre.

2.0 Current Street Trading Provision in Surrey Heath

- 2.1 Street trading consent applications, together with the required supporting documentation and fee are received by Environmental Health and the Police, Highways, local Ward Councillors and Collectively Camberley, if in the Town Centre, are consulted on the applications. The Strategic Director Environment and Community has delegated authority to issue consents on behalf of the Council.
- 2.2 The Council may grant a consent if they think fit and attach such conditions as they consider reasonably necessary, in addition to conditions to prevent obstruction of the street or danger to persons using it or nuisance or annoyance to persons using the street or otherwise,
- 2.3 Surrey Heath currently has 12 permanent street trading consent holders trading the Borough and 2 regular ad-hoc traders (see list in Annex 2), offering takeaway food (cooked breakfast/burgers/hotdogs/pizza), doughnuts, sweets, ice cream, fruit & vegetables, Chinese tea and crockery. This also includes the consent given in relation to the monthly Camberley Farmer's Market and town centre events that include street trading (e.g. Christmas Lights Switch On, the Car Show) and events elsewhere open to the public in the Borough that include street trading (e.g. the Bagshot Big Bash) and promotional traders (e.g. Riverford Organic)

3.0 Draft Policy Provisions

- 3.1 The proposed changes contained in the new policy are summarised below:
 - Borough-wide policy not just Camberley Town Centre
 - Clear criteria for determining applications increasing transparency of the decision-making process
 - New criteria to promote healthy eating and minimise environmental impacts of street trading
 - Wider consultation on applications to include the Fire Service, Planning
 - Consultation on renewal as well as new applications
 - Expanded list of standard conditions to enhance control and compliance
 - Review of the Camberley Town Centre suitable street trading locations to reflect the public realm works and aspirations in the draft Town Centre Strategy

4.0 Consultation on the Draft Policy

- 4.1 The planned consultation exercise on the draft policy will engage widely with all relevant stakeholders and a list of proposed consultees is shown at Annex 3.

5.0 Designation of Streets

- 5.1 It is proposed that a new street designation resolution is agreed that will list the prohibited streets, rescind the current list of consent streets and designate all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough. The prohibited list will be kept under review and a resolution sought to amend in future if found necessary.
- 5.2 Under 'the Act', prior to making the resolution the Council must publish notice of their intention to pass such a resolution in a local newspaper circulating in the area and have served a copy of the notice on the chief officer of the police for the area and the highway authority. The notice must contain a draft of the resolution and state that any representations must be made in writing to the Council within a period of not less than 28 days. After considering any representations the Council shall publish notice of the resolution for two consecutive weeks in a local newspaper (see draft notice of the intention to pass a resolution at Annex 4).
- 5.3 The designation of the streets shall take effect on the date specified in the resolution, which must be more than one month from the date the resolution is passed.

6.0 Street Trading Consent Fees

- 6.1 Under 'the Act' council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent and may determine differing fees according to the duration of the consent, the street in which the trading is authorised and the articles in which the holder is authorised to trade.
- 6.2 The Council's existing street trading fees are being reviewed for 2023/24 as part of the corporate discretionary fee setting process and will be set at a full cost recovery level to cover the cost of processing applications, investigating complaints and enforcing the legislation.

7.0 Reasons for Recommendation

- 7.1 To seek the introduction of an up-to-date Borough-wide draft Street Trading Policy which meets the street trading needs of businesses/residents/visitors to the Borough, whilst ensuring public safety and preventing any possible associated crime, disorder or nuisance.
- 7.2 To retain control over street trading in the Borough by designating all streets that are not prohibited streets as consent streets for street trading.

8.0 Proposal and Alternative Options

8.1 It is proposed that:

- i) the revised draft Street Trading Policy is approved for consultation, with the results being reported to back to the Licensing Committee in February, with a view to adoption of the policy to take effect from 1st April 2023;
- ii) the current street trading designation resolution is replaced with a new resolution, so all current and new streets not designated as prohibited streets will be designated consent streets to enable street trading to be controlled via the consent process, to take effect from 1st April 2023;

8.2 Alternative options would be to retain the current policy and street designation resolution.

9.0 Contribution to the Council's Five-Year Strategy

9.1 Street Trading in the Borough contributes to the Council's priorities with regard to Economy, Environment, Health and Well Being and Effective and Responsive Council

10.0 Resource Implications

10.1 Local authorities are able to charge a fee for the issue of a street trading consent and these are set a level to ensure full cost recovery

11.0 Section 151 Officer Comments:

11.1 Any financial implications of this report can be contained within existing budget allocations.

11.2 Unless fees are set at full cost recovery, any services provided by the Council in exchange for these lower fees will in effect be subsidised from the general council tax payer and this would need to be an Executive decision to agree this subsidy.

12.0 Legal and Governance Issues

12.1 The Council is responsible for the issuing of street trading consents under the Local Government (Miscellaneous Provisions) Act 1982. Legal Services have been consulted on the report proposals.

13.0 Monitoring Officer Comments:

13.1 Progressing and approving a new street trading policy is delegated to the Licensing Committee.

14.0 Other Considerations and Impacts

Environment and Climate Change

14.1 Environmental considerations have been taken into account when drafting the policy with regard to consent determination criteria concerning waste minimisation/ management and power supply. The Climate Change Officer has been consulted and is supportive of the draft policy.

Equalities and Human Rights

14.2 No direct impacts.

Risk Management

14.3 No direct impacts.

Community Engagement

14.4 Engagement with key stakeholders has taken place in the drafting of the new policy and there will be a wider consultation exercise on the draft policy once approved by the Licensing Committee.

Annexes

- Annex 1 Draft Surrey Heath BC Street Trading Policy
- Annex 2 List of current consented street traders in the Borough
- Annex 3 List of stakeholders to be consulted on draft Street Trading Policy
- Annex 4 Draft Notice of Intention to Pass a Resolution on Street Trading and Designation of Consent and Prohibited Streets

Background Papers

Camberley Town Centre Street Trading Policy 2013.