

Surrey Heath Borough Council
Licensing Committee
15th February 2023

Street Trading

Strategic Director/Head of Service	Nick Steevens – Strategic Director of Environment and Community
Report Author:	Frances Soper– Environmental Health & Licensing Manager
Key Decision:	No
Wards Affected:	All

Summary and purpose

Following a review of street trading arrangements in the Borough, this Committee approved a new borough-wide draft Street Trading Policy for public consultation, at its 19th October 2022 meeting and resolved that a new street designation resolution be sought that listed the prohibited streets, rescinded the current list of consent streets and designated all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to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 results of the public consultation has been taken into consideration and reflected in the revised draft policy at Annex 1.

Recommendation

The Committee/Council is advised to RESOLVE that

- i) the revised draft Street Trading policy at Annex 1 is approved to take effect from 1st April 2023, and
- ii) the revised street designation resolution contained in the public notice shown at Annex 2 is approved to take effect from 1st April 2023 and the approval is publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.

1 Background and Supporting Information

- 1.1 The Council regulates street trading in the borough under the Local Government (Miscellaneous Provisions) Act 1982 ('the Act'), 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.

- 1.2 A 'prohibited street' is a street where no street trading may take place. A 'consent street' is a street in which street trading can only take place if the consent of the local authority has first been obtained and is any street not a prohibited street.
- 1.3 Following a review of street trading arrangements in the Borough, this Committee approved a new borough-wide draft Street Trading Policy for public consultation, at its last meeting on 19 October 2022 and resolved that a new street designation resolution be sought that listed the prohibited streets, rescinded the current list of consent streets and designated all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to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.

2 Consultation on the draft policy

- 2.1 Formal consultation on the draft Policy started on the 14th November 2022 and lasted for 4 weeks. As part of the consultation, the groups and persons listed in Annex 3 were contacted directly and the consultation was also publicised via the Council's website and social media. All Members were made aware of the consultation via Member's Briefing (22nd November 2022).
- 2.2 The consultation period ended on the 14th December 2022 and 4 responses were received.
 - Surrey Police asked that highway safety issues were more specifically referenced in relation to ensuring that any trader advertising did not cause obstruction or danger to road users and that any illuminated signage that could be confused with traffic lights/other authorised signals or result in glare, dazzle or distraction of road users be prohibited.
 - Collectively Camberley sort clarification on a number of points relating to consultation with local businesses when applications are received, the arrangements for street trading on special event days/Farmer's Markets in the town centre and the possibility of alternative trading sites in the town centre to those identified in the draft policy.
 - One local business raised the need for effective enforcement of the street trading controls and
 - One existing street trader expressed the view that street traders 'are a great asset to the town and provide a great service to the community'.
- 2.3 Replies were provided to the respondents clarifying the issues raised in their representations and where appropriate minor changes made to the draft policy and these are shown in red.(see Annex 1). Comments from Investment & Development on the draft policy received prior to the commencement of the consultation period have also been included with regard to keeping the designated town centre locations under review and considering applications

for other sites in the town centre as appropriate. Investment & Development have also been added to the list of consultees on applications.

- 2.4 The Policy will be kept under review and updated to reflect any material changes that may occur. Minor changes will be agreed by the Strategic Director-Environment and Community in consultation with the Chair of the Licensing Committee. Where amendments are considered significant, they will be brought to the Licensing Committee.

3 Street Designation Resolution

- 3.1 As required under 'the Act', the Council published notice of their intention to pass a new street designation resolution in a local newspaper circulating in the area on 21st December 2022. The resolution included the updated list of prohibited streets following feedback from the Committee at the last meeting, rescinded the current list of consent streets and designated all existing streets that were not prohibited streets as consent streets and any new streets thereafter (see Annex 2). A copy of the intention notice was also sent to the Chief of Police for the area and the Highway Authority and as required under 'the Act', the necessary consent of the Highway Authority has been obtained. The notice stated that any representations must be made in writing to the Council within a period of not less than 28 days. The notice was also publicised via the Council's website and social media. No representations were received by the 23rd January 2023 deadline.
- 3.2 If the Committee approves the resolution the Council must then issue a public notice to that effect which is published for two consecutive weeks in a local newspaper.
- 3.3 It is then the intention that the new designation of streets shall take effect from 1 April 2023. The prohibited list will be kept under review and a new resolution sought to amend in future as necessary.

4 Reasons for Recommendation

- 4.1 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.
- 4.2 To retain control over street trading in the Borough by designating all streets that are not prohibited streets as consent streets for street trading.

5 Proposal and Alternative Options

- 5.1 It is proposed that:
- i) the revised draft Street Trading policy at Annex 1 is approved, to take effect from 1st April 2023, and the revised street designation resolution

contained in the public notice shown at Annex 2 is approved to take effect from 1st April 2023 and the approval is publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.

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

6 Contribution to the Council's Five-Year Strategy

- 6.1 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

7 Resource Implications

- 7.1 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.

8 Section 151 Officer Comments:

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

9 Legal and Governance Issues

- 9.1 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.

10 Monitoring Officer Comments:

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

11 Other Considerations and Impacts

Environment and Climate Change

- 11.1 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

- 11.2 No direct impacts.

Risk Management

11.3 No direct impacts.

Community Engagement

11.4 Engagement with key stakeholders took place in the drafting of the new policy and a wider consultation exercise on the draft policy has taken place. The required public notices have been placed/will be placed in a local newspaper with regard to the new street designation resolution.

Annexes

Annex 1 Draft Surrey Heath BC Street Trading Policy

Annex 2 Street Designation Resolution

Annex 3 List of Consultees

Background Papers

None