



To: Licensing Committee
Report by: Emma Thornton - Head of Tourism and City Centre Management
Relevant committee: LICENSING COMMITTEE 18th July 2012
Wards affected: Market ,Castle and Newnham

Update on Street Trading

1. Executive summary

1.1 This report follows the report that came to Licensing Committee on 30th January 2012. It sets out a proposed new Street Trading Policy following a review of the Council's current Street Trading Policy and procedures. The draft policy details how the Council proposes to manage street trading in Cambridge and the mechanism through which street trading pitches will be reviewed annually. It will guide the Council when it considers applications for Street Trading Consents and will inform applicants of the criteria against which applications will be considered.

2. Recommendations

2.1 The Licensing Committee is recommended :

1. To approve the draft Street Trading Policy subject to the outcome of consultation on the proposed policy and procedures.
2. To authorise the Head of Tourism and City Centre Management to consult on the draft Street Trading Policy and to bring a report back to this Committee on 8th October which will summarise the feedback on the consultation and outline any proposed changes to the policy as a result of this.

3. The key objectives of the Street Trading Review have been as follows:

- To create an environment where high quality street trading activity is achieved.

- To encourage ongoing investment from street traders
- To ensure that high standards of street trading are maintained at all times.
- Where possible and within the constraints of this policy to support new street trading opportunities.

4. Background

- 4.1 Street Trading supports the ongoing vitality of Cambridge City Centre and provides a relatively low cost way for small businesses to trade.
- 4.2 There is a high quality street trading offer in Cambridge and many traders have made considerable investment in their businesses over a number of years. It is important that any changes to the policy should seek to safe guard this.
- 4.3 It is not clear when the current procedures were last reviewed. Given the success of Cambridge city centre both as a retail and visitor destination, it was considered important that a review of the current procedures was undertaken to ensure that they are fair and appropriate and in line with best practice across the UK.
- 4.4 Concern had been expressed by prospective street traders that, taking into account the limited number of pitches in the city centre, and that in most cases consents are renewed annually, it was difficult for new businesses to enter the market.
- 4.5 In addition the 2012/13-application process highlighted some concern with the current procedures. This was in part due part to insufficient clarity on the application criteria and how to apply these, but it also highlighted the need for a fundamental review of the Street Trading Policy and how decisions on street trading applications should be made moving forward.
- 4.6 The current procedure for considering applications for Street Trading Consents is as follows; Licensing Committee has delegated to the Director of Environment powers relating to the control and operation of street trading except for the issue of a consent for a period of more than 6 months to a person who is not a current consent holder, and the renewal of the consent of a current consent holder if another person has applied for the consent.

- 4.7 In theory (although this has happened infrequently) this has meant that all pitches are open to applications from both existing traders and new traders each year. This puts the existing trader in a position of considerable insecurity and raises expectations for new applicants. Where pitches are contested then applications are referred to a meeting of the Licensing Sub Committee where this Committee is asked to assess one application against another. This can prove difficult when this involves assessing an existing trader of several years against a new trader. This happened as part of the 2012/13-application process.
- 4.8 This review has looked at street trading policies and procedures in other historic cities similar to Cambridge where available street trading pitches are also limited. It has sought to identify best practice in this area and to understand how imbalances between supply and demand can best be managed in a fair and transparent way without compromising the quality of the street trading offer.
- 4.9 As part of this review the policies and procedures of 10 other local authorities in similar historic locations have been looked at. This included towns and cities such as Oxford, Bath, York, Canterbury, Brighton Edinburgh and Norwich. In all of the locations reviewed there is a policy of renewal in favour of the existing trader, subject to there being no areas of concern during the preceding consent year.
- 4.10 This research has also highlighted that similar assessment criteria are being used in these locations to those in use in Cambridge. These focus on the design of stall, range of products sold and Food Hygiene where appropriate (i.e. for Food stalls).
- 4.11 Members of the Licensing Committee were keen that in the development of any new policy the assessment criteria should be made clearer and more robust and that **all** applications should be checked thoroughly against all these criteria on an annual basis. They were also keen that periodically a more thorough review should be introduced which would encourage traders to develop beyond basic compliance.

5. Overview of the main proposed changes:

- 5.1 The policy outlines a number of proposed changes to the current procedures.
- 5.2 The Licensing Committee is recommended to approve a modification to the current delegation as set out below in 5.3:

5.3 The Licensing Committee will delegate powers to the Director of Environment relating to the control and operation of Street Trading **except** for the issue of consent for a period of more than 6 months to a person who is **not** a current consent holder and where there is more than one applicant for the pitch The Director of Environment delegates this authority to the Head of Tourism and City Centre Management.

5.4 Where exceptions to this delegation apply applications will be referred to the Licensing Sub Committee to make a decision in accordance with Council policies.

5.5 Criteria for assessment on applications

5.5.1 The criteria for assessment have been reviewed in detail and greater clarity has now been provided on how these should be applied when assessing applications. When assessing **all** street trading applications the Council will consider how the application meets set criteria. These are explained in detail in section 5 of the policy. These will apply to both renewal applications and applications for new or vacant pitches.

5.6 Renewals of existing consents

5.6.1 All existing street traders will need to apply in writing each year and evidence that they are continuing to meet the Council's assessment criteria as set out in the policy.

5.6.2 The application process for the following year will be brought forward and applicants wishing to renew their consent will need to apply by **1st November** each year. Where a renewal application has been made and the trader is compliant with all the "criteria for assessment," there have been no substantiated complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed.

5.6.3 If a renewal application is not made by the **1st November** the Council will treat the pitch as vacant.

5.6.4 Where a renewal application has been made and there is evidence of non compliance with the Council's "criteria for assessment" or where there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee.

5.7 Street Trader Reviews

5.7.1 In order to ensure that where consents have been renewed on an ongoing basis that high quality is maintained, in addition to the annual checks of compliance with the Council's assessment criteria, the

Council will introduce a “Street Trader Review” which will be undertaken with each trader every 3 years. This will be a detailed review of the street trading offer and will seek to discuss with the trader any planned developments or potential enhancements. The detail of this review is explained further in section 5.3.6 of the draft policy.

5.8 Vacant or new pitches

5.8.1 Where vacant or new pitches of more than 6 months become available the Council will invite applications for these pitches. These will be advertised on the City Council’s website and in the local press. This might be at any time of the year. Where there is more than one applicant the applications will be referred to the Licensing Sub Committee.

5.8.2 In summary this will mean that applications will only be referred to the Licensing Sub Committee in the following circumstances:

- Where more than one applicant has applied for a new or vacant pitch, which is more than 6 months.
- Where a renewal application has been made and there is evidence of non compliance with the Council’s “criteria for assessment” or where there have been complaints or enforcement issues or fees have not been paid on time.

5.8.3 This revised process will ensure effective ongoing management of a high quality street trading offer, and reduce the burden on the Licensing Sub Committee, whilst ensuring that any new opportunities are managed in a fair and transparent manner.

5.9 Identifying new street trading pitches

5.9.1 Periodically the Council will review street trading in the consent streets to identify new street trading opportunities.

5.9.2 If an applicant has identified a potential new street trading pitch in one of the listed consents street, which is not currently one of the Council’s approved pitches, the applicant can submit an expression of interest in this new pitch to the Markets and Street Trading Manager. They will then give due consideration to the appropriateness of this pitch taking into account all factors and having consulted with appropriate consultees as set out in the policy (Re: Section 3.7.7 and 3.7.8 of the draft policy).

5.9.3 If a new pitch is subsequently approved it is important to note that it will be necessary for the Council to advertise this on the City Council's website and will invite applications.

5.10 European Services Directive

5.10.1 This review has looked at the European Services Directive to ensure that our policy and procedures are compliant with this. Currently the service is not aware of any proposed changes to government legislation on street trading as a result of the EU Directive. The service will continue to monitor any potential changes in legislation and will instigate further reviews of this policy if required.

5.11 Timetable of the consultation

5.11.1 Subject to the Licensing Committee's approval of the draft policy, a period of detailed consultation will then be undertaken from 23rd July 2012 through to 10th September 2012. The results of this consultation with any revised proposals will then be taken to the Licensing Committee meeting on 8th October 2012. This will allow time for any new proposals to be implemented for the 2013/14-application process.

6. Implications

Financial Implications

6.1 This review aims to support and safeguard the sustainability of street trading in Cambridge city centre and to ensure that Street Trading procedures are appropriate and fair and in line with best practice nationally.

Staffing implications

6.2 There is resource within the City Centre Management team to undertake the recommendations set out in this policy.

Equal opportunities implications

6.3 In undertaking this review we aim to ensure that our street trading procedures are executed in a fair and equitable manner.

6.4 A full Equalities Impact Assessment will be undertaken ahead of the final report coming to committee on 8th October.

Environmental Implications

6.5 In undertaking this review and bringing forward any final proposals it will be important to be mindful of the City Council's commitment to reducing the city's carbon footprint.

Consultation

6.6 The consultation process in determining this policy is set out in section 2 of the policy. The consultation period will run from 23rd July through to 10th September.

Community Safety

6.7 In undertaking this review and determining this policy it will be important that any proposals take account of any community safety implications.

7. Background papers

Review of best practise in other historic locations.

8. Appendices

Appendix A -Cambridge City Council – Street Trading Policy 2012.
Appendix 1 - Map illustrating approved street trading pitches
Appendix 2 - Miscellaneous Provisions Act 1984
Appendix 3 - General Conditions for Annual Street Trading Consents
Appendix 4 - Street Trading Consent Application Form
Appendix 5 - Street Trader Review Form

9. Inspection of papers

To inspect the background papers or if you have a query on the report please

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