



To: Licensing Committee  
Report by: Emma Thornton- Head of Tourism and City Centre Management  
Relevant committee: LICENSING COMMITTEE  
30<sup>TH</sup> JANUARY  
Wards affected: Market ,Castle and Newnham

Update on Street Trading

## 1. Executive summary

1.1 This report sets out how Street Trading is currently managed by the City Council and the mechanism through which street trading pitches are renewed annually. It highlights the need to review these current procedures given that they have not been reviewed for some considerable time.

1.2 It recommends a review of our current procedures and application assessment criteria and sets out a timetable to achieve this. It will be important for this review to take into account any implications for street trading from the European Services Directive.

1.3 In recognition that it is not possible for a review to be undertaken in time for next year's application process, it also sets out how applications for 2012/13, pending this review, will be managed.

## 2. Recommendations

The Licensing Committee is recommended

1. To agree to the proposed review of the way in which Street Trading applications are determined and to agree the timetable set out in paragraph 3.6 of this report
2. To approve the proposal for management of the application process for 2012/13 set out in paragraph 3.7 of this report

## 3. Background

3.1- Street Trading supports the ongoing vitality and viability of Cambridge City Centre and provides a relatively low cost way for small businesses to trade. In assessing applications to trade on the street care is always taken

to ensure that the proposed trade compliments rather than competes with the existing adjacent retail offer.

### **3.2 Legal context**

3.2.1 - Control of street trading is a regulatory function. The Council has adopted the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and regulates street trading under those provisions. A copy of this is included as **Appendix 1**.

3.2.2 - The Council has designated certain streets within Cambridge as Consent Streets (the majority of these are highlighted in pink on the map which is included at the end of this report. Please note that Regent St, Silver St and Trumpington St are also consent streets. Pitch number 18 is on a small piece of highway land adjacent to Queens Green). This means that street traders must have a formal "consent" from the Council in order to trade on those streets. Currently there are 27 approved street trading pitches within the consent zone. Three of these pitches are currently non-operational due to congestion in these areas. The pitches range from 6 –12 months and from 3-7 days per week. There are currently 3 categories of trade: hot food, cold food and retail. Many of these pitches have been renewed annually and have been in the same hands for some time. In some cases for over 20 years.

3.2.3 - Street trading consents are awarded annually for a period of 12 months running from 1<sup>st</sup> April through to 31<sup>st</sup> March. Applications for street trading consents or renewals of consents must be made in writing to the Council. The Council can attach such conditions to the consents as it considers to be reasonable and may at any time vary the conditions of a street trading consent.

3.2.4- It is a criminal offence to engage in street trading in a consent street without authorisation.

3.2.5 -The Council may include in a street trading consent permission for its holder to trade in a consent street from a stationary van, cart, barrow, or other vehicle or from a portable stall, and may make the consent subject to conditions as to where the holder of the consent may trade, and as to the times between which or the periods for which he/she may trade.

3.2.6 - The provisions for the designation of streets as consent streets and the issue of street trading consents, provide a local authority with a flexible system with which to control itinerant and infrequent street trading.

3.2.7 - There is no right of appeal against refusal to grant or to renew street trading consents. However, decisions must be reasonable and in

accordance with relevant law and policy and they and can be challenged by Judicial Review proceedings in the High Court.

3.2.8 - The Council is permitted to charge such fees, as it considers reasonable for street trading consents. The power to set fees does not permit the Council to raise revenue generally. Currently the annual fees vary from pitch to pitch and range from £1300 up to £3000 pa.

3.2.9 - Under the Council's Constitution, the Licensing Committee exercises the powers in relation to street trading set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act.

3.2.10 – The 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 also applied for consent for the same pitch.

3.2.11 - Where the exceptions to the delegation apply a Licensing Sub-Committee will be called upon to make a decision. To date this has happened infrequently.

3.2.12 - Where the licensing Sub Committee have been called upon in this way applications have been determined by assessing them against the criteria as set out in **Appendix 2** – “Street Trading in Cambridge – Application Procedure.”

### **3.3 - Why is it important to undertake this review?**

3.3.1 - 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 is important that we undertake a review of our current procedures to ensure that they are fair and appropriate and in line with best practice across the UK.

3.3.2 - In addition concern has recently 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 is difficult for new businesses to enter the market.

### **3.4 - The key objectives of this review are as follows:**

3.4.1- This review links in with the following City Council vision statements as follows:

*3.4.2 - A city, which draws inspiration from its iconic historic centre and achieves a sense of place in all of its parts with generous urban spaces and well designed buildings*

3.4.3 - This review will involve research into street trading policies and procedures in other historic cities similar to Cambridge where available street trading pitches are also limited. It will seek 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. It will also seek to review the number and location of the current pitches and through consultation with the County highways team, identify the potential for additional pitches should the review consider that this is required.

### **3.5- European Services Directive**

3.5.1- This review will seek to ensure that our street trading procedures are compliant with the European Services Directive and will update the Committee on the changes that the Government are proposing to street trading legislation as a result of this Directive.

### **3.6 - Timetable of review**

3.6.1- The aim will be to undertake the review between Feb and April 2012 and then to bring a report back to the Licensing Committee on 11<sup>th</sup> June 2012, which will present the findings of this review and recommend some proposals for a way forward. The report will present for members' approval a draft Street Trading Licensing Policy.

3.6.2- Subject to the Licensing Committee's approval of these proposals and the draft Policy, a period of detailed consultation will then be undertaken from July 2012 through to September. The results of this consultation with any revised proposals will then be taken to the Licensing Committee meeting on 8<sup>th</sup> October 2012. This will allow ample time for any new proposals to be implemented for the 2013/14-application process.

### **3.7 - 2012/13-application process**

3.7.1- In recognition that it is not possible for a review to be undertaken in time for next year's application process, our existing procedures will be maintained for the 2012/13 application process.

3.7.2- In order to assist members of the Sub Licensing Committee in determining applications for the next financial year (where they are required to do so), some training sessions will be organised in February.

## **4. Implications**

### **4.1 Financial Implications**

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.

### **4.2 Staffing implications**

There will be a commitment of staff time required to undertake this review. However this review has already been identified in our City Centre Management 2011/12 Operational Plan.

### **4.3 Equal opportunities implications**

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

A full Equalities Impact Assessment will be undertaken as part of this review process.

### **4.4 Environmental Implications**

In undertaking this review and bringing forward any proposals it will be important to be mindful of the City Council's commitment to reducing the city's carbon footprint . It will also be important to ensure that any proposals continue to promote and encourage a high quality street trading offer.

### **4.5 Consultation**

Any recommendations to come out of this review will be subject to a period of 12 weeks consultation.

### **4.6 Community Safety**

In undertaking this review and bringing forward any proposals it will be important that any proposals take account of any community safety implications.

## **5. Background papers**

None

## **6. Appendices**

Appendix 1 - Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

Appendix 2 -Street Trading in Cambridge – Application Procedure

## **7. Inspection of papers**

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

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