

LICENSING AND REGULATION COMMITTEE

17 March 2016

STREET TRADING CONSENTS – ADMINISTRATION OF APPLICATIONS

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

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RECENT REFERENCES:

[LR358](#) – Street Trading - Designation of Streets – 28 March 2011

[LR356](#) – Street Trading - 16 February 2011

[CAB2100](#) – Management of Winchester Market – 9 February 2011

EXECUTIVE SUMMARY:

At its meeting on 28 March 2011 the Licensing and Regulation Committee resolved to designate a list of streets within the Council district as Consent streets under paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Members also resolved that the Head of Estates and the Head of Legal Services be authorised to determine applications for street trading consents under paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

This report seeks to clarify who will process applications for street trading consents on certain Consent streets.

RECOMMENDATIONS:

- 1 That Members authorise the Head of Estates to process applications for street trading consents for Consent streets where the Winchester Market is held.

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DETAIL:

1 Introduction

1.1 At its meeting of 28 March 2011, the Licensing and Regulation Committee resolved;

- a) That the streets set out in Appendix 1 to the Report be designated as consent streets under Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 May 2011, subject to the inclusion of St Clements Street and St Thomas Street.
- b) That the Head of Estates be authorised to determine applications for street trading consents under paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of stalls and pitches forming part of the Winchester Market (including any speciality markets operated by the Council) within a consent street.
- c) That the Head of Legal Services, in consultation with the Head of Estates, be authorised to determine the application process, set fees and determine the conditions to be attached to street trading consents.
- d) That the Head of Legal Services be authorised to determine applications for street trading consents under paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of any consent street in the District.

1.2 This report seeks to clarify who will process applications for street trading consents on certain Consent streets.

2 Detail

2.1 The Winchester Market has been defined by CAB2100 as being;

- a) A weekly market on Wednesdays, Thursdays, Fridays and Saturdays in Middle Brook Street (the current location);
- b) The extension of this weekly market, on the same days, into the High Street between Middle Brook Street and Upper Brook Street (from Laura Ashley to Marks and Spencer);

- c) Operate specialist Sunday markets in these same areas of Middle Brook Street and High Street (as above) and/or in High Street between Middle Brook Street and Cross Keys Passage.
- 2.2 Historically, street trading has been limited to those traders who had been operating prior to the Hampshire Act 1983 (two flower sellers, the Hampshire Chronicle and the Big Issue in Winchester, and a food trader in Alresford) and then the Local Government (Miscellaneous Provisions) Act 1982 being adopted. In addition, licences have been granted for events such as the Hat Fair and other temporary events. Applications for street trading from other individuals have not been permitted.
- 2.3 Where an enquiry has been made for a street trading consent on the High Street this has been confusing for the applicant who is aware of market traders trading on consent streets but is unable to obtain a street trading consent.
- 2.4 There has also been a recent case where a market trader wished to trade on a consent street on a 'non-market day' who would also likely be refused a street trading consent by Licensing but Estates were satisfied that the trader could operate on 'non-market days' without any problem.
- 2.5 Following a meeting between the Head of Legal and Democratic Services, the Head of Estates, the Head of Environmental Health & Licensing and the Licensing Manager, officers agreed that the most practical way to administer street trading consents would be as follows;
- a) The Estates Team would manage Street Trading Consents applications from any trader who operates under the market licence but wants to trade on non-market days on the following consent streets; High Street, The Square, Market Street and Middle Brook Street.
 - b) The Estates Team would manage all applications from individuals who would like to trade on any of the streets used by the market, when they would need to hire a market stall or their street trading application would be refused.
 - c) Any queries in relation to a Consent Street used by the market would be dealt with by Estates.
 - d) Licensing would continue to issue consents for the larger events trading on consent streets and dealing with queries outside of the Consent Streets used by the market.
- 2.6 The agreement set out at 2.4 would be a more suitable process for the applicant and the Estates and Licensing sections who administer the applications.

OTHER CONSIDERATIONS:

3 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 3.1 This report covers issues which affect the Council's priority Outcomes; High Quality Environment, Active Communities, Prosperous Economy and Effective and Efficient Council.

4 RESOURCE IMPLICATIONS:

- 4.1 There would be no additional resource implications as this would be covered by existing officers in the Estate section as part of the market administration.

5 RISK MANAGEMENT ISSUES

- 5.1 None

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Extract from Minutes of Licensing and Regulation Committee held 28 March 2011

Appendix 1

Extract from minutes of Licensing and Regulation Committee held 28 March 2011

1. STREET TRADING – DESIGNATION OF STREETS

(Report LR358 refers)

The Report gave details of the results of the consultation process following the decision of the previous meeting (16 February 2011) to adopt Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to control street trading and designate certain streets as consent streets.

The Head of Legal Services explained that two representations had been received during public consultation (as set out in the Report), but since its publication, these concerns had been resolved. Arrangements had been agreed with the existing flower sellers and the Head of Access and Infrastructure had confirmed that there was adequate parking for disabled drivers in the area.

Following debate, the Committee agreed the recommendations as set out, subject to the inclusion of St Clements Street and St Thomas Street as designated consent streets. These streets had been included in the consultation, but had not been included in Appendix 1 of the Report.

RESOLVED:

2 That the streets set out in Appendix 1 to the Report be designated as consent streets under Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 May 2011, subject to the inclusion of St Clements Street and St Thomas Street.

3 That the Head of Estates be authorised to determine applications for street trading consents under paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of stalls and pitches forming part of the Winchester Market (including any speciality markets operated by the Council) within a consent street.

4 That the Head of Legal Services, in consultation with the Head of Estates, be authorised to determine the application process, set fees and determine the conditions to be attached to street trading consents.

5 That the Head of Legal Services be authorised to determine applications for street trading consents under paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of any consent street in the District.