



Name of Licensing Committee

Item
9

26th November 2015

Report of

Lucie Breadman

Author

Cassandra Clements
TEL 282918

Title

Street Trading Policy

Wards
affected

Castle

The Street Trading Review and Subsequent Policy and Regulations

1. Decision(s) Required

- 1.1 To agree the new Street Trading Policy and Regulations.

2. Reasons for Decision(s)

- 2.1 Following a review of Street Trading in Colchester a key recommendation agreed was for a new policy and operating guidance be produced. Using best practice from other Councils, feedback from a review and our existing operational guidance the Licencing Committee are now asked to ratify the new policy and guidance that has been developed.

3. Alternative Options

- 3.1 The alternative option would be to continue without the new policy and guidance agreed and in place. However, this is not the Officer recommendation as the new guidance provides clarity, is based on good practice and provides additional safeguards for both Street Traders and the Council.

4. Supporting Information

- 4.1 Street Traders are allocated with a pitch only and not a canopy or fitments (as with Charter Market Traders). Some of these pitches are used by small mobile vehicles or trailers. The Council do not offer any services such as stalls, electricity or waste management. The price differential between Market and Street Trading Pitches reflect the different services provided.
- 4.2 An informal decision was taken in March 2015 to cease street trading on Charter Market days (Fridays and Saturdays). The decision was taken based on the original Charter document that states that The Council can prevent other trading on market days.
- 4.3 Notice was given to Street Traders of either one month or three months depending on their contract status. They were encouraged to trade on the Charter Market on Fridays and Saturdays when street trading would not be available.
- 4.4 A formal complaint was made to Colchester Borough Council and a petition with over 10,000 signatures handed into the Town Hall by Will Quince MP who at the time was a Prettygate member. The complaint centred on the issue of trading days being decreased

and the lack of duty of care given to traders. Particularly around the fact that no consultation had taken place and the short notice periods.

4.5 The Portfolio Holder at that time agreed that the Council would not proceed with the changes to Street Trading but agreement to withdraw the petition was only met with the commitment to hold a review of Street Trading, including a consultation. This was agreed and the petition and complaint were withdrawn

4.6 Lucie Breadman, Cassandra Clements and Emma Powell the market manager, met with Street Traders to discuss the review.

Key outputs from the review were agreed as:

- Creation of a new Street Trading Policy and guidance
- A consultation to capture views

5.0 Street trading review Findings

5.1 Quarterbridge were asked to conduct a review and produce a report with recommendations. The full report can be found on the Councils Website. The Executive Summary from the Consultation stated the following:

- Street Trading adds to the varied retail mix within Colchester in the same way that the Charter Market does. It offers a low cost and low risk approach to operating a retail business within the town centre. From the engagement exercises we have undertaken it is clear that the shoppers appreciate and use the Street Traders. The retailers within the surrounding areas appreciate the added attraction that the Street Traders bring to the areas. From our work, the key issue that needs resolving is a lack of ability to enforce Street Trading regulations, primarily with space of stalls and using more space than they are licensed for.

5.2 The main observations were reported as:

- Very difficult to enforce pitch sizes as no clear ground markings and each trader uses a different style stall
- We believe the pedestrian access issues at the end of Pelham's Lane may be due to the traders and CBC being unsure of exact pitch size and location
- Traders are placing A-boards and product displays outside of their pitches including against or in front of retail premises
- Shoppers within Colchester appreciate the Street Traders and believe that Colchester should have Street Traders even if they do not use them to shop from regularly
- Retailers within the area enjoy the variety and footfall the Street Traders bring to the area
- Waste generated and stored on the pavements at the end of Pelham's Lane is a situation that is unacceptable and CBC should work with the Trader to improve the situation
- Generators (even 'silent' models) are noisy and smelly and the area would be improved if traders did not need to use them i.e. if in the future electricity could be supplied to them

5.3 A key recommendations from the consultation included the creation and enforcement of a modern Street Trading Policy along the lines of the Cambridge Policy introduced in 2012.

6. Proposals

6.1 Implementation of a Colchester Street Trading Policy 2015 - 2020.

See Appendix 1 draft policy to be agreed through Licencing Committee. This has been compiled based on best practice, legal guidance and the consultation results. It further addresses Street Trader issues brought up in the original complaints.

6.2 It is further proposed that this policy is reviewed every 5 years.

7. Strategic Plan References

- 7.1 Vibrant - Enhance the diverse retail and leisure mix supporting independent businesses valued by residents and visitors
- Thriving - Promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination
- Welcoming - Create a business friendly environment, encouraging business start-ups, support to small and medium sized enterprise and offer development in the right locations

8. Consultation

8.1 While there is no legal duty for the Council to consult on its Street Trading function, for transparency and good practice it has done so. Consultees for this review were:

- Essex Police – Face to Face
- Essex Fire & Rescue Service - Face to Face
- East of England Ambulance Service - Face to Face
- Colchester Borough Council Waste Services - Face to Face
- Street Traders - Face to Face and Letter
- 137 Local Businesses – Letter / Phone Calls
- Consumers of the Street Traders and on the High Street - Face to Face

8.2 In addition to wide engagement and consultation in the review itself the Council has also shared the draft Policy and Guidance with existing Street Traders. On the whole feedback has been positive and some amendments (although not all) were agreed during the final stages and as a result of this consultation.

9. Publicity Considerations

9.1 There is significant interest in this issue both politically and publically and so any publicity should be sensitive to this.

10. Financial Implications

10.1 Financial implications are minimal. The proposal does not see the reduction of Street Trading pitches and so should not anticipate a fall in revenue. Some cost is associated with implementing the new policy, but it is agreed that any costs will be found in current budgets.

11. Equality, Diversity and Human Rights implications

11.1 The Street Trading EQIA can be found here:

<http://www.colchester.gov.uk/article/12744/Community-Services>

12. Community Safety Implications

- 12.1 Emergency Services were consulted as part of forming this new policy. The Council is therefore confident that all risks have been considered and mitigated.

13. Health and Safety Implications

- 13.1 Some of the review's recommendations included potential Health & Safety issues. The Council is confident that all risks have been considered and mitigated in the recommended policy

14. Risk Management Implications

- 14.1 The risk of not agreeing the new policy may result in the original complaint and petition being re-instated by the complainants. It is therefore recommended by Officers that the Policy be agreed.

15. Standard References

- 15.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

Background Papers

Appendix 1 – Street Trading Policy 2015 – 2020