



LICENSING COMMITTEE

Monday, 16 October 2023

Subject	Street trading in East Suffolk
Cabinet Member	Councillor Jan Candy Cabinet Member with responsibility for Community Health
Report Author(s)	Martin Clarke Licensing Manager and Housing Lead Lawyer Martin.clarke@eastsoffolk.gov.uk
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not Applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

Licensing Committee is asked to review the Council's Street Trading Policy within its district of East Suffolk.

Options:

1. Leave the existing street trading arrangements as they are, meaning that the current differences between the North and the South of the district would remain.
2. Approve a consultation to either bring the South of the district in line with the North, or the North of the district in line with the South.
3. Approve a consultation to end the current street trading arrangements and propose a policy whereby the district just has selected prohibited streets where no street trading can take place at all.
4. The committee may wish the consultation to include both points 2 and 3.

Recommendation/s:

That a consultation to end the current street trading arrangements and propose a policy whereby the district just has selected prohibited streets where no street trading can take place at all be approved.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Licensing Street Trading Policy

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

Income from street trading licences and consents has continued to fall over recent years. If the issue of licences and consents were to cease this would have little impact on Licensing income.

Human Resources:

No impact
ICT: No impact
Legal: The Council has adopted a Street Trading Policy in accordance with Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to control street trading. Any changes to the Policy would need to go through a statutory consultation process and would then need to be approved by the Licensing Committee.
Risk: Not having a street trading policy in the South of the district (the former Suffolk Coastal District Council) has not caused any significant issues. Only recently has there been a complaint about a particular vendor that has not been resolved. If the current street trading arrangements ceased in the North of the district it is anticipated that the risk of a free for all would be minimal, particularly if a 'prohibited streets' policy was introduced.

External Consultees:	<p>The Council is required by statute to consult:</p> <ol style="list-style-type: none"> 1. Suffolk County Council 2. Suffolk Constabulary <p>And place a public notice in a local newspaper circulating in their area.</p> <p>The Licensing Team would also wish to consult:</p> <ol style="list-style-type: none"> 1. All Town Councils within the District 2. All District Councillors 3. The general public via our website.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>

P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<p>How does this proposal support the priorities selected?</p> <p>Licensing plays an important role in the themes in the Council’s Strategic Plan of growing our economy and enabling our communities. The Street Trading Policy is an important part of regulating trading in our community.</p>			

Background and Justification for Recommendation

1	Background facts
1.1	There is currently a Street Trading Policy in the North of the East Suffolk district but not one in the South. This is a legacy of the East Suffolk Council area, prior to the creation of East Suffolk Council on 1 April 2019, being split between Waveney District Council in the North and Suffolk Coastal District Council in the South. The former Suffolk Coastal District Council did not adopt the street trading legislation.
1.2	The Council has adopted a Street Trading Policy (“the Policy”) in accordance with Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) to control street trading.
1.3	All Streets in the former Waveney District that are not listed in the Policy as “Prohibited Streets” or “Licence Streets” are designated as “Consent Streets”. For the purposes of this designation, “Streets” includes any road footway, promenade, pavement, public car parks and all other areas adjacent to the said streets for a distance of twenty metres to which the public have access. This means that, under the terms of the 1982 Act, street trading is prohibited without a Licence or Consent issued by the Council.

	The Street Trading Policy is attached as Appendix A.
1.4	<p>The lack of a street trading policy or any regulation in the South of the district (including prior to the formation of East Suffolk Council) has not caused any significant issues. There have been very few complaints about traders over many years and with one exception all have been resolved satisfactorily.</p> <p>Street vendors are not permitted to cause an obstruction on the highway and this is enforced by Suffolk County Council</p>
1.5	<p>Street Trading in the North has been administered under the terms of the current Policy.</p> <p>There are currently only 2 street trading licences and 12 consents in place. 6 of the 12 consents are for ice cream vans which are permitted to use all consent streets and are not restricted to one particular street.</p> <p><u>Licences</u> WSTL0006 – Seadish – Fish stall – New Market, Beccles WSTL0008 – Sizzlers – Hot dogs etc stall – London Road North (opposite Barclays Bank), Lowestoft</p> <p><u>Consents</u> WSTC0002 – Farmhouse Kitchen – Hot and cold food and drink stall – Hadenham Road, Lowestoft Industrial Estate, Lowestoft WSTC0006 – Parravani’s – ice cream van – all consent streets within district WSTC0007 – Parravani’s – ice cream van – all consent streets within district WSTC0009 – Lamarti’s (1) – ice cream van – all consent streets within district WSTC0025 – Lamarti’s (2) – ice cream van – all consent streets within district WSTC0027 – Jim’s South Norfolk Ices – ice cream van – all consent streets within Lowestoft, Beccles, Bungay & Halesworth WSTC0019 – Pitstop – Hot food and drink – located in car park at Wickes, Peto Way, Lowestoft WSTC0011 – Rundles 5 A Day – fruit and veg – does a delivery service where additional items may be brought at the time of delivery and this can be within any consent street in the district. They are also located at Church Green, Lowestoft on a Friday morning for people to collect orders and make purchases. WSTC0012 – On A Roll – hot and cold food and drink – Hamilton Road, Lowestoft WSTC0028 – Lamarti’s (3) – ice cream van – located at Links Road Car Park, Lowestoft WSTC0023 – B J Beevor Ltd – fruit and veg stall (Strawberry) – located at Snab Hill, Kessingland WSTC0029 – Chloe’s Delights – homemade cakes – housing estates in Lowestoft and the local area</p>
1.6	<p>Income from street trading:</p> <p>2019/20 - £12,054 2020/21 - £7,196 2021/22 - £11,554 2022/23 - £11,985</p>

2 Current position

2.1	<p>There is no single policy for street trading that covers the whole of East Suffolk.</p> <p>Whilst this has worked well with no significant issues, there has recently been complaints about a particular vendor in the South of the district which has caused concern over the last 3 summers.</p>
2.2	<p>The matter has not been resolved and the vendor continues to trade near to residential properties.</p>
2.3	<p>The Licensing Team has no regulatory powers to remove the trader from the site.</p>
2.4	<p>Income for the year 2023/24 to date is £2,085.00</p>
2.5	<p>Current licence and consent annual fees: Licence/consent application £425.00 Daily rate for licence £28.00</p> <p>If the trader wishes to use Council owned land, they will have to seek permission from the Asset Management Team and a land licence annual fee would be charged. There is no table of fees for such licences and any application would have to be assessed. There has not been an application for a land licence for street trading for some years.</p>
2.6	<p>The Council issues Street Trading Licences for single 'community' events. These may include a Christmas lights switch on, a carnival, or a street fayre.</p> <p>These types of events are very often organised by the Town and Parish Councils and are usually in town centres or high footfall areas where there are prohibited streets. This part of the street trading regime would need to continue as a licence would be required to trade on any prohibited street.</p>
2.7	<p>There is currently no charge for a single event Street Trading Licence.</p>

3 How to address current situation

3.1	<p>The Licensing Committee is asked to approve a consultation regarding a future policy for street trading in the whole district of East Suffolk.</p>
3.2	<p>One option for the consultation is to leave the existing street trading arrangements as they are, meaning that the current differences between the North and the South of the district remain.</p>
3.3	<p>A further option is to bring the South of the district in line with the North – have a policy which states prohibited, licence and consent streets.</p> <p>Or bring the North of the district in line with the South – no policy and allow street trading to be unregulated by the Licensing Authority.</p>
3.4	<p>A third option is to have a policy whereby the district just has prohibited streets where no street trading can take place at all. This would mean that prohibited streets can be proposed by best placed consultees such as Town and Parish Councils and, if approved, there would be no street trading permitted on these</p>

	<p>streets. The remainder of the streets in the district would not be subject to regulation although the permission of the land-owner and/or Highways England will need to be obtained. In addition any business operating must operate in accordance with all relevant legislation for the protection of the consumer and the environment.</p> <p>The single event street trading regime would need to continue for which there is no charge. Applications have to be processed and enforcement action would need to be considered for any breach of licence conditions.</p> <p>The Committee may wish to consider whether a charge should be made for these applications.</p>
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4 Reason/s for recommendation	
4.1	The recommendation for a policy containing prohibited streets will allow street trading in certain streets without any licensing fees or restrictions.
4.2	'Prohibited' streets can be proposed and if approved, will restrict any trading from taking place in those streets.
4.3	Traders on any Council owned land would still need consent from the Council as landowner. The Asset Management Team have set charges for land use licences.
4.4	The income from street trading is minimal and given the Officer time that would be saved in not having to administer the scheme if removed, it is submitted that its removal will not have a significant impact on the Council.
4.5	<p>There have been very few complaints about street trading in the South of the district where no street trading policy has existed. The only current on-going complaint could be addressed by making the street in question a prohibited street.</p> <p>This could, of course, encourage the trader to move to a different street so the Town Council would have to consider which streets it would wish to make prohibited streets.</p> <p>There are very few street traders in the North of the district and no complaints have been received about current locations.</p>

Appendices

Appendices:	
Appendix A	Current Street Trading Policy

Background reference papers:	
	None