



LICENSING COMMITTEE

Monday, 15 January 2024

Subject	Street trading in East Suffolk
Report by	Councillor Jan Candy Cabinet Member with responsibility for Community Health
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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:

To report to the Licensing Committee the outcome of the recent consultation exercise on the proposals to reform the Council's Street Trading Policy, and to agree the next step.

Options:

Taking into account the responses to the consultation:

1. Agree to end the current street trading arrangements and have a policy whereby the district has selected prohibited streets where no street trading can take place at all, and to agree to the next stage of the process.
2. Not to agree to end the current street trading arrangements and have a policy whereby the district has selected prohibited streets where no street trading can take place at all, and not agree to the next stage of the process.

Recommendation/s:

1. That the Committee agrees to end the current street trading arrangements and have a policy whereby the district has selected prohibited streets where no street trading can take place at all.
2. That the Committee approves a second consultation with town and parish councils and district councillors, along with the two statutory consultees; the police and Suffolk County Council Highways, to obtain suggestions for streets which should become prohibited streets.

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. Based on our experience in the South of the district, 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:

All town and parish councils, all district Councillors, Suffolk Constabulary and Suffolk County Council were consulted. All current holders of a Street Trading Licence or Consent were also consulted. The consultation was also available to members of the public via the Council's website.

Five written responses were received during the consultation period, these are attached as **Appendix A**.

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"/>
How does this proposal support the priorities selected?			
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.			

Background and Justification for Recommendation

1	Background facts		
1.1	On 16 October 2023, the Licensing Committee resolved to consult town and parish councils, members of the public and relevant organisations on the proposed changes to the Council's Street Trading Policy.		
1.2	The consultation exercise ran between 3 November 2023 and 1 December 2023. 5 consultation responses were received during that time. Current holders of a Street Trading Licence or Consent were also consulted.		

1.3	The current Street Trading Policy is attached as Appendix B .
1.4	Street Trading in the North has been administered under the terms of the current Policy.

2 Current position

2.1	<p>There is no single policy for street trading that covers the whole of East Suffolk.</p> <p>The process of reviewing the current street trading policy was considered and approved at the meeting of the Licensing Committee in October 2023.</p>
2.2	<p>Consultation resulted in 5 responses being received and these are attached at Appendix A.</p>
2.3	<p>Licensing Services response to consultation responses where necessary:</p> <p>Councillor Sarah Whitelock - As the ward Councillor for Aldeburgh and Leiston I would like to contribute to the consultation on street trading. I was a committee member for Aldeburgh Business Association for several years so am aware of the issues relating to this issue. All the locally owned retail units and hospitality units throughout Aldeburgh vehemently opposed street trading because, rightly, they considered that their own business lost sales to temporary units that did not pay business rates or have ongoing staff costs. I am happy to seek the input of some of the business owners for this consultation if it is open to them? The consultation is open to anyone, it is currently on our website. This consultation is about having a policy which will see prohibited streets, not a ban on street trading all together. The next consultation , depending on the results of this one, will be for Town and Parish Councils to identify which streets, if any, they would like to see prohibited. It is anticipated that town and villages will not have a blanket ban on street trading but will identify the streets that would be most adversely affected by permitting street trading. Your comments below will be noted as part of the current consultation.</p> <p>Mr Matthew Wylds – (as submitted by Mr Wylds) I have been trading on Sheepgate , Beccles for over 14 years now and am very concerned this may be taken away from me if you make this a prohibited street. I have built my business up over the years and have lots of Loyal local customers, lots who come into town especially to see me which then obviously brings more footfall into town. I did explain last year that moving my business elsewhere would have a massive negative effect on my business as people would not know where to find me. There has been a definite decrease in footfall the last 4/5 years with the banks closing so things are harder now anyway and if I have to move from the middle of town I feel that it would finish my business. We obviously have the market on a Friday in Beccles as well which brings people to town so it would be a shame if that had to finish. I really hope u consider this when deciding if you add anymore prohibited streets in Beccles. I absolutely love working in Beccles and my customers love me being there . I do not cause any issues where I am situated and am not in anybody’s way. I am very clean and tidy and don’t leave any mess behind at all.</p>

Thank you for your response to the consultation.

Your comments will be reported back to the next meeting of the Licensing Committee in January 2024.

Ms Melanie Harris –

So as we understand the consultation – no street trading permits will be needed at all to trade on non prohibited streets in East Suffolk ?

Which will offer an annual saving to us but what will happen if there are 3 ice cream vans in one street at a time? – I appreciate laws of probability it's unlikely but there is a possibility it could happen...I imagine it's first come first served but there could possibly be disagreements during peak season and outside schools etc.

We also feel this could open doors to so called rogue traders who may not be food hygiene registered with the local council, will there be an obligation for businesses to register with East Suffolk even though no street trading fee will be due? Where will the line be drawn, will we see burger/takeaway vans driving onto residential streets and trading if this consultation is passed?

I note the section of letter which says "the council is therefore now consulting on the proposal to introduce a policy whereby the district just has selected prohibited streets where no street trading can take place at all. The remainder of the streets in the district would not be subject to regulation although the permission of the landowner and/or Highways England will need to be obtained" We accept there are prohibited streets and if we trade on private property/pre arranged events land owner will give permission for us to be there – can you advise in what scenario permission would be needed from Highways England?

At this stage any new regime is merely a proposal and any responses to the consultation will be reported back to the Licensing Committee at its January 2024 meeting.

I would agree with you that it is unlikely that 3 ice cream vans would want to trade in the same street at any one time. I would imagine that if you entered a street and could already see an ice cream van trading in that street you would go to an alternative street. There have not been any issues of this nature under the current regime in the North of the district, and there have also not been any issues in the South of the district where there is no street trading regime at all. The current regime in the North does actually allow for more than one ice cream van to trade in a street. You will know that ice cream vans are permitted to trade in any consent street, and you are not given specific streets. So the situation you have mentioned could actually arise now.

Any trader who is selling food should be registered with our Environmental Health Food and Safety Team. This will not change. Again, this does not cause any issues currently in the South of the district.

Permission should be sought from the Highways authority when a trader wishes to park on a public highway. There are various offences which include causing an obstruction or nuisance on a highway and parking a vehicle or trailer on a highway in such a position to cause a danger of injury. Currently Suffolk County Council Highways Team are a consultee for any street trading application and would comment if they thought the proposed street was unacceptable. Highways

	England would usually have to be contacted if a trader wished to use a main A road, such as a layby on the A12.
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3 How to address current situation

3.1	A copy of the consultation responses is attached at Appendix A . Addresses, contact details and consultees' signatures have been redacted from the responses pursuant to Data Protection Act 2018/GDPR requirements.
3.2	2 consultation responses welcomed the proposal, one appears to oppose street trading completely, one indicated concern that the street he currently trades in may become a prohibited street, and one questioned the amount of ice cream vans that would be allowed in a non-prohibited street.
3.3	The committee is asked to consider the consultation responses.

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 it's removal will not have a significant impact on the Council.
4.5	There have been very few complaints about street trading in the South of the district where no street trading policy has existed. There are very few street traders in the North of the district and no complaints have been received about current locations.
4.6	To progress the reform of the Street Trading Policy, the Council will need to receive suggestions for those streets which should become prohibited streets.

Appendices

Appendices:	
Appendix A	Responses to consultation
Appendix B	Current Street Trading Policy

Background reference papers:	
None	