



LICENSING COMMITTEE

Monday, 11 April 2022

Subject	STREET TRADING AT LOWESTOFT SEAFRONT
Report by	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Licensing Manager and Housing Lead Lawyer Martin.clarke@eastsoffolk.gov.uk 07442 412422

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:	Kirkley & Pakefield

Purpose and high-level overview

Purpose of Report:

Licensing Committee is asked to review the Council's Street Trading Policy at Lowestoft Sea Front in order to support the Council's project for the redevelopment of the East Point Pavilion.

Consultation Documents are listed as Appendix A and B

Options:

Taking into account the response to the consultation:

1. Do nothing and retain the status quo
2. Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the East Point Pavilion Project Area be undesignated from the Street Trading Policy.

Recommendation/s:

That Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the East Point Pavilion Project Area be undesignated from the Street Trading Policy.

Corporate Impact Assessment

Governance:

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

Cabinet has approved investment in the East Point Pavilion, however licensing policy including the Street Trading Policy is a function of the Licensing Committee and the Council's licensing policy is not within the remit of the Cabinet.

ESC policies and strategies that directly apply to the proposal:

Licensing Street Trading Policy

Asset Management Strategic Plan

Lowestoft town Investment Plan

Lowestoft Cultural Strategy

East Suffolk Economic Growth Plan

Environmental:

If the East Point Pavilion project is successful there will be a positive impact on the immediate area. The amended Street Trading Policy will facilitate this. The area surrounding the Pavilion has been allocated a portion of the Town's Fund monies, concept designs are due to go Cabinet shortly.

Equalities and Diversity:

No impact

Financial:

The Council has committed investment of in excess £1,000,000 into the redevelopment of the East Point Pavilion. If the recommendation is not approved, then the Council's Street Trading Policy will be a risk factor to the Pavilion Project. This may risk a loss of income that would be generated by full use of the Pavilion. Neither Licensing nor Asset Management currently receive any street trading income from Lowestoft Sea Front.

Human Resources:

If the recommendation is not approved but another of the proposed options is followed and the East Point Pavilion Project goes ahead then individual licences will need to be issued for each stall at each of the proposed 46 events, this will result in additional Human Resource requirements for the Licensing Team.

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:

The Council has Committed investment in excess of £1,000,000 into the East Point Pavilion project (£720,000 allocated by the Department of Levelling up Communities and Housing as part of the Towns Deal).

External Consultees:	<p>We are required by statute to consult</p> <ol style="list-style-type: none"> 1. Suffolk County Council 2. Suffolk Constabulary <p>We also consulted with:</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 and a public notice in the East Anglian Daily Times and the Lowestoft Journal.
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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> <p>The East Point Pavilion Project is an important project for the Lowestoft Sea Front Area and the proposal minimises the licensing risks to the Project.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	On the 14 th February 2022 the Licensing Committee resolved to commence the consultation process to undesignate from the Street Trading Policy (“the Policy”), Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park and the portion of Royal Green Car Park within 20 metres of the East Point Pavilion Project Area (“the Project Area”).
	The Consultation period ran between 18 th February 2022 and 18 th March 2022, 4 Consultation Responses were received during this period.

2 Current position	
2.1	Consultation resulted in 4 Responses, these responses are listed in Appendix C .
2.2	Suffolk County Council had no objections to make.
2.3	Suffolk Constabulary had no objections to make.
2.4	Lowestoft Town Council support the Revised Policy subject to individual street trading licenses still being obtained through the usual application process with Lowestoft Town Council being a consultee.
2.5	<p>Halesworth Town Council had a question namely the following:</p> <p>“Thank you for the consultation details, this is not the Council's official response as I need to establish first if our existing weekly Market Rights (applicable to the Market Place shown as a prohibited street) is unaffected and if so this needs to be detailed in the policy. Furthermore the Market Place is used occasionally at other times; such as the festive lights and antique fairs on days that are not market days for which the organisers would ordinarily apply for a road closure. So again this is something that needs to be clearly understood.”</p> <p>The Council’s Response was:</p> <p>“Nothing else in the policy is proposed to change apart from that mentioned:</p> <p>The change to the draft document is: Un-designation of an area of Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of Royal Green car park and the portion of Royal Green car park within 20 meters of the East point Pavilion.”</p>
2.6	Of the 4 consultation responses, 2 were supportive and 2 were neutral to the proposed amendment to the Policy, none of the responses were opposed to the proposed amendment.
2.7	Following publication of the advert in the local press and sending to consultees it has been discovered that there is an error in the proposed order. Although the second paragraph indicates that Marine Parade between Parade Road North and the first Junction with Royal Green Car Park would be undesignated and this was

	shown on the attached plan, the list of prohibited streets in Lowestoft included Marine Parade entire length, both sides. The draft order has been amended to reflect the plan and the preamble. We do not consider there is any prejudice to consultees as the plan and preamble made it clear what area would be undesignated. The amended proposed revised Policy is attached as Appendix D and the proposed public notice is attached as Appendix E .
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3 How to address current situation

3.1	The Committee is asked to consider the 4 consultation responses and consider whether it wishes to retain the status quo or proceed to undesignate Lowestoft Sea Front, between the Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the Project Area from the Street Trading Policy.
3.2	The first option is to do nothing and retain the status quo. The impact on this is that the proposed events at the Pavilion would be unlawful and will therefore not be able to happen.
3.3	The second option is for Lowestoft Sea Front, between the Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the Project Area be undesignated from the Policy. This will allow street trading in the area to take place without any licensing fees or restrictions. The traders would still need consent from the Council as landowner which would ensure that any undesirable traders are excluded from Lowestoft Sea Front, or any other land owned by the Council. Trading will remain prohibited from Royal Green Car Park. The Licensing Team would not lose any income as there are currently no street trading licences issued for Lowestoft Sea Front. This proposal would minimise licensing risks to the Pavilion Project.
3.4	If the Committee decides to follow the recommendation, the Council will need to publish notice of their decision to amend the Policy in a local newspaper for 2 consecutive weeks with the first publication at least 28 days before the decision comes into effect. Notice will also need to be given to the Chief Constable of Suffolk Police and Suffolk County Council as the highway authority as well as any other persons that the Council considers appropriate.

4 Reason/s for recommendation

4.1	The recommendation will allow street trading in the area to take place without any licensing fees or restrictions. The traders on Lowestoft Sea Front would still need consent from the Council as landowner which would ensure that any undesirable traders are excluded. The Licensing Team would not lose any income as there are currently no street trading licences issued for Lowestoft Sea Front. This proposal would minimise licensing risks to the Pavilion Project.
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Appendices

Appendices:

Appendix A	Notice of Revised Policy
Appendix B	Plan to Revised Policy
Appendix C	Consultee Responses
Appendix D	Amended Revised Policy
Appendix E	Public Notice

Background reference papers:	
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