



LICENSING COMMITTEE
Monday, 14 February 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.

Options:

1. Do nothing and retain the status quo
 2. Increase the number of licences available on Lowestoft Sea Front between East Point Pavilion and Claremont Pier.
 3. Lowestoft Sea Front is re-designated as a Consent Street between East Point Pavilion and Claremont Pier
 4. 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.
- Options 2, 3 and 4 will all require consultation before they can be implemented.

Recommendation/s:

It is recommended that the Council commence the consultation process to un-designate from the Street Trading 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.

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>There may be additional consultees as the Council considers necessary.</p>
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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"/>

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.

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.

Background and Justification for Recommendation

1	Background facts
1.1	East Point Pavilion (“the Pavilion”) is a building owned by East Suffolk Council (“the Council”). It was constructed in the early 90s but has in recent years fallen into disuse. It is located within the ward of Kirkley and Pakefield which includes deprived areas. The Council’s Cabinet approved in April 2020 a new Project to bring the

	Pavilion back into use, further funding was approved by Full Council in November 2021. The Pavilion Project Area ("the Project Area") is shown edged red on the plan attached to this report as Appendix A.
1.2	The regeneration of the Pavilion is a priority for the Council and significant funds have been sourced and committed to the Project.
1.3	The Pavilion will be leased to the First Light Festival ("First Light") and as part of their business case they have highlighted 46 events per year that will raise income by £39,000 but will also drive footfall and spend to Lowestoft seafront and town centre. The Project Area is located within the area covered by this report. These events form a key part of the Pavilion Project and there are KPI's in relation to these events. External advisors have been appointed to assist with the Project, these external advisors made a recommendation that an events driven food and beverage offer would be the most likely to succeed.
1.4	East Suffolk's tourism visitor economy is identified as a key sector within the East Suffolk Economic Growth Plan and plays a huge role in our economic wealth and stability of the district. The value of the tourism visitor economy in East Suffolk is estimated at £695m (2019 Volume and Value Study by Destination Research), and it supports approx. 11,000 FTE jobs (15% of employment) in East Suffolk. There is also an estimated visitor spend of £525m within the district in 2019. East Suffolk's estimated tourism visitor economy value is higher than any other district in Suffolk and plays a major role in attracting new and returning visitors to the county.
1.5	East Suffolk's coastal resorts are a huge draw to visitors and the development of the Pavilion and Project Area will support the seafront offer at Lowestoft.
1.6	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.
1.7	All Streets in the former Waveney District that are not listed in the Policy as "Prohibited Streets" or "Licence Streets" in the attached Appendix B 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.
1.8	The Policy was further changed in 2007 and approved in 2008 and three stalls are permitted on Lowestoft Sea Front between the Pavilion and Claremont Pier to operate each year. However, this is also subject to obtaining a Land Licence from the Council which is currently limited to the period Easter to October. Asset management have granted no licences since 2019 and the ones before were issued for the area to the South of Claremont pier.
1.9	The Pavilion is on Lowestoft Sea Front, as it is within 20 metres of a street it is covered by the Policy. Lowestoft Sea Front is a Licence Street with a maximum of 3 licences. Marine Parade and Royal Green Car Park are currently prohibited streets and part of the land proposed to be used for the Pavilion Project is within 20 metres of Marine Parade and Royal Green Car Park.
1.10	In order to trade on Lowestoft Sea Front the licence holders pay a yearly fee of £394 and a daily fee of £26 for every day traded. This licence only allows the trader to trade on the individual named street. The licence holder may need a Land Licence and/or further permissions from the Council. However, no licences have been granted in this location for the past 3 years and no licence income has been received either for the Licensing Team or the Asset Management Team.

1.11	A current street trader's consent costs a yearly fee of £394. However, this consent only permits a street trader to trade on a named consent street and this cannot be a Licence Street. The consent will specify the location. If the Consent Street is owned the by the Council, then they may need a Land Licence and/or further permissions from the Council.
1.12	It has been identified that the current Policy as described in this report is a factor which inhibits the delivery of events portion of the Pavilion Project which is an integral portion of the Project and without amendments the Project may not be viable. This report seeks to amend the Policy to enable events to go ahead.

2 Current position

2.1	The Sea Front between the Pavilion and Claremont Pier is designated as Licence Street. Therefore, a licence is required. Under the Policy only 3 licences can be issued, these are no Licenses currently issued. The Council currently receives no income for this area. Marine Parade and Royal Green Car Park are currently Prohibited Streets.
2.2	It is an offence under Paragraph 10(1) of Schedule 4 to the 1982 Act to engage in street trading on a Licence Street without being authorised to do so. The maximum penalty is a fine of £1,000.
2.3	Therefore, unless the Policy is further varied the proposed events at the Pavilion would be severely limited as the number of outside stalls would be restricted to 3 and each one would have to obtain a licence at a cost of £394 per stall plus a daily fee of £26 per day traded plus any Land Licence fee. Also, the licences cannot be transferred, and it would to be the same stall holders at every event. Any proposed stalls within 20 metres of Marine Parade and Royal Green Car Park would be prohibited.

3 How to address current situation

3.1	There are 4 options whilst the Council retains a Street Trading Policy in accordance with the 1982 Act and ensuring that any solution is limited to the specified area.
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 to increase the number of licences available on Lowestoft Sea Front. This will allow a limited increase in the number of Street traders allowed on Lowestoft Sea Front. Each licence holder will have to pay a yearly fee. Although technically this will allow greater flexibility regarding events at the Pavilion, in reality the events would be uneconomical as each stall holder would have to pay licence fees of £394 per year and £26 day traded. The Council will retain control over who is allowed to trade on Lowestoft Sea Front. However, this option is undesirable as the number of events planned and the nature of these events, where stall holders can decide at short notice whether or not they want to attend means that this option would not be viable for First Light. In addition, the fees would be prohibitive, and it would place a administrative and enforcement burden on the Licensing Team. Any proposed stalls within 20 metres of Marine Parade and Royal Green Car Park would remain prohibited which would include a large portion of the Project Area.
3.4	The third option is to designate Lowestoft Sea Front as a Consent Street, the impact on this is that anybody who obtains a street trader's consent for Lowestoft Sea Front

	<p>and whom has the land-owner's permission will be able to trade from Lowestoft Sea Front. Each holder of a street trader's consent will have to pay a yearly fee. This will allow the Pavilion's events to take place as there is no limit on numbers. Each stall holder will have to pay a yearly consent fee of £394 and any Land Licence fee. The Council still has control over the street as consents can have conditions and can be revoked if conditions are breached. This would bring the sea front in line with the area from Claremont Pier to the Jolly Sailors the upper and lower promenades of which are designated a Consent Street and there is no limit on the number of traders. However, this option is undesirable as the number of events planned and the nature of these events, where stall holders can decide at short notice whether or not they want to attend mean that this option would not be viable for First Light. In addition, the fees would be prohibitive, and it would place an administrative and enforcement burden on the Licensing Team. Any proposed stalls within 20 metres of Marine Parade and Royal Green Car Park would remain prohibited which would include a large portion of the Project Area.</p>
3.5	<p>The fourth 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 Street Trading Policy 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 by Virtue of the East Suffolk Council (Off Street Parking Places) Order 2020 attached as Appendix C. 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.</p>
3.6	<p>Any change to the status quo will need to go to consultation. The Council would need to publish their intentions to amend the Policy and the draft of the resolution in the local newspaper and state that representations may be made to the Council within 28 days of the Notice. 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 consultees that the Council considers appropriate. Any responses would need to be considered. If an order amending the Policy is made then this order will need to be advertised in the local newspaper on at least 2 occasions with the first advertisement going in at least 28 days prior to the resolution comes into force.</p>

4 Reason/s for recommendation

4.1	<p>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.</p>
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Appendices

Appendices:	
Appendix A	East Point Pavilion Project Area
Appendix B	Street Trading Policy
Appendix C	East Suffolk Council (Off Street Parking Places) Order 2020

Background reference papers:	
	None