

Consideration of Street Trading Policy.

To: Licensing Committee

Date: 8 September 2015

Main Portfolio Area: Sustainability

Author of report: Sharon Degiorgio, Senior Licensing Officer

Classification: Non-Exempt

Ward: All Wards

SUMMARY

This report reconsiders the Council's street trading policy.

On 24 July 2013 Full Council resolved to designate certain streets in Royal Tunbridge Wells as 'Consent' streets for the purposes of street trading.

On 25 September 2013 the draft street trading policy was approved by the Licensing Committee and Members resolved to review the operation of the policy and the fee structure after six months. Due to the slow demand in taking up street trading opportunities, it was agreed with the Chair of the Licensing Committee to delay this exercise until after the 2014 Christmas period to ascertain if interest was expressed at this time.

This review was undertaken at the March 2015 meeting of the Committee, but following a representation by a holder of a street trading consent at the July 2015 meeting, it was agreed that a further report would be presented to the Committee in this meeting.

LINK TO STRATEGIC COMPASS

Passionate about PEOPLE – Consistency of our approach in delivering the service. All parties involved are communicated and engaged with.

Passionate about CUSTOMERS – Customers will effectively know what to expect from the licensing process and a fair hearing is provided to all parties involved.

Passionate about VALUE – By being open and transparent in our approach to administering the licensing regime the public can see the efficiency of the service.

Passionate about COMMUNITY – Supporting smaller businesses and helping to develop a vibrant town.

Report status: For Decision

Route to Implementation/Timetable: Subject to the decision of this Committee the fees and Policy will be amended after the meeting

BACKGROUND/INTRODUCTION

1. On 24 July 2013, Full Council resolved to designate certain streets in Royal Tunbridge Wells as consent streets for the purposes of street trading under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, namely:
 - a) Calverley Road between its junctions with Mount Pleasant Road and Camden Road; and
 - b) Camden Road between its junctions with Quarry Road and Garden Road.
2. The reasons for amending the previous Tunbridge Wells street trading policy was to address the potential commercial need by ensuring that permitted street trading was properly regulated as to where, when and how it took place. Therefore, in allowing greater scope for local decision making, commercial activity could increase within Tunbridge Wells, as some individuals were attracted to shopping at markets. This could also increase the number of visitors to the Town Centre.
3. Initially a modest fee structure was agreed with a view to encourage interested parties to take up these business opportunities. At the outset, members set out guidelines as to the type and size of stalls they felt were appropriate. Despite this, the overall level of interest had been disappointing, with only two traders being granted a consent to operate:
 - Catherine Campbell, in Calverley Road precinct selling cherries with consent for a period of 43 days, however she did not take up the whole allocated dates due to selling all her stock.
 - Mrs Dawn Smith, trading as Mrs Florist, at 71-73 High Street, selling flowers, plants and all associated goods, with consent for a period of 93 days in 2014 and 102 days up to December 2015. These for various days of the week, predominately Friday and Saturdays.
4. In the case of the cherry seller, although the operator met the Council's criteria, complaints were still received from two local fruit farmers, who felt that by giving a 'Consent' on a high value single product (cherries) for a short period each year in a prime position (the Precinct), the stall holder was given a financial advantage, and was therefore unfair competition.
5. At the initial public consultation with local business and stake holders, this did not generate any particular preference to allow street trading; however, Members were keen to develop this opportunity for potential 'start up' businesses, though there would be a need to undertake a review of the initiative to establish its effectiveness.
6. At the time of the review in March 2015, Councillor Tompsett made a number of representations as a direct result of him receiving complaints from the local farmers in his Ward regarding the cherry sales stall. He made a number of suggestions to members for consideration:-
 - Stalls should be allocated in the first instance to applicants who live or have a business in our Borough. As local tax payers they are the ones funding this commercial "benefit".

- Stalls should then be offered to those who support the Farmers Market.
- Stalls should not be exclusively devoted to selling one or two high value products, competing directly with local shops that pay rent and rates 52 weeks of the year. In any event the £25 daily charge, which is less than the Farmers Market, seems so very low in these circumstances.
- Stalls should not be allowed to operate more than one day a week
- Public Liability insurance to be in the name of the applicant and covering the nature of the business, for example a street trader selling food.

None of the proposals raised by Councillor Tompsett suggested that street trading should cease.

7. The review did not envisage that street trading would cease. The report to the 10 March Committee requested Members to consider only the fee structure as part of the review process. However, due to the lack of interest from applicants to make use of the Calverley Road precinct Consents, the discussion suggested the possibility to cease future street trading activities.
8. In light of the representation made by Mrs Smith at the last Committee meeting, and to achieve clarity to the street trading policy, members are asked to reconsider the issue.
9. Depending on members' intentions regarding street trading, this will have a number of impacts which will vary on their view, which could also require Full Council approval to change the designation of streets. Officers will advise the Committee of the impact of any proposals presented at the meeting.
10. Input has been sought from Economic Development Team, who have expressed no specific views, as shown in Appendix B.
11. Comment has been received from a representative for the Camden Road Guild. Please refer to Appendix C.
12. At the time of writing this report, the Council has received 11 emails from a number of persons in support of Mrs Smith trading as Mrs Florist in the High Street. Please refer to Appendix D to observe these.

WHAT IS THE ISSUE THAT REQUIRES A DECISION AND WHAT DOES THIS MEAN FOR THE PEOPLE OF TUNBRIDGE WELLS?

13. Members are requested to reconsider the review of the street trading policy in light of the above information.

WHO HAVE WE CONSULTED AND HOW? (OR WHO WILL WE CONSULT FOLLOWING THE DECISION?)

14. No formal consultation has been carried out on the fees and detail of the street trading policy. The decision to designate streets for street trading has been subject to consultation that has previously been considered by the Committee.

HOW WILL THE DECISION BE COMMUNICATED?

15. The decision will be communicated at the meeting, and then it will be published on the Council's website.

WHAT ALTERNATIVE ACTION COULD WE TAKE?

16. No alternative course of action is available. Members need to review the street trading arrangements.

CONCLUSIONS

17. This item is to allow members to reconsider the street trading policy in light of the representation made at the July meeting, as well as the need to have a clear position statement.

RECOMMENDED -

- 1) That the Committee considers the position on street trading.

REASONS FOR RECOMMENDATIONS

To review and provide clarity with regard to street trading activity within designated 'Consent' streets within the Borough of Tunbridge Wells, and to determine the current street trading policy.

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Background Papers

Minutes of the Licensing Committee – 13 June 2012 (LC6/12)

Minutes of the Licensing Committee – 5 December 2012 (LC19/12)

Minutes of the Licensing Committee – 12 June 2013 (LC7/13)

Minutes of the Full Council – 24 July 2013 (FC18/13)

Minutes of the Licensing Committee – 25 September 2013 (LC15/13)

Minutes of the Licensing Committee – 10 March 2015 (LC37/14)

APPENDICES TO REPORT

APPENDIX A - Cross Cutting Issues

APPENDIX B – Response from the Economic Development Team

APPENDIX C – Response from a representative for the Camden Road Guild

APPENDIX D - Emails of support for Mrs Smith trading as Mrs Florist