

# Licensing Committee

5 March 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Street Trading Policy - Consultation

<b>Final Decision-Maker</b>	Licensing Committee
<b>Portfolio Holder(s)</b>	Dr Ronen Basu – Portfolio Holder for Sustainability
<b>Lead Director</b>	Paul Taylor – Director of Change and Communities
<b>Head of Service</b>	Head of Housing, Health and Environment
<b>Lead Officer/Author</b>	Gary Stevenson - Head of Housing, Health and Environment
<b>Classification</b>	Non-exempt
<b>Ward affected</b>	Park

### This report makes the following recommendation to the final decision-maker:

1. That the Committee authorises officers to undertake public consultation on the Street Trading Policy

### Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- To support a Prosperous borough

### Timetable

<b>Meeting</b>	<b>Date</b>
Licensing Committee	5 March 2019
Licensing Committee to consider consultation feedback	11 June 2019
Full Council (for adoption if appropriate)	17 July 2019

# Street Trading Policy - Consultation

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report proposes a consultation on a narrow element of the existing Street Trading policy that applies to the number of street trading pitches designated in Calverley Road precinct Tunbridge Wells and the nature of their use.
  - 1.2 The consultation would seek views on increasing the number of pitches from the current number of five to a number that would allow the newly established independent Farmers' Market to be accommodated in the precinct and potentially the area at the Millennium Clock.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 In 2012 the Council reviewed its Street Trading policy (Appendix A) and established Calverley Road precinct as a Consent Street for the purposes of controlling street trading. Following a broad consultation a Street Trading Policy was also adopted. With respect to the Calverley Road precinct, the policy established five designated pitches that are available for use by street traders.
  - 2.2 The Council's last farmers' market has been held in Civic Way. The last market took place on Saturday 26 January 2019 following a decision to close it in light of the public realm works on Mount Pleasant Road (outside the Town Hall), and the redevelopment of the Library, Museum & Art Gallery building.
  - 2.3 A group of traders from the market have established a new independent Farmers' Market that will start to trade on Saturday 9 March on every 2<sup>nd</sup> and 4<sup>th</sup> Saturday of the month. The market will be in the Market Square, Royal Victoria Place, however the traders, following discussions with officers and the Portfolio Holder for Economic Development and Communication, are keen to explore the potential of holding the market in Calverley Road precinct.
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## 3. AVAILABLE OPTIONS

- 3.1 The Licensing Committee can decide to 1) carry out a consultation and consider the views of those that respond or 2) not conduct a consultation and retain the existing policy as it is.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is to carry out consultation on the proposal to increase the number of designated street trading pitches in Calverley Road precinct and the Millennium Clock area to accommodate the recently established independent Farmers' Market.
- 4.2 Conducting the consultation will enable all of the issues associated with any change in policy to be identified and fully considered a future meeting of the Committee before decisions are made.
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#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The Licensing Committee previously reviewed the Street Trading Policy at its meeting in July and September 2015 and resolved to retain the policy.
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#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A consultation document will be produced to seek the views of the public, local businesses and other statutory stakeholders. Officers from the Economic Development Service will assist the Licensing Team with this process.
- 6.2 The findings of the consultation will be reported back to the next Licensing Committee for consideration.
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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Legal</b> including Human Rights Act	Although not a legal requirement, the Council has a published Policy for Street Trading, As such, any substantial amendment to the policy should be put out to consultation to avoid the possibility of legal challenge.	Robin Harris Senior Lawyer (Contentious) 25 February 2019
<b>Finance</b> and other resources	The proposal to consult on the existing Street Trading Policy does not have any financial implications	Gary Stevenson Head of Housing, Health and
<b>Staffing establishment</b>	The proposal to consult on the existing Street Trading Policy can be conducted within existing staff resources.	

<b>Risk Management</b>	The proposal to consult on the existing Street Trading Policy does not pose any operational risks.	Environment 25 February 2019
<b>Data Protection</b>	The proposal to consult on the existing Street Trading Policy is likely to result in the collection of personal information from those that respond. This information will be managed in accordance with existing consultation practices.	
<b>Environment and Sustainability</b>	The proposal to consult on the existing Street Trading Policy does not have any implications. The implications of any proposed changes to the policy following the consultation will be assessed and reported to the next Licensing Committee.	Gary Stevenson Head of Housing, Health and Environment 25 February 2019
<b>Community Safety</b>		
<b>Health and Safety</b>		
<b>Health and Wellbeing</b>		
<b>Equalities</b>		

## 8. REPORT APPENDICES

- Appendix A: Tunbridge Wells Borough Council Street Trading Policy [link](#)
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## 9. BACKGROUND PAPERS

None