



Licensing and Regulatory Committee	Click here to select meeting date.	Matter for Decision
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Report Title: **Review of Street Trading Policy (September 2019)**

Report Author(s): **Dave Gill – Monitoring Officer (Head of Law and Democracy)**

Purpose of Report:	To consider a review of the Council’s Street Trading Policy.
Report Summary:	The report summarises the options available to Members to lawfully facilitate charitable/not-for-profit events taking place in prohibited/consent streets in the Borough, thereby avoiding conflict with the Council’s Street Trading Policy.
Recommendation(s):	<p>That this Committee recommend for adoption to Council a delegation to the Head of Law and Democracy to:</p> <p>A) Suspend the Street Trading Policy in a specified street (either a prohibited or consent street) for a period not exceeding 24 hours following consultation with the Chief Executive and Ward Members to facilitate community/not-for-profit and charitable events, but that the delegation does not extend to permitting single street traders on what would otherwise be prohibited streets; and</p> <p>B) Grant individual exemptions to the policy to facilitate community/not-for-profit or charitable events for a period not exceeding 24 hours in streets that would otherwise be consent streets following consultation with the Chief Executive and Ward Members.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds – Deputy Chief Executive (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Dave Gill – Monitoring Officer (Head of Law and Democracy) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3) Click to select corporate objective.</p>
Vision and Values:	<p>Accountability (V1) Respect (V2) Customer Focus (V5)</p>
Report Implications:-	
Legal:	The implications are as set out at paragraph 2 of this report.

Financial:	There are no implications arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	Licensing Section Town Centre Manager
Background Papers:	Street Trading Policy https://www.oadby-wigston.gov.uk/files/documents/street_trading_policy_2013_2017/Street%20Trading%20Policy%20%28Rev%202019%29.pdf
Appendices:	None.

1. Background

- 1.1 In March 2009 the Council adopted a Street Trading policy, the main purpose of which is to prevent uncontrolled trading in streets within the Borough.
- 1.2 The Council adopted a scheme that comprises of 'Prohibited Streets' and 'Consent Streets'. In prohibited streets there is a general ban on street trading and for the purposes of the policy those streets are identified as follows:

A6 Leicester Road, Harborough Road and Glen Road, Oadby

A5199 Leicester Road, Bull Head Street and Welford Road, Wigston (excluding the layby at grid reference 6103 9775)

B582 St Thomas Road, Blaby Road (between its junction with Canal Street and its junction with Station Road), Station Road, Bushloe End and Moat Street, Oadby Road, Wigston and Wigston Road and London Road, Oadby

A563 Palmerston Way, Oadby

B667 New Street, Stoughton Road and Gartree Road, Oadby

B5418 Aylestone Lane and Paddock Street and Wakes Road, Wigston

B5366 Saffron Road, Wigston

All those roads where a speed restriction of 40mph and above applies.

All those roads contained within the Oadby Hill Top and Meadowcourt Conservation Area.

- 1.3 All other streets within the Borough are designated as Consent Streets and, subject to the completion of the appropriate application process and payment of a fee, the Council **may** (but is not bound to) grant a consent if it considers it appropriate.

2. Reason for the review

- 2.1 At the meeting of the Licensing and Regulatory Committee held on 6 June 2019 a Member raised concerns around the attendance of pedlars at the annual 'Christmas Capers' event in South Wigston where they were selling in the street in direct competition with other stallholders present, and requested that the Head of Law and Democracy look into the issues.
- 2.2 As a result of undertaking that research the Head of Law and Democracy identified that the area in which the event takes place (Blaby Road, South Wigston) is in fact a prohibited street under the Street Trading policy where no trading is permitted.
- 2.3 It would therefore appear that all persons who have previously traded under the auspices of the Christmas Capers event have been trading unlawfully.

3. Policy Review findings

- 3.1 As this breach in the policy occurs/has occurred in a prohibited street, the Council's options in addressing the issue are limited, namely to actively enforce the policy or to introduce an exemption to the policy because the event is deemed to be a community/not-for-profit or charitable event.
- 3.2 On a more general level, the review has identified that similar issues exist with the Christmas events in Wigston and Oadby town centres, albeit that there are more options to address those issues i.e.
- a) Insist that any street traders in attendance at a community/not-for-profit or charitable event fully comply with the policy including payment of the appropriate fee and fully enforce the policy; or
 - b) Insist that any street traders in attendance at community/not for profit/charitable event fully comply with the with the policy excluding payment of the appropriate fee; or
 - c) Introduce a total exemption to the policy where the event is deemed to be community/not for profit or charitable event

4. Recommendations

- 4.1 Having identified the issues, it is for Members to determine how they wish to address the question of regularising the activities that occur at each of the events.

Christmas Events -South Wigston, Wigston and Oadby

- 4.2 The Head of Law and Democracy is of the view that Members have a simple choice in so far as South Wigston is concerned, because the activity is currently unlawful. If Members wish the event to continue in its current format then they must amend the policy to permit that to happen. In reaching a decision Members are advised to have regard to other similar events that may be proposed in the future.
- 4.3 Insofar as Wigston and Oadby are concerned, the options outlined in Paragraph 3.2 above (A and B) are considered to be onerous (both for the organisers of the events but also for Officers – particularly if a fee exemption scheme is also introduced) and the Head of Law

and Democracy proposes that any mechanism by which the policy can be suspended should apply equally across the Borough.

- 4.4 It is therefore proposed that Members recommend to Full Council a delegation that authorises the Head of Law and Democracy to suspend the policy in a specified street (either a prohibited or consent street) for a period not exceeding 24 hours following consultation with the Chief Executive and Ward Members to facilitate community/not for profit and charitable events but that the delegation does not extend to permitting single street traders on what would otherwise be prohibited streets.
- 4.5 It is also proposed that the Committee recommends to Council a further delegation that authorises the Head of Law and Democracy to grant individual exemptions to the policy to facilitate community/not for profit or charitable events for a period not exceeding 24 hours in streets that would otherwise be consent streets following consultation with the Chief Executive and Ward Members.