

# Crawley Borough Council

	Report No: PES/59	<b>E</b>
--	-------------------	----------

## Review of Street Trading Policy

### Licensing Committee

5<sup>th</sup> January 2012

#### 1. Summary

- 1.1. The purpose of this report is to seek the Licensing Committee's approval of the reviewed and updated policy to apply to street trading within the Borough of Crawley.
- 1.2. The policy distinguishes between street trading and the holding of markets for operational purposes.
- 1.3. The policy deals with consents only and it is not proposed to amend the Council's current controls to include street trading licences.

#### 2. Recommendations

- 2.1 **To approve the reviewed and updated policy regarding street trading attached to this report as Appendix "A" and to commence operating this policy as of the 22<sup>nd</sup> February 2012.**
- 2.2 **To adopt the following resolution :**

**That with effect from the 22<sup>nd</sup> February 2012 the current designation of The Broadway and the Broad Walk, being streets within the borough of Crawley, shall be varied from their current designation of prohibited streets to consent streets.**
- 2.3 **If the Broadway and the Broad Walk are designated in accordance with the previous resolution**
  - 2.3.1 **that Crawley Borough Council's Policy, (Fees, Guidelines and Conditions) concerning street trading be applied**

**2.3.2 that Members approve the publication of the resolution to designate the above mentioned streets as consent streets, a notice of the resolution outlining the designation to be advertised for two consecutive weeks in the local press. The first publication shall not be later than the twenty eight days specified in the resolution for the coming into force of the designation.**

**ANGELA TANNER  
Head of Planning & Environmental Services**

### **3. Background**

- 3.1. At its meeting on the 2<sup>nd</sup> November the Licensing Committee agreed to re-designate the Broad Walk and the Broadway as 'consent' streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82), 'the Act' for the purposes of street trading. These streets were previously designated as prohibited streets. A public notice was subsequently placed in the local press as required by the Act outlining the Council's intentions. No responses have been received to the press notice
- 3.2. The Licensing Committee also requested that a review of the current policy regarding Street Trading within the Borough be undertaken.
- 3.3. The street trading policies of other Towns namely Ashford, Bexley and Poole have been researched due to either their similar nature to Crawley or the markets similarity to what is proposed for our purposes.
- 3.4. The proposed updated street trading policy is attached to this report as Appendix A.

### **4. Ward Members' Views**

- 4.1 A copy of this report has been sent to the Ward Councillors in the area that the proposed markets will be situated to obtain their comments.

### **5 Staffing and Financial Implications**

- 5.1. Any cost incurred by way of staffing or other would be recoverable through consent fees which may be levied accordingly.
- 5.2. The Council charge for the issue of street trading consents which is currently £26.40 per day. An additional daily £5 fee is attached to the consent fee charged to the market controller for every stall present at a market to cover the Council's administrative costs.

### **6. Legal Implications**

- 6.3. The Human Rights Act 1998 requires Local Authorities to consider the right of those who may be affected by any decision it makes.
- 6.4 European Services Directive 2006/123/EC must be considered with regard to local legislation dealing with the regulation of street trading. The Department for business innovation & Skills have conducted a legal analysis of the Pedlars Acts 1871 and 1881 and Schedule 4 to the LG(MP) Act 1982 against the Directives requirements. The result of this analysis is that :-
  - The Pedlars Act should be repealed since it cannot be justified in maintaining the certification for pedlars
  - Certain provisions of Sch 4 of the LG(MP) Act 1982 require amendment in order to ensure compliance with the said EU .

Regulations are in the process of being laid to implement these repeals and amendments.

The Directive also requires Councils that have local legislation concerning street trading to undertake a legal analysis on compatibility with the Directives requirements. At Crawley we do not have any local legislation on street trading but exercise powers under Schedule 4 of the 1982 Act

## **7. Consultation**

- 7.1. No objection from Sussex Police to the amendment to street trading controls.
- 7.2. No objection from WSCC Highways to the amendment to street trading controls.

## **8. Other Implications**

- 8.1 This policy does not apply to the High Street Markets held on a Friday and Saturday as these markets are subject to separate lease agreement.

## **9. Reasons for the Recommendation**

- 9.1. To update current limited street trading controls and guidelines.
- 9.2. To ensure Crawley is as competitive as it's surrounding and peer towns.
- 9.3. To explore the possibilities arising from the Portas Review.

## **10 Links to the Community Strategy and Corporate Plan**

- 10.1 The proposals contained in this report relate to the following key areas of the Sustainable Community Strategy

Community Cohesion	y	Community Safety	y
Young People and Children	y	Health and Well Being	y
Older People	y	The Environment	y
The Local Economy	y	Social Inclusion	y

The following key principles are applicable:-

(i) Working together	y
(ii) Dignity, respect and opportunities for all	y
(iii) Involving People	y
(iv) Making it last	y

- 10.2 The report relates to the following areas in which the Council operates to enhance the town and the quality of life of local people:-

- (i) Prosperity y
- (ii) Community y
- (iii) Environment y
- (iv) Value for Money y

## **11. Background Papers**

ES/197 Review of Street Trading Policy – Queens Square  
PES/047 Review of Street Trading Policy – Broadwalk & the Broadway.  
The Portas Review. An Independent Review into the Future of Our High Streets.  
[http://www.maryportas.com/wp-content/uploads/The\\_Portas\\_Review.pdf](http://www.maryportas.com/wp-content/uploads/The_Portas_Review.pdf)

Contact Officer: Tony Baldock  
Direct Line:- 01293 438220