

Report to: **Scrutiny Committee**

Date of Meeting: 22 November 2018

Public Document: Yes

Exemption: None

Review date for release Not applicable



Agenda item: **10**

Subject: **Report on Street Trading in East Devon**

Purpose of report: The purpose of this report is to provide an update for the Scrutiny Committee on the implementation and delivery of Street Trading since changing to a Consent designation on 2 October 2017.

Recommendation: **That members consider the update report on Street Trading.**

Reason for recommendation: **To keep the Council's Scrutiny Committee up to date with current arrangements relating to the Street Trading Policy.**

Officer: Steve Saunders – Licensing Manager

Financial implications: There are no financial implications.

Legal implications: There are no legal implications requiring comment.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: None required

Link to Council Plan:

- Encouraging communities to be outstanding
- Developing an outstanding local economy
- Delivering and promoting our outstanding environment

Background

- 1.1 Changes to the designation that allows Street Trading with Consent across East Devon occurred in October 2017. Previously Street Trading had been widely prohibited, or where not designated it was without control. The effect of past prohibitions meant that almost all the town centres in East Devon and sea front esplanades were prohibited so far as Street Trading was concerned to the extent that even if the Council had wished to allow street trading it was prevented from doing so.
- 1.2 Legislation in the form of Local Government Act 1982 provides Councils the legal means to control street trading and it covers the selling or offering for sale of any article in a street'. A street covers roads, footways, beaches or other area to which the public have access without payment, thus a street can include lay-bys, privately owned car parks and areas of land used by the public.
- 1.3. Interest in holding Street Trading events was apparent for many years and the emergence of Farmers, Continental, Christmas and Street Food markets showed how popular such additions to local economies and town centres had become. However East Devon was unusual in the almost blanket extent of its prohibition of streets for Street Trading until the changes last year. Pressure to change the Council's street trading regime grew from 2013 and in comparison, other authorities in Devon, Somerset and in neighbouring Exeter had previously adopted a 'Consent' approach allowing Street Trading events to take place.
- 1.4 Work started in 2015 to rescind all previous decisions on designated streets and to turn the whole of the district into a consent street. Detailed consultation exercises followed in 2015 and 2016 with responses showing an overall desire to open Street Trading opportunities across the district with the exception of Sidmouth. Both consultations provided justification for the Council moving forward to the formal stage issuing notices that explained the Council's intention, resolution and the decision taking effect on 2 October 2017.

2 Implementation 2017/18

- 2.1 The introduction of a district wide consent regime in late 2017 required comprehensive changes to manage new applications submitted by traders and event organisers. The Street Trading Policy introduced new standard conditions and fees were initially set after benchmarking and comparison with similar district councils that undertake Street Trading along with creating an extra post in the licensing team to administer the new regime. Officers produced guidance for applicants explaining the application process and arrangements were formalised between Council services where appropriate.
- 2.2 Having changed from a prohibitive regime to introduce the Consent based scheme, officers received feedback from those applying for consents regarding the initial application process and the requirement of fees. In short, people reported that the cost was prohibitive and that the first application process was overly complicated.

By listening to those concerns, pragmatic steps were taken in March 2018 when the Licensing and Enforcement Committee approved withdrawal of fees for applying for Street Trading Consents. The policy was revised removing some stages of the application process and introduced a streamlined process for large scale trading under a block booking arrangement. It remains the case that the Council has to retain control of street trading activity ensuring standards for safety of the public.

- 2.3 The revised version of the Street Trading Policy adopted on 21 March 2018 remains current and removed some activities so minor that it would not require an application. The changes also addressed the periods of time needed by town and parish councils to allow proper consideration of consultations for new applications.

3 Progress and Trends 2018

- 3.1 Following revisions to the policy, there was a significant uptake in new applications received from event organisers and traders during the summer of 2018. Many large trading events took place with consent in Exmouth, Seaton and Ottery St Mary including annual food festivals where traders used the streamlined process. Honiton and Axminster already had long established charter market arrangements being exempt under the legislation. Although Sidmouth largely retained previous prohibition arrangements, the success of summer trading events in The Ham location was evident after that changed to become a Consent location.
- 3.2 The volume of new work for the licensing team continued and applicants initially required higher levels of support. Officers also attend locations where representations are received or where proposed trading may be unsafe or unsuitable and by August officers had granted almost 150 Street Trading Consents for events occurring across the district with the majority being for short term events and festivals under block booking arrangements. Officers from the Licensing, Street Scene and Environmental Health teams continued to meet to consider the application process to further assist applicants.
- 3.3 A total of 173 Street Trading Consents have been issued over the course of the year since October 2017 with 13 being commercial foods traders for a (maximum) period of one year and with the remainder for trading events lasting for 1 to 7 days. Experience shows that these events generally have between 20 to 50 traders attending with 90 being the highest. Officers work in obedience of the Council's Regulatory Enforcement and Prosecution Policy by visiting locations providing guidance to unlicensed traders in the first approach to secure compliance.

4 Environmental and Public Health Initiatives

- 4.1 The Street Trading Policy promotes wherever possible use of biodegradable materials concerning the packaging of food served and should not rely on single use plastics. In support of initiatives over recent months, some event organisers have limited availability of glass bottles and plastic drinking glasses by introducing

deposit arrangements for the return plastic drinking glasses. These initiatives are recommended and promote reduction of plastic discarded at trading events.

- 4.2 The Council's Public Health and Wellbeing Steering Group has started work regarding the strategic plan for 2018 to 2023 with an expectation that the plan for 2019/20 will link to all Service plans including that of the licensing authority. Strategic planning will be particularly relevant to future street trading arrangements and earlier this month the Royal Society for Public Health (RSPH) published details of identified growth in the number of fast food shops nationally between 2014 and 2017 calling for a range of measures to promote health in the future.
- 4.3 The Street Trading Policy allows closer consideration of new applications where proposed trading may conflict with other like trading outlets or within proximity to schools. Public health and environmental matters will be kept under consideration for any further review of the policy and in conjunction with national reports, strategies and initiatives.

5 Going Forward

- 5.1 Since changing to a Consent based regime last year it has been evident that applications from commercial food traders and community based events with multiple traders continues unabated through each month and season of the year. It is positive that applicants now plan and apply for events months in advance into 2019 and whilst accepting that the application process can still be enhanced, adverse feedback from applicants ceased after procedures were revised in March.
- 5.2 The uptake in Street Trading events has seen successful, vibrant trading events occurring throughout East Devon. An uptake of commercial foods traders applying to sell food in villages and towns along the A376 corridor in the west earlier this year has changed with interest recently from traders wishing to operate in Cranbrook, Pinhoe and locations along the edge of Exeter being under the control of EDDC where there is no requirement to pay a fee. Commercial vendors generate work for the council with officers accepting applications, consulting, visiting prospective trading locations and processing to grant or refusal. The Licensing and Enforcement Committee has raised a need to review options for fees concerning commercial businesses applying for Street Trading. There remains no consideration to re-introduce fees for short term charitable and community related Street Trading events operating under block booking arrangements.
- 5.3 The success over the first year since opening East Devon to a Consent arrangement has increased awareness in the benefits of markets and events as economic drivers and opportunities to enhance events that occur in towns and villages. Whilst the licensing team, along with other services, continue to regulate and control Street Trading for reasons of ensuring public safety, other council services work to promote the benefits of high quality trading events and local markets. Identifying opportunities for future events on EDDC land in the form of hosting high quality markets and trading may be beneficial and a factor for further consideration.