



Leicester
City Council

WARDS AFFECTED
City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

21 April 2008

Review of Street Trading Policy

Report of the Corporate Director, Regeneration and Culture

1 Purpose of Report

- 1.1 To obtain Cabinet's approval for the proposed Street Trading Policy following public consultation.

2 Summary

- 2.1 As a result of the Leicester Act 2006, officers of the City Council can now seize goods and vehicles operating in a consent area without a permit. The current consent area covers the city centre, but the council could extend it to include the whole of Leicester. This would mean that anyone wanting to trade on the streets and public places of Leicester would need a permit from the Council.
- 2.2 In light of the 2006 Act and growing concern about street trading near schools, public consultation took place between 1 October and 31 December 2007 regarding a new street trading policy. The consultation included direct contact with existing holders of street trading permits, head teachers, holders of licences under the Licensing Act 2003 and the Gambling Act 2005, and various organisations (Chamber of Commerce, Business Link, Police, Leicester Shire Promotions, Highways, Food Safety, Disability Officer). An article appeared in the Leicester Link and the questionnaire was available on the council's website.
- 2.3 102 responses were received. There were clear majorities in response to every question apart from one, with a consensus that the council should:
- Extend street trading controls to cover the whole of Leicester
 - Generally not allow street trading apart from three defined exceptions
 - Prohibit mobile vans from trading near schools

The questionnaire that was used had been annotated with the responses and is attached at Appendix A.

- 2.4 A number of respondents made additional comments, mainly to qualify their responses to one or more of the standard questions. Details of these comments and the responses are attached at Appendix B.
- 2.5 Further consultation has taken place with the Interim Corporate Director for Children and Young People's Services to consider the effect that preventing

mobile food vans from trading outside schools will have and maximise the benefits that this will bring. Being healthy is a key outcome for children and young people and the provision of nutritious meals and the development of healthy eating practices features prominently in national and local thinking. The Children and Young People's Department welcomes the initiatives contained within this paper and notes the level of support for these that the recent consultation exercise has engendered. Following the implementation of the proposals, the Department will work with headteachers, school governors and other partners to promote practices designed to support healthy eating and healthy lifestyles.

- 2.6 The proposed policy is attached at Appendix C. It implements the views expressed by the majority of consultees.
- 2.7 The current fee for a 12 month street trading licence is £2101 for standard pitches, and £225 for pitches associated with LCFC /Tigers matches. It is suggested that this structure be retained. It is further suggested that a nominal fee of £50 be imposed for a 5 year licence for mobile operators (eg, ice cream vendors) who move from place to place. The proposed fee for static pitches for ice cream vans is £1050 per annum payable in quarterly installments for the first year.
- 2.8 A draft Code of Practice for Mobile Street Traders has been prepared, and is attached at Appendix D. It is suggested that this be approved by the Corporate Director, in consultation with the Lead Cabinet Member.
- 2.9 There are presently 11 approved pitches, although a number of these are vacant. The policy recommends allowing existing traders to remain in place for two years. If objections are received from relevant authorities about the renewal of any existing consents during this two-year period, then Licensing Committee will be asked to consider whether the consent should be renewed.
- 2.10 If approval is given to the proposed Street Trading Policy, a formal procedure must be followed to designate all streets and public places in Leicester as 'consent streets'. The proposal must be advertised for 28 days and any resulting objections given consideration by the council. If, having considered any objections, the council is minded to proceed with the proposal then this intention must be advertised twice, two weeks apart. It is suggested that there is a 6 month lead-in from when the proposals are made public to allow existing traders to apply for licences and / or relocate as appropriate.
- 2.11 For information, schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that street trading does not include
 - Peddling house to house
 - Roundsmen
 - Anything done in a market or fair, the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order
 - Trading as a news vendor
 - Trading at a petrol station
 - Properly authorised street cafes

- Charitable collections

3 Recommendations

3.1 Cabinet is asked to:

- (a) approve the proposed Street Trading Policy
- (b) approve in principle the retention of the existing fee structure, with the reduced fee applying to mobile operators who move from place to place, and delegate to the Corporate Director in consultation with the Lead Cabinet Member for Environment and Sustainability authority to vary the fee structure where appropriate.
- (c) agree that the Code of Practice for Mobile Street Traders be approved and where necessary varied by the Corporate Director in consultation with the Lead Cabinet Member for Environment and Sustainability.
- (d) agree that the commencement of the advertising procedure for the declaration of all highways and public places in Leicester as consent streets
- (e) agree that the Corporate Director in consultation with the Lead Cabinet Member for Environment & Sustainability be given delegated powers to declare all highways and public places in Leicester as consent streets and to determine the implementation date, following consideration of any representations received during the statutory period.
- (f) Agree that the Corporate Director will work with the Interim Corporate Director for Children and Young Person's Services to ensure that the implications of the revised street trading policy in relation to schools are properly managed to ensure maximum benefits are achieved.

4 Financial and Legal Implications

Financial Implications

- 4.1 There are no significant financial implications arising from this change in policy. Currently the income generated from the 11 approved pitches within the inner ring road is a maximum of approximately £16k. Additional income may be generated from licenses granted for street traders outside of the inner ring road, however this is difficult to quantify. There are no additional costs associated with operating this policy. There could be an impact on meal take up at schools - City Catering have been facing difficulties in keeping secondary school students in particular on the school premises and getting them to eat from the new government initiated healthy menus when there is a fast food van trading close to the school.

Martin Judson, Head of Finance extension 7390

Legal Implications

- 4.2 Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 together with The Leicester City Council Act 2006 give powers to the Authority in dealing with Street Trading. The proposed new street trading policy must be in accordance with these powers.

5 Crime and Disorder Implications

5.1 None.

6 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	No	
Policy	Yes	Throughout
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7 Background Papers – Local Government Act 1972

“Street Trading in the City Centre and Belgrave areas” - Report to Environment & Development Committee - 10 September 1996

8 Consultations

Finance
Legal Services

9 Report Author

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Decision Status

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)