

Street Trading Consent Sites

Summary

1. This report seeks Members' approval for the introduction to two new street trading consent sites, on St Helens Square and Station Road (adjacent to the cholera burial ground), and the trading activities which will be allowed there.

Background

2. On the 13 November 1996 the City of York Council (the Council) resolved to adopt the provisions of Schedule 4, Paragraph 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), it was agreed that all streets within the authority are to be designated consent streets for the purposes of street trading. This came into effect from 1 January 1997.
3. This means that a street trading consent issued by the Council is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.
4. Under the Act "street trading" means the selling or exposing or offering for sale of any article in the street. A "street" includes any road, footway, beach, any part of a street or other area to which the public have access without payment.
5. By adopting Schedule 4 of the Act, the Council can control the street trading activities which take place. This includes the locations where street trading can take place, the items sold, days and hours that street trading can take place and appearance of street trading units/stalls.
6. The following activities are not classed as street trading and are therefore exempt from the requirement to obtain a street trading consent:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
 - (b) 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;
 - (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
 - (d) trading as a news vendor;
 - (e) trading which –
 - i) is carried on at premises used as a petrol filling station; or
 - ii) is carried on at premises used as a shop in a street adjoining premises so uses and as part of the business of the shop;
 - (f) selling things, or offering or exposing them for sale, as a roundsman;
 - (g) the use of the trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
 - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
7. St Helens Square has not previously being considered as a suitable location for street traders, officers believe this is due to the close proximity to the Mansion House and Guildhall.

Consultation

8. View on this proposal have been sought from:
- North Yorkshire Police
 - CYC Network Management (Highways)
 - CYC Head of Operations (Cleansing and Waste)
 - CYC Conservation Officer
 - Ward Councillors
 - Make it York
 - BID
9. No comments have been received from North Yorkshire Police.
10. Network Management, cannot foresee any issues with Station Road, but would like to be involved in the details regarding exact location. They believe that there could be opposition to St Helens Square due to the visual impact and asked if Davygate had been considered.

11. Head of Operations asked if the traders would be required to provide their own bins and clear litter in the vicinity of their stalls at the end of trading.
12. No comments have been received from the Conservation Officer.
13. Councillor Hayes from the Micklegate Ward agrees with Make it York's perspective. That a collective perspective is required and we need to work to an overall city strategy.
14. Make it York have the following points:
 - We are very concerned about your plans for St Helens Square. This is very much on the footprint we have been asked to develop and we think it will conflict with plans for the Christmas market and our use of various parts of the city. We do not support this license development.
 - We are more relaxed about Station Road. I think this falls outside of the definition of the 'foot streets' we were given and is an area we don't operate in.
 - We believe there needs to be a broader conversation around the distinction between licensed stalls and market trading. It is currently very 'grey' and we run the risk of acting competitively with each other rather than collaboratively.
15. The BID has no issues with Station Road as there are no businesses that would be affected. St Helens Square has some small businesses around Blake Street and Stonegate that may be affected by someone selling hot drinks, pastries, etc. If it was something specific like a hot donut seller, i.e. something you cannot get in the immediate vicinity, then they would not question it as much, they are not sure how specific a licence can be.

Options

16. Option 1 – Approve the introduction of two new street trading sites on St Helens Square and Station Road and their trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.
17. Option 2 – Approve alternative locations for new street trading sites and/or alternative trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.
18. Option 3 – Refuse to allow any additional street trading sites.

Analysis

19. The Council has established a number of street trading consents sites/pitches within the city centre. Details of the trading activities and locations can be found at Annex 1. Some of these sites/pitches are on private land, as the public has free access without payment, therefore a consent is required. Consents are renewed annually from the 1st April.
20. Standard conditions attached to these consents can be found at Annex 2. Dependant on the site and trading activity additional conditions may be required.
21. Within the city centre the Council also issue consents to some ad-hoc (occasional) street trading activities, such as buskers selling CDs and hair wrapping.
22. As the city centre is a relatively small area, appropriate locations for street trading sites is limited. Issues such as the pedestrian zone, pavement widths, and not causing an obstructions must be taken into consideration. Due to this there is a waiting list of people who have shown an interest in trading within the city centre. There are approximately 130 names currently on this list.
23. A location plan of the proposed sites/pitches can be found at Annex 3. The trading units/stalls will be in keeping with the nature of the locations, for example white high gloss boxes will not be permitted.
24. The trading activity must also be in keeping with the nature of the locations, officers believe that the following trading activities will be acceptable:
 - St Helens Square – speciality tea/coffee, soft drinks and pastries.
 - Station Road – speciality tea/coffee, soft drinks, pastries and hot/cold sandwiches.

Council Plan

25. The provision of street trading sites within the city centre supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

26. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report; fees are set by the council at a cost recovery level.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** There are no equalities implications associated with this report.
- **Legal:** The authority has adopted Schedule of the Local Government (Miscellaneous Provisions) Act 1982 in relation to street trading consents.
- **Crime and Disorder:** There are no prevention of crime and disorder implications associated with this report.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

27. There are no known risks associated with this report.

Recommendations

28. The Committee is asked to:

- Approve option 1 i.e. the introduction of two new street trading sites and their trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.

Reason: To support the introduction of new small businesses into the area and generate cost recover revenue for the authority.

Contact Details

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Chief Officer Responsible for the report:

Michael Slater
Assistant Director (Planning and Public Protection)

Report
Approved



Date 20/10/16

Specialist Officer Implications:

Glen McCusker
Deputy Head of Legal Services
Ext: 1048

Wards Affected: Guildhall and Micklegate



Background Papers:

Local Government (Miscellaneous Provisions) Act 1982

Annexes

Annex 1 – Trading Activities and Locations

Annex 2 – Standard Conditions

Annex 3 – Plan of Proposed Trading Locations