
Licensing & Regulatory Committee

6 February 2025

Report from the Director – Environment, Transport and Planning

Street Trading Policy**Summary**

1. As requested at the Licensing and Regulatory Committee on 4 November 2024, this report updates Members on the current position regarding a Street Trading Policy.
2. The report also asks Members to determine arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market event.

Recommendations

3. That Members approve Option 2:
 - a) Note that a working group has been formed to consider the proposed policy; and
 - b) Determine that street trading consents will be renewed from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted) –
 - i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
 - ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;
 - iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the street trader consent holder; and
 - iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

Reason: So that street trading consented to trade within the city centre know that their consents will be renewed from 1 April 2025 for a

12-month period (or such lesser period agreed when the consent was granted), and that street traders and MIY are aware of trading arrangements during the 2025 Christmas Market event.

Background

4. City of York Council (the Council) adopted the provision of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) in 1997. As such, every street within the authority area is designated as a 'consent street' for the purposes of street trading. This means that street trading can only take place within the authority area where the Council consents to it – this includes public or private land if they public have access without payment.
5. Make It York (MIY) was established in 2014 and have responsibility for city centre management, as well as organising events to attract visitors. MIY's main event is the annual Christmas Market which has become ever more popular over the years. In 2024, footfall figure reports for Parliament Street state it attracted between 200,000 and 250,000 visitors a week, the total footfall for the event was up by 7% compared to 2023. The success of the Christmas Market has led to reports of overcrowding in recent years. MIY have redesigned the Market to mitigate this, but the success of the Christmas Market means this remains a challenge. As the event organisers, MIY are responsible for the safety and overall operation of the event. The Christmas Market has always been planned around the consented street trader existing trading pitches, but MIY exert no control over these traders. MIY also currently organises the annual York Ice Trial (ice sculptures in various locations around York which was held on the 1 and 2 February 2025), and last year they organised the first Halloween Festival. N.B Other events, such as the Food and Drink Festival, are not organised by MIY, they are given permission by MIY to use space(s) within the city centre, in which case particular event organiser(s) is responsible for their event. It is noted that the Council has also committed to work with MIY to make the Christmas Market more accessible and find a way to permit blue badge access into parts of the city centre while the event takes place. As well as alleviating the crowd issues/customer experience, this is also likely to require changes to the Christmas Market event layout.
6. With regard to STC fees, the trading pitches within the city walls are individually assessed by officers on a 'market value rate' taking into account the location and the items sold. The most expensive pitches are currently £8k per year (£667 per month). Many consent holders

pay in monthly instalments. By way of comparison, the fee for a market stall on the Shambles Market is £25-40 per day/circa £10k per year (although it is recognised that street traders provide their own stall and power which are provided on the market). Some on-line research has identified that Oxford City Council charge £8175 for an annual STC, whilst Canterbury City Council's fees is £31.65 a day or £11.5k over a year. Consent fees are reduced for traders trading on private land as they also pay rent to the landowner.

7. Under the Act, consents may only be issued for up to a year. Every year, around February/March, existing consent holders are invited to renew their consents, there is no tendering process or similar. Within the conditions, there are no commitments to a minimum number of trading days as is the case in some other councils, and no alignment of conditions or other requirements in line with Council Plan objectives. Conditions are attached to a consent, if conditions are not complied with a consent can be revoked. There is a 'waiting list' of people who have shown an interest in trading in the city centre. There are currently 37 people on the waiting list. These would be offered if an existing consent holder declined to renew or surrendered their consent. Outside of the city walls there are several ice cream and sandwich rounds, most of the fixed trading sites are on private land.
8. A report was brought before this Committee on 4 November 2024 updating Members on the current position regarding the draft Street Trading Policy.
9. During questions at this meeting a Member asked if a working group could be formed to consider the draft policy further. The Chair has been consulted regarding this matter and a working group, made up of seven Members of this Committee and an Executive Member, has been formed. The first meeting of the working group took place on the 4 February 2025.
10. Members of the working group will determine the appropriate people/agencies/partners to liaise with whilst reviewing the draft policy, for example:
 - Highways
 - Regeneration
 - Make It York
 - Street trading consent holders

11. Once the draft policy is reviewed a public consultation will take place.

Christmas Market 2025

12. MIY have been asked by the Council to reassess the layout of the Christmas Market event, especially in relation to making the event more accessible, and finding a way to permit blue badge access. MIY are currently drafting proposed layout options which will be considered by the Council.
13. It could take the working group several months to review the draft policy before a consultation can take place, therefore, to aid MIY in drafting proposed layout options and to give street trading consents holders some certainty, consideration should be given to the trading pitches of city centre street traders during this year's Christmas Market event.

Consultation

14. A formal consultation has not taken place with regards to this report. All consented street traders were consulted in relation to the draft Street Trading Policy. City centre street traders have been notified of the content of this report.

Options

15. Option 1 –
 - a. Note that a working group has been formed to consider the policy; and
 - b. Determine that street trading consents will be renewed* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted); and
 - i. that MIY takes into consideration the current trading pitches of consented street traders and draft a layout plan for the 2025 Christmas Market event that does not relocate these traders; and
 - ii. for safety and good order consented street traders will following reasonable instructions from MIY Officers.
16. Option 2 –
 - a. Note that a working group has been formed to consider the policy; and
 - b. Determine that street trading consents will be renewed* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted);

- i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
- ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;
- iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the consented street trader; and
- iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

17. Option 3 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents, for traders consented to trade within the city walls, will be renewed* from the 1 April 2025 for a six-month period – consents outside of the city walls will be issued for a 12-month period (or such lesser period agreed when the consent was granted). Allowing the working group time to review the draft Street Trading Policy.

*Unless there are grounds for the renewal application to be refused, for example street trading consent fees for 2024/25 period not paid in full, the public highway no longer being available or suitable to accommodate street trading activities.

Analysis

- 18. Option 1 will give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consents holders have previously told the Council that they must order stock to cover the Christmas period late summer. It also gives consent holders the reassurance that they will not be relocated from their trading pitch.
- 19. This option does restrict MIY with regards to planning the layout of the Christmas Market event for 2025 and could limit the number of layout options that can be considered by the Council.
- 20. Option 2 will give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consent holders have previously told the Council that they must order stock to cover the Christmas period late summer.

It also gives consent holders the reassurance that they will have a trading pitch within the Christmas Market event.

21. This option gives MIY greater freedom (a blank canvass) upon which to design a more accessible layout for the 2025 Christmas Market event, with greater freedom they will be able to provide the Council more layout options to consider.

22. This option is in accordance with an existing street trading condition which states:

‘On occasion it is necessary for a vehicles or unit on a static site to move location. When this occurs the consent holder shall comply with any directions made by the duly authorised officer of the City of York Council.’

23. Option 3 will give city centre consent holders the certainty that their consents are being renewed for a period of six months, however it will not give them the reassurance that their consents will be renewed for a longer period and will hinder the ordering of stock to cover the Christmas period. There are also no guarantees that the working group will have finished reviewing the draft Street Trading Policy within this six-month period.

24. This option does not assist MIY in relation to planning the layout of the 2025 Christmas Market event, as they will not know the position of the Council with regards to the agreed trading pitches for consented city centre street traders.

Council Priorities

25. The STC policy aims to strengthen the provision of ‘a fair, thriving and green economy for all’.

Implications

26. The implications arising from this report are:

- **Financial:** There are no financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** An equalities impact assessment will accompany the draft Street Trading Consent.

- **Legal:** A Street Trading Policy will ensure that the Council has a transparent framework in place to authorise and regulate street trading.
- **Crime and Disorder:** There are no crime and disorder implications.
- **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 risk management considerations all options are in accordance with existing street trading consent requirements/conditions.

Contact Details

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**Report
Approved**



Date 20/01/2025

Specialist Officer Implications: None

Wards Affected:

All



Background Papers:

Licensing and Regulatory [Committee report](#) 4 November 2024

Annexes

None