

Licensing & Regulatory Committee

8 June 2021

Report of the Director – Environment, Transport and Planning

Street Trading – St Helen’s Square

Summary

1. This report seeks members’ approval to allow street trading activities to take place on St Helen’s Square during the St Nicholas Fair Christmas Market (Christmas Market).

Recommendations

2. That Members approve Option 1 of this report, namely:

Permit street trading activities to take place on St Helen’s Square with the following restrictions in place:

- The only street trading activities permitted on St Helen’s Square must be connected to the annual Christmas Market.
- Street trading activities are only permitted on St Helen’s Square for a maximum period of six week per year, not starting before 12 November and ending before Christmas Day.
- An alternative safe location must be identified by Make it York for protests to take place. This location must be agreed by the City of York’s Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- The trading units/stalls shall not impact upon established Christmas activities that take place in St Helen’s Square, such as the Christmas Tree and Christmas Carols in front of the Mansion House.
- The trading units/stalls shall not impact upon established pavement cafes that are located in St Helen’s Square.
- There can only be a maximum of four trading units/stalls permitted to trade on St Helen’s Square.

- The size and position of the trading units/stalls must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- The goods to be sold/offered for sale from the trading units/stalls must also be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- Out of the four permitted trading units/stalls only one is allowed to sell/supply alcohol, in either opened or sealed container.
- If required, a road closure must be in place (Highways Regulations must be consulted by Make it York with regards to this matter).
- Make it York must liaise with the North Yorkshire Police Counter Terrorism Unit to ascertain the measures that must be in place during this event.

Reason: this will allow Make it York to increase the number of trading locations available for the annual Christmas Market.

Background

3. 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.
4. 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.
5. 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.
6. 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.

7. There are a number of activities that are not classed as street trading and are therefore exempt from the requirement to obtain a street trading consent, this includes a person acting as a pedlar under the authority of a pedlar's certificate or trading as a news vendor.
8. Make it York have asked permission to place trading units/stalls on St Helen's Square as part of the annual Christmas Market Event.
9. The Christmas Market has been an established event for many years, changing from a four day event that took place over the last weekend of November, to a five – six week event that starts in mid-November ending on 23 December. The Market attracts large numbers of people to York city centre each year (a number of which come via arranged coach trips), especially on a weekend.
10. The main trading locations for the Christmas Market are Parliament Street and St Sampson's Square, which due to the footfall that attends the event can get very congested. As the event has grown over the years the spacing of trading units/stalls has had to be taken into consideration, making sure that areas do not get overcrowded. Matters such as counter terrorism measures have also had to be taken into consideration.
11. The Council do not currently allow street trading activities to take place in St Helen's Square. A report was brought to Members on 7 November 2016 with regards to establishing a permanent street trading pitch on the Square. Members did not consider the Square to be appropriate for street trading in view of its special characteristics and the impact that trading could have in terms of footfall congestion.

Consultation

12. The views of North York Police, Highway Regulations and local businesses has be sought with regards to this proposal.
13. North Yorkshire Police have raised a concern with regards to protest activities that take place in the city centre. St Helen's Square is the most popular location for protects to take place, or the start/finish point for marches. The Square has always remained available for such things. An alternative suitable locations for protests would have to be identified to prevent protests taking place in unsafe locations. The right to protest remains and is a reasonably foreseeable activity.
14. Highway Regulations shared the police's concerns with regards to protests. They also raised concerns with regards to other events that

take place in the Square over the Christmas period, such as Christmas Carols in front of the Mansion House.

15. St Helen with St Martin Church have asked that trading activities do not affect the services and other activities at St Helen directly. They hope that any stalls, if established, were not of the food and drink type that might attract anti-social behaviour. They wonder whether there is room in the Square for any reasonable number of stalls, in the morning the Square is busy with delivery and contractors vehicles which have to stop somewhere to service surrounding permanent businesses. The Square hosts the large Christmas tree which supports St Leonards Hospice, which should not be evicted.

Options

16. Option 1 – Permit street trading activities to take place on St Helen's Square with the following restrictions in place:
 - The only street trading activities permitted on St Helen's Square must be connected to the annual Christmas Market.
 - Street trading activities are only permitted on St Helen's Square for a maximum period of six week per year, not starting before 12 November and ending before Christmas Day.
 - An alternative safe location must be identified by Make it York for protests to take place. This location must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
 - The trading units/stalls shall not impact upon established Christmas activities that take place in St Helen's Square, such as the Christmas Tree and Christmas Carols in front of the Mansion House.
 - The trading units/stalls shall not impact upon established pavement cafes that are located in St Helen's Square.
 - There can only be a maximum of four trading units/stalls permitted to trade on St Helen's Square.
 - The size and position of the trading units/stalls must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.

- The goods to be sold/offered for sale from the trading units/stalls must also be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
 - Out of the four permitted trading units/stalls only one is allowed to sell/supply alcohol, in either opened or sealed container.
 - If required, a road closure must be in place (Highways Regulations must be consulted by Make it York with regards to this matter).
 - Make it York must liaise with the North Yorkshire Police Counter Terrorism Unit to ascertain the measures that must be in place during this event.
17. Option 2 – Permit street trading activities to take place on St Helen's Square with alternative restrictions to those listed above.
18. Option 3 – Refuse to allow street trading to take place on St Helen's Square.

Analysis

19. Representatives of the following organisations are members of the City of York's Event Safety Advisory Group, which would have to agree to the street trading activities that take place as part of the Christmas Market on St Helen's Square:
- CYC Licensing
 - CYC Public Protection
 - CYC Network Management
 - CYC Health and Safety
 - CYC Emergency Planning
 - North Yorkshire Police
 - Yorkshire Ambulance Service
 - North Yorkshire Fire and Rescue Service

Council Plan

20. The provision of street trading as part of events taking place in the city centre supports helps to supports York's economy.

Implications

21. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** The City of York’s Event Safety Advisory Group will assess equality matters covered within the event plan submitted by Make it York prior to agreeing that the street trading activities can take place in St Helen’s Square.
- **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

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

Contact Details

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James Gilchrist
 Director – Environment, Transport and Planning

Report Approved



Date 13/05/21

Specialist Officer Implications:

Wards Affected: Guildhall

All

Background Papers:

Local Government (Miscellaneous Provisions) Act 1982