

## CITY OF PLYMOUTH

**Subject:** Street Trading Report

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 16 March 2010.

**Cabinet Member:** The Leader

**CMT Member:** Director for Development and Regeneration

**Author:** Kathy Davey, City Centre Operations & Street Trading Manager

**Contact:** Tel: (01752 304054)  
e-mail: kathleen.davey@plymouth.gov.uk

**Ref:** KD/ANNUALREP.05.02.10

**Part:** I

---

### **Executive Summary:**

This report seeks to set the process for issuing Consents for the 2010/2011 trading year.

---

### **Corporate Plan 2010-2013**

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular:

- 1 Create a vibrant City Centre and support schemes that give renewed life to the City.
- 

### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, stall maintenance & improvements are financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2010/2011 financial year.

---

### **Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment etc.**

The issuing of Street Trading Consents under the Council's street trading policy ensures that all Consent holders are properly licensed and operate in a hygienic and safe manner within the street trading policy guidelines. It also finances the management of Street Trading enforcement.

---

Recommendations and reasons for recommended action:

It is recommended that:

- I. The Consent dates for 2010/2011 are approved.
- II. The Assistant Director for Planning Services has delegated authority to approve, within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading during 2010/2011.
- III. The Assistant Director for Planning Services has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
- IV. The consent fees for 2010/2011 are approved.
- V. The Assistant Director for Planning Services has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity.
- VI. The Assistant Director for Planning Services has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- VII. The proposed site changes are approved.
- VIII. The proposed three new sites identified are approved.

These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2010/2011 trading year and maintaining the income stream.

---

**Alternative options considered and reasons for recommended action:**

The authority to renew annual Consents and set Consent fees be referred to the Licensing Committee for approval. This would take up Committee time on routine renewals and due to Committee timetables would slow down renewal process which could result in a loss of income.

---

**Background papers:**

---

**Sign off:**

Head of Fin		Head of Leg	DJB /754 5/03 .03. 201 0	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

## **1.0 INTRODUCTION**

- 1.1 The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street Trading in the City Centre, the Hoe and Barbican areas, and the James Street and Pottery Road/Ferry Road areas of Devonport.
- 1.2 Under the scheme certain streets have been designated “Prohibited Streets” where Street Trading (with limited exceptions such as news vendors) is totally prohibited and other “Consent Streets” where Street Trading is permitted only with the consent of the Council. Within the designated areas the monitoring and enforcement of the Terms and Conditions of Street Trading licences and the prevention of unauthorised Street Trading is undertaken by enforcement staff, funded in part from the Street Trading Consent fees.
- 1.3 The Council has identified 21 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:
- 13 sites in the pedestrianised City Centre.
  - 7 locations in the Hoe and Barbican areas for the sale of ice cream from mobile vans.
  - 1 location at James Street, Devonport also for the sale of ice cream from a mobile van.
- 1.4 The purpose of the report is:
- (a) to set the consent dates and fees for 2010/2011.
  - (b) to ask that the Assistant Director for Planning Services be given delegated powers to approve the issuing of Consents.
  - (c) To ask that the Assistant Director for Planning Services be given delegated authority to approve short-term street trading consents in association with City Centre events, commercial activity or those which enhance the vibrancy of the street scene.
  - (d) To approve proposed new sites and site changes.

## **2. Duration of Consents for 2010/2011**

It is proposed that all City Centre Consents commence on Monday 22nd March 2010 and end on Sunday 20th March 2011

It is proposed that all Hoe/Barbican and James Street, Devonport Summer Consents commence on Monday 22<sup>nd</sup> March 2010 and end on Sunday 19th September 2010 and Winter Consents commence on Monday 20th September 2010 and end on Sunday 20<sup>th</sup> March 2011

### **3. Consent Fees**

The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading Consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade.

The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the consent fees. The Council cannot, however, budget to make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

The current consent fees are set out in Appendix 1 to this report; some sites have remained vacant during the period 2008/2009 and in order to support the existing traders fees were not increased for the 2009/2010 period. It is proposed that fees are not increased again for the period 2010/2011 as set out in Appendix 1, in order to continue the support of struggling traders.

### **4. Allocation Procedure**

- 4.1 Existing consent holders in the City Centre are granted a degree of preference in the re-allocation of their consents unless applications are received for alternative trades that are sufficiently attractive to possibly warrant displacing an existing consent holder. It is recommended that the Assistant Director for Planning Services is authorised to grant Street Trading Consents to the existing City Centre traders..
- 4.2 In the City Centre, any Consents not renewed to existing traders are advertised and it is recommended Consents be allocated under delegated authority by the Assistant Director for Planning Services.

### **5 Street Trading during City Centre Events**

The City Centre Company organises a number of events and entertainment each year in the City Centre. City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Assistant Director for Planning Services may approve short-term licences for street trading associated with events or promotional activity.

### **6. Ad Hoc Street Trading**

- 6.1 From time to time applications are received from entrepreneurs with really good propositions who wish to trade in the City Centre for a period less than 12 months. They are self sufficient and do not require a street trading stall. An example of these may be an artist wishing to draw and sell personal caricatures and another person seeking to sell his poetry on scrolls. Neither of these activities has the potential to clash with permanent shops or traders but would add to the vibrancy of the city centre and help to maintain the

income stream. This type of trading does not require a fixed site and could be located comfortably and safely within the city centre.

6.2 The Committee is asked to give delegated authority to the Assistant Director for Planning Services to allocate ad hoc street trading Consents and set fees for this within Committee policy.

## **7. Special provision**

7.1 Due to the redevelopment works at the West End it was necessary to temporarily re-locate 3 existing traders located at sites, 9, 2C and 6 New George Street. Site 2A was also out of action for the duration of the works.

On completion of the works the decision was made that these sites would no longer be available as street trading sites and a permanent solution would be needed in order to accommodate existing traders and to ensure the number of original sites were still available in order to secure possible income.

The Hot Potato trader formerly at site 9 has been temporarily sited at the end of the flowerbed outside of Krazy Kuts (identified on attached map, Appendix 2). It is proposed that this site becomes a permanent replacement for site 9 and retains the title of 'site 9'

Site 2A (identified on attached map, Appendix 2) can now be accessed (following the redirection of electricity and the ground installations to accommodate stall)

The mobile phone trader formerly at site 2C has been relocated to site 2D and is happy to remain here.

Despite re-locating existing traders, in real terms we have lost 3 street trading sites due to the West End redevelopment. It is therefore proposed that additional sites are sourced and made available in order to protect the council's earning potential.

Sites are dependant on available electricity source and three sites have been identified as possible new sites.

One site where electricity is already available is in Armada Way at the side of the wall surrounding toilets (opposite Ernest Jones jewellers) This would permanently accommodated the trader formerly at site 6 and temporarily outside of Madhouse.

One could be accommodated to the side of the site (at Place De Brest) temporarily given to an ice cream vendor who has now retired.

The other possible site is situated between flower beds opposite Superdrug at the top end of Cornwall St.

Sites in the latter 2 areas would possibly help to encourage footfall in Cornwall Street, which has dropped dramatically since the closure of Woolworths.

There would be a cost involved to excavate and connect electricity and to install ground fixtures and street trading stalls in Cornwall Street.

## **8. Recommendations**

- 8.1 The consent dates for 2010/2011 are approved.
- 8.2 The Assistant Director for Planning Services has delegated authority to approve, within committee policy, the issuing of consents to existing City Centre traders seeking to continue trading during 2010/2011.
- 8.3 The Assistant Director for Planning Services has delegated authority to approve, within Committee policy, the issuing of consents to new City Centre traders for vacant sites.
- 8.4 The consent fees for 2010/2011 are approved.
- 8.5 The Assistant Director for Planning Services has delegated authority to approve, within Committee policy, short-term street trading consents in association with other City Centre events and commercial activity.
- 8.6 The Assistant Director for Planning Services has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- 8.7 The proposed site changes are approved.
- 8.8 The proposed three new sites are approved.

APPENDIX 1

<b>SITE</b>	<b>LOCATION</b>	<b>CONSENT FEE 2009/2010</b>	<b>PROPOSED FEE 2010/2011</b>
1A	Frankfort Gate	1,820	1,820
1B	Frankfort Gate	1,820	1,820
2A	New George Street	6,928	6,928
2B	New George Street	8,891	8,891
2C	New George Street	5,680	5,680
2D	New George Street	6,928	6,928
3A	Bedford Way	3,420	3,420
3B	Bedford Way	5,680	5,680
4A	Old Town Street	2,272	2,272
6	New George Street	4,545	4,545
7	Old Town Street	2,758	2,758
8	New George Street	2,316	2,316
	Summer	1,213	1,213
9	New George Street	6,928	6,928
Trial site	Place de Brest	5,100	5,100
B	Madeira Road	4,026*	4,026
C	Madeira Road	2,272*	2,272
E	Hoe Road	10,457*	10,457
F	Hoe Road	10,457*	10,457
G	Hoe Road/Grand Parade	5,008*	5,008
H	Pier Street	1191*	1191
I	Cliff Road	966*	966
J	James Street, Devonport	793*	793

\* Ice cream traders have the option to renew their Consent for the winter months for £10.00.