



Rochford District  
Council

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| <b>REPORT TITLE:</b> | <b>To restart the Application process to update the Street Trading Policy to incorporate Ice Cream Vendors and Rochford District Council controlled land.</b> |
| <b>REPORT OF:</b>    | <b>Tracey Lilley</b>  |

### REPORT SUMMARY

To approve the draft Street Trading Policy and the timetable for consultation and approval.

### RECOMMENDATIONS

- R1 - To agree the timeline as outlined within the report.
- R2 - To approve the Street Trading Policy subject to comments following the consultation.

### SUPPORTING INFORMATION

#### 1.0 REASON/S FOR RECOMMENDATIONS

- 1.1. On 30<sup>th</sup> September 2021 the Licensing and Appeals Committee considered a report to amend the existing Street Trading Policy.
- 1.2. The members expressed the view that there was a significant step changing it from having specific roads designated for street trading to the proposed a more blanket approach and would be interested to see the results of the public consultation on the policy.

## **2.0 BACKGROUND INFORMATION**

- 2.1. On 2 August 1995, the Council adopted the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Consent Streets.
- 2.2. This act designated streets (including forecourts, roads, footways or other areas adjacent thereto for a distance of 15 metres) as consent streets and required a licence for street trading within these streets.
- 2.3. The streets adopted in 1995 were:

### **Rayleigh:**

High Street, High Road (Castle Road to High Street), Hockley Road (High Street to Upway), Eastwood Road (High Street to Queens Road), King George's Close, Crown Hill (High Street to Station Road), Station Road (Crown Hill to London Road), London Road (Station Road to Downhall Road), Bellingham Lane, Church Street, London Hill, Websters Way, Bull Lane (Websters Way to Stile Lane), Stile Lane, Castle Road, Daws Heath Road (Eastwood Road to Castle Road), Finchfield, Castle Close.

### **Rochford:**

South Street, North Street, West Street, East Street, Back Lane, Quys Lane, Old Ship Lane, Market Square, Weir Pond Road, Ashingdon Road (West Street to Dalys Road), Union Lane.

### **Hockley:**

Spa Road, Main Road (Southend Road to Buckingham Road), Southend Road (Main Road to Hill Lane, Bramerton Road, Woodlands Road, Broad Parade, Greensward Lane (Spa Road to Leamington Road).

### **Hullbridge:**

Ferry Road, Pooles Lane, Lower Road (Hullbridge Road to Long Lane), Kingsway.

### **Great Wakering:**

High Street.

- 2.4. The existing policy has not been reviewed since the Council adopted the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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**Definition of Consent or Prohibited Street**

- 2.5. A Consent Street; means a street in which street trading is prohibited without the consent of the council.
- 2.6. A Prohibited Street; means a street in which trading is prohibited.

**Definition of Street Trading**

- 2.7. The Local Government (Miscellaneous Provisions) Act 1982, defines street trading as the selling or offering for sale any article (including a living thing) in a “street”. Anyone wishing to trade in a street within the District will be affected, with the following exceptions:
- A pedlar holding a current Pedlar’s certificate and acting as a Pedlar under the authority of the Pedlar’s Act 1871.
  - A trader as part of an authorised market or fair.
  - A trader at a petrol station.
  - A person trading in association with an adjoining shop premises.
  - Trading in a trunk road picnic area provided under Section 112 of the Highways Act 1980.
  - Trading as a news vendor, where the only articles sold or offered for sale are newspapers and periodicals.

**POLICY REVIEW**

- 2.8. There have been a number of changes in legislation over the years and it is appropriate to ensure a policy is fit for purpose and follows the most up to date guidance and recommendations.

A copy of the draft new Street Trading Policy can be found at appendix A.

- 2.9. In summary, these changes relate to:
- The adoption of further steps to enhance safeguarding
  - The streamlining of some of the administrative processes around the renewal and variation of an application
  - Greater regard to equality and the need to avoid duplication

**TIMETABLE CONSIDERATIONS**

- 2.10. Paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982 states that a District Council may by resolution designate any street in their district as: (a) a prohibited street; (b) a licence street; or (c) a consent street.
- 2.11. If a District Council passes such a resolution, the designation of the street shall take effect on the day specified but a Council shall not pass such a resolution unless it has:
- published notice of its intention to pass such a resolution in a local newspaper circulating in their area

- it has served a copy of the notice on the chief officer of police for the area in which the street to be designated by the resolution is situated and on any highway authority responsible for that street; and
- The notice itself shall contain a draft of the resolution and shall state that representations relating to it may be made in writing to the Council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

### **Representations against the Application**

- 2.12. The legislation states that as soon as practicable after the expiry of the consultation period specified, the Council shall consider any representations relating to the proposed resolution which it has received before the expiry of that period.

### **Issue of Notice**

- 2.13. The Council shall publish notice that it has passed such a resolution in two consecutive weeks in a local newspaper circulating in its area.
- 2.14. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 2.15. The total estimated time to complete the process would be 14 weeks

### **PROPOSED TIMETABLE**

- 2.16. Taking into account the considerations as detailed in paragraph 2.11 of this report, the following timetable of dates is proposed in order to implement the reviewed Street Trading Policy:

| <b>Action</b>  | <b>Date</b> |
|--|-------------|
| Approve the draft Street Trading Policy for Resolution   | 12/10/2023  |
| Start public consultation and publish notice of intention to pass such a resolution in a local newspaper | 01/11/2023  |
| Served a copy of the notice on Essex Police and Essex Highways Authority                                 | 01/11/2023  |
| End of Public Consultation   | 01/12/2023  |
| Consider any representations   | 01/01/2024  |
| Produce report for Licensing Committee with findings following the consultation                          | 14/02/2024  |
| Licensing Committee decision following report  | 01/04/2024  |

|  |            |
|--|------------|
| Publish notice for two consecutive weeks in a local newspaper, that the resolution has been passed | 10/04/2024 |
| Introduction of New Street Trading Policy (at least 28 days from initial published notice)         | 21/04/2024 |

### **3.0 OTHER OPTIONS CONSIDERED**

3.1 No other alternatives have been identified.

### **4.0 RELEVANT RISKS**

4.1 The risks associated with this amendment are low. Officers need to ensure the deadlines are met to ensure compliance with the governance of the amendments.

### **5.0 ENGAGEMENT/CONSULTATION**

5.1 Due to the time lapse in the previous review, a new public consultation must take place. Officers will work with the Communications team to ensure as much coverage as possible.

### **6.0 FINANCIAL IMPLICATIONS**

6.1 This will generate an income for the Licensing Team, however it is governed in accordance with legislation over its management.

### **7.0 LEGAL/GOVERNANCE IMPLICATIONS**

7.1 No legal implications other than those already identified within this report

### **8.0 EQUALITY & HEALTH IMPLICATIONS**

8.1 No Equality or Health implications identified.

### **9.0 ENVIRONMENT & CLIMATE IMPLICATIONS**

9.1 This may impact on Environmental factors in relation to the type and requirements set by the members in relation to the traders stalls / equipment.

