

Chichester District Council

CABINET

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Review of Street Trading controls in Chichester City Centre

1. Contacts

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2. Recommendations

- 2.1 **That officers be authorised to undertake the necessary steps to vary the existing designation to further areas within Chichester city centre pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 from prohibited streets to consent streets; and**
- 2.2 **That following that process Council is requested to approve the re-designation.**

3 Background

- 3.1 The Council's Licensing Team have reviewed the existing Street Trading prohibitions and request that consideration be given to varying the existing designation to further areas of Chichester city centre from 'prohibited streets' to 'consent streets' under the Local Government (Miscellaneous Provisions) Act 1982 (the 'Act').
- 3.2 'Street Trading' is currently prohibited within the city centre of Chichester, other than the pedestrianised areas of East Street, North Street and Crane Street and the part of St Martin's Street from its junction with East Street northwards to adjacent 4 St Martin's Street. These four areas are designated 'consent streets' under the Act and it is therefore only these areas which are currently able to host a consented market under the authority of a Street Trading Consent overseen by the Licensing Team.
- 3.3 Street Trading prohibitions have been in place since 1991 with amendments made by Council in 2006 when approval was given for parts of East Street and North Street to become 'consent streets', and again in 2016 when Crane Street and the part of St Martin's Street were added following a request from the Chichester BID.

- 3.4 A plan illustrating the extent of the current street trading prohibition/consented areas within the city centre is shown at Appendix 1. The possible option for extending the consented areas include streets that are within the current prohibited area. Therefore in order for street trading to occur at these locations the existing designation must be formally changed.
- 3.5 In its simplest form 'street trading' means the selling or exposing, or offering for sale, of any article (including living things) in a street. There are certain exemptions such as;
- Trading as a news vendor/selling periodicals such as '*The Big Issue*';
 - Trading by a person acting as a pedlar who has a pedlars certificate granted by the Police, and
 - Street collections or sales by charities with a Street Collection Permit.
- 3.6 Unless operating under one of these exemptions this means that persons wishing to sell items must obtain a Street Trading Consent from the Council. Without such Consent trading is prohibited.
- 3.7 The Act specifies that a Council shall not pass a resolution to designate a street or part of a street as a 'consent street' unless certain statutory steps have been taken. These include;
- The publication of a notice in a local newspaper setting out the Council's intention to pass such a resolution;
 - Serving a copy of the notice on the Chief Officer of Police for the area(s) in which the street to be designated by the resolution is situated and on any highway authority for that street
 - Advertising the resolution for two consecutive weeks in the local press before any designation takes effect
- 3.8 The Licensing Team is aware of the desire from retailers and event organisers to potentially stage more events in areas of the city which they are currently unable to do so. Therefore in order to achieve this Council must pass a resolution to change the status of certain streets only once certain statutory processes have been undertaken.

4 Outcomes to be achieved

- 4.1 The purpose of the re-designation is to provide diversity in the shopping facility offered in the city centre whilst providing support for businesses, and to increase trade and vibrancy into further areas of Chichester city centre.
- 4.2 Subject to the process outlined above that Officers report to Council to request a formal resolution seeking the potential variation of the designation of further areas of Chichester city centre from 'prohibited streets' to 'consent streets'
- 4.3 If passed this will present the opportunity to potentially stage new events in areas other than those specified at paragraph 3.2 above, assist with the introduction of an all year round programme of events and support the delivery of the Chichester Vision.

5 Proposal

- 5.1 That officers proceed with the necessary actions to change the designation of areas of Chichester city centre from prohibited to consented streets, subject to the necessary statutory processes being completed.
- 5.2 A consultation process will take place with partners including, West Sussex County Council, Chichester City Council, Chichester BID and other relevant departments at Chichester District Council. The map illustrating the option for the extension to consented streets can be found in Appendix 2. Consultees will be asked to comment and a report will be provided to Council on 28 January 2020 seeking the final resolution.

6 Alternatives that have been considered

- 6.1 Do nothing – retain the current consented areas only

7 Resource and legal implications

- 7.1 Existing resource within Growth and Place, predominantly from the Licensing Team along with input from Legal Services will be required to undertake this exercise.

8 Public Consultation

- 8.1 If Cabinet approve the consultation being undertaken the statutory processes will be progressed including the placing of public notices. Comments received will be reported to Council on 28 January 2020 when the necessary resolution will be sought.

9 Community impact and corporate risks

- 9.1 Corporate and community risks are considered minimal albeit consideration must be given to the outcome of the consultation and the potential economic and wider impact on Chichester city centre if the proposed areas are designated as 'consent streets'.

10 Other Implications

Crime & Disorder:	No
Climate Change:	No
Human Rights and Equality Impact:	No
Safeguarding:	No

11 Appendices

Appendix 1 Map illustrating current 'Prohibited Streets' and 'Consent Streets' in Chichester city centre

Appendix 2 Map illustrating potential future consented streets