

Chichester District Council

CABINET

1 December 2015

Review of Street Trading controls in Chichester City Centre

1. Contacts

Report Author:

Laurence Foord, Licensing Manager

Tel: 01243 534742 E-mail: lfoord@chichester.gov.uk

Cabinet Member:

Roger Barrow, Cabinet Member for Environment

Tel: 01243 604243 E-mail: rbarrow@chichester.gov.uk

2. Recommendations

2.1. That officers be authorised to undertake the necessary steps to vary the existing designation of Crane Street and part of St Martins Street, Chichester 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 be requested to approve the re-designation.

3. Background

3.1 The Council's Licensing Team has received a formal request from the Chichester Business Improvement District (the 'BID') to review the existing street trading prohibitions in the City Centre (Appendix 1). In particular, the BID has requested that consideration be given to varying the existing designation of Crane Street and part of St Martins Street, Chichester from 'prohibited streets' to 'consent streets' under the Local Government (Miscellaneous Provisions) Act 1982 (the 'Act').

3.2 'Street Trading' is prohibited within the City Centre of Chichester, other than the pedestrianised areas of East Street and North Street which are designated 'consent streets' under the Act. Prohibitions have been in place since 1991 and were last amended by Council in 2006 when approval was given for parts of East Street and North Street to become 'consent streets' to enable street trading to take part in those areas for a Farmers Market and occasional or charitable events.

3.3 A plan illustrating the extent of the current street trading prohibition/consent areas in the City Centre is shown at Appendix 2. The locations of Crane Street and St Martins Street have been highlighted. Both streets are within the current prohibited area. Therefore in order for street trading to occur at these locations the existing designation must be changed.

- 3.4 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.
- 3.5 Unless operating under one of these exemptions this means that persons wishing to sell items in East Street or North Street must obtain a Street Trading Consent from the Council. Without such Consent trading is prohibited.
- 3.6 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 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

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 particularly those in Crane Street and St Martin's Street who have expressed their desire to this Council, via the BID, to increase trade and vibrancy into some of the side streets 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 Crane Street and part of St Martins Street, Chichester from 'prohibited streets' to 'consent streets'

5. Proposal

- 5.1 That officers proceed with the necessary actions to change the designation of Crane Street and part of St Martin's street from prohibited to consent street, subject to the necessary process being completed.

6. Alternatives that have been considered

- 6.1 At its meeting on 3 March 2015 Cabinet considered various matters relating to markets and street trading within Chichester. One such outcome was for the General Licensing Committee to undertake a review of the current guidance in relation to street trading controls.

In conjunction with this report the General Licensing Committee, at its meeting on 21 October 2015, agreed for officers to consider the following;

- Revision of the Street Trading Guidance to potentially permit street trading by smaller groups of stalls subject to the issue of a Street Trading Consent;
- Review of fees and delivery of service, and
- Consideration of introducing revised charges for future commercial markets held in the City Centre.

6.3 Do nothing – retain both Crane Street and St Martin’s Street as prohibited streets.

7. Resource and legal implications

7.1 Existing resource within Housing and Environment Services along with input from Legal Services will be required to undertake this exercise.

8. Consultation

8.1 If approved the statutory process will be progressed including the placing of a public notice. Comments received will be reported to Council.

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 Formal request from Chichester City Centre Partnership (the ‘BID’)

Appendix 2 Map illustrating current ‘Prohibited Streets’ and ‘Consent Streets’ in Chichester City Centre (along with location of Crane Street and St Martins Street) (printed in black and white, but available in colour on the website)

12. Background Papers

None