

## **CONSULTATION ON STROUD DISTRICT COUNCIL'S STREET TRADING POLICY**

### **Background to Street Trading**

The definition in the legislation of street trading is the selling of articles in the street.

A street is defined as any road, footway or area the public have access to without having to pay an entrance fee.

Stroud District Council has designated the whole district as needing street trading consent. This means that, as well as streets, pavements and lay-bys, street trading consent is also needed for any land the public have free access to. This can include town or parish council land or even private land.

There are some exemptions in the legislation. The following do not need street trading consent.

- Pedlars
- Markets operating under a Charter or Order
- Selling newspapers and periodicals
- Trading from a shop, or street adjoining a shop as part of the business of the shop
- Roundsmen e.g. milkman or coalman
- Selling items for a charitable cause under a street collection permit

### **Review of Stroud District Council's Street Trading Policy**

Stroud District Council's street trading policy lays out the Council's approach for managing street trading in our district.

The current policy has been reviewed by the Licensing Team and Legal Officers. A draft revised policy document was approved by Community Services and Licensing Committee on 30<sup>th</sup> May 2019.

### **Two Key Proposed Changes to the Policy**

#### 1. Markets

Markets not operating under a Charter or Order are considered as street trading in the legislation.

In 2000 the Council decided to waive street trading consent requirements for the following markets:

- The Shambles Market
- Stroud Farmers Market

Our Legal Team now believe that waivers are not within the remit of the legislation and should not continue. Instead such Markets should apply for a street trading consent.

Waivers involved little resource for the Licensing Team and there was no fee. However street trading consents are a more formal process. New applications involve consultation and the consents must be renewed annually. Street trading consents incur a fee. The current annual fee for a single static street trading consent is £1086. A costing exercise suggests the annual fee for a Market Consent should be £1100 for a weekly market. This would be reduced pro-rata for markets that operate less frequently.

## 2. Charitable and Community Events

For many years the Council has exempted Community and Charitable events from needing a street trading consent. This includes carnivals and Christmas goodwill evenings.

Our legal team now believe there is no provision in the legislation for the Council to give this 'blanket' exemption.

The proposed policy addresses this by clarifying that trading on land where entrance can be controlled is not street trading because the public do not have absolute right of access. This could include village fetes and car boot sales held in a field with an entrance.

However events where the public have right of access will need to apply for a street trading consent. We anticipate this mainly be events in the street such as Christmas Goodwill evenings.

We do not want to deter community and charitable events. It is proposed to have 'light touch' approach for such events. The policy proposes to give the Head of Health and Wellbeing discretion to not charge a fee for once a year community and charitable events.

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## Consultation

The draft street trading policy is now out for formal consultation.

Information about the consultation, including links to the draft policy and a document explaining more about the key changes, is on Stroud District Council's website [www.stroud.gov.uk/street-trading-policy-2019](http://www.stroud.gov.uk/street-trading-policy-2019).

At the end of the consultation period all comments received will be considered and a final draft will be put to Community Services and Licensing Committee on 5<sup>th</sup> September 2019 for adoption.

## Making Comment

If you have any comments about the draft street trading policy please submit them to [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk) before the end of the consultation period.

The consultation period ends on **2<sup>nd</sup> August 2019**

If you wish to discuss any of the above please contact Rachel Andrew using the details below.

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