

UPDATE ON STROUD DISTRICT COUNCIL'S STREET TRADING CONSULTATION

1 Background

Legal Services, after considering case law, advised the Licensing Team last year that the following parts of Stroud District Council's current Street Trading policy are not permissible under street trading legislation.

- Waiving the requirement for markets to need street trading consent
- Exempting community and charitable events from needing street trading consent

The waivers and exemptions have been in Stroud District Council's policy for many years. Taking account of the above advice Licensing Officers drafted a revised policy.

The proposals in the draft policy included:

- Markets - Introduction of a 'blanket' Market Street Trading Consent to replace the 'waivers'. This will enable a number of stalls to operate under a single consent applied for by the market organiser. Such consents will incur a fee. There is an exemption in the legislation for markets operating under a charter. The new consent will be for markets that do not have a charter.
- Community and Charitable Events - The legislation defines 'street' as any street or area of land that the public have access to without payment. Legal advice is that we can no longer just exempt particular types of events. This means many fundraising activities, which do not have an entrance fee, such as village fetes, would now need street trading consent. The draft policy attempts to reduce the impact of this by stating that for events where access can be controlled, the Council will not consider this public access and so street trading consent is not needed. For events that cannot control access a new 'light touch' short term consent is proposed. This consent will have a simple process. In addition, for events that happen once a year, and are for community or charitable purposes, there will be no fee.

2 Consultation

Community Services and Licensing Committee approved a draft policy for consultation. The Licensing Team had a consultation page on Stroud District Council's website and emailed all the Town and Parish Councils as well as all

current traders and other relevant authorities and persons. The purpose of the consultation was to seek views on the proposals.

The Council received a range of comments about the draft policy. The key observations were:

- Uncertainty about which fundraising or community events would need street trading permission and which would need to pay a fee.
- The proposed definition of 'land where access can be controlled' gave rise to many questions and clearly needs clarification
- Dursley and Minchinhampton are confident that their Markets operate under a Charter and so are exempted in the legislation
- Town and Parish Council's feel strongly that if charges are made for small markets and community events it will make them unviable and they will be lost at the detriment of the community.

3 Moving Forward

The Chair of the Community Services and Licensing Committee has met with the Head of Health and Wellbeing and Licensing and Legal Officers to consider the consultation comments.

It was recognized that some legitimate concerns have been raised and that the policy needs further amendment in order to give clarity. In particular Officer's will consider the option of changing the Council's Resolution about Street Trading with a view to reducing unintended implications that have resulted from the legal advice that we cannot continue to issue waivers to Markets and exempt charitable and community events. The Resolution is a process by which the Council formally designates which areas of the district will be covered by the street trading legislation.

A proposed revised resolution and an improved draft policy will be brought to Community Services and Licensing Committee in January 2020. The revised documents will go back out for consultation to get further views.

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

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