

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	23 <sup>rd</sup> June 2021
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Technical Officer (Licensing) <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706451
<b>SUBJECT:</b>	Review of Street Trading Policy

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To inform Members of the current position with regard to a review of the street trading policy within Denbighshire.

## **2.0 EXECUTIVE SUMMARY**

- 2.1 Work has been ongoing in drafting a Street Trading Policy and officers are seeking Members' views on the revised draft policy (attached at Appendix A). This version has been developed with a view to providing a policy which is fit for purpose and which addresses the concerns for all who may be affected.

## **3.0 POWER TO MAKE THE DECISION**

- 3.1 Local Government (Miscellaneous Provisions) Act 1982 Part III, Schedule 4, Street Trading.

## **4.0 BACKGROUND INFORMATION**

- 4.1 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling, exposing or offering articles for sale in a street. The relevant Part of the Act was re-adopted by the Council in June 2002. The definition of a "street" is wide ranging and includes any road, footway, beach or other area to which the public have access without paying and service areas as defined under Section 329 of the Highways Act 1980.
- 4.2 Any person wishing to trade on streets in the County needs to apply for Consent from the Licensing Authority. This is because the Licensing Authority has designated all streets in Denbighshire as "Consent Streets"

for street trading purposes.

- 4.3 There is one exception to this, which is that streets in and around Rhyl and Prestatyn Town Centres are designated as “Prohibited Streets where no trading is permitted to take place (Appendix A of the Draft Policy).
- 4.4 In 2015, Members authorised officers to review the street trading approval procedures in order to address difficulties with the current regulations and suggest improvements to better regulate and support street trading within the County.
- 4.5 A draft policy was considered by the Licensing Committee in December 2016 and it was agreed that an initial consultation be undertaken with City, Town and Community Councils, along with internal Council departments
- 4.6 Comments from that initial consultation were incorporated into a draft Street Trading Policy which went forward to public consultation. No comments were received.
- 4.7 As mentioned above, the public consultation did not provide any responses. However, officers subsequently received feedback from other individuals and teams from within the Council, including Members, and it was concluded that further work was required before a Street Trading Policy which is fit for purpose can be presented to this Committee for consideration.
- 4.8 Much has changed from the original decision to review the policy, such as the challenges faced by our High Streets which have been compounded by the Covid-19 crisis and Members will be mindful of this when considering the new revised policy.
- 4.9 Officers are proposing that if, having examined the attached policy, Members authorise a full consultation to take place, we will at the same time undertake discussions with business groups and communication experts within the Council. This will allow us to understand the needs of those who may be affected by the policy, notably local “fixed” traders, business groups, communities and the wider Council teams, e.g. Planning, Highways and Environmental Services, etc.

## **5.0 OFFICER COMMENTS**

- 5.1 The consultation and engagement outlined at 4.9 above will enable officers to make any necessary adjustments to the policy before presenting it to a future Licensing Committee.

5.2 As part of the ongoing development of the policy, Members may also feel it appropriate to develop a “sub-group” to discuss certain items within the policy such as:

- How best the policy can support permanent outlets and street traders alike, given the changing landscape of our High Streets and retail areas.
- Whether any changes are required to the current system of Prohibited Streets in Rhyl and Prestatyn (Appendix B).

## **6.0 RECOMMENDATIONS**

6.1 That Members consider the policy at Appendix A and, if appropriate, give approval for consultation.

6.2 To consider the suggestion of forming a “sub-group” and whether they might wish to nominate a Member of the Committee to liaise with officers on this matter.

