

To: General Purposes Licensing Committee

Date: 19 October 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Designation of Streets for Street Trading –
Consultation Responses

Summary and Recommendations

Purpose of report: To report back to Committee on the responses to the public consultation on the proposal to designate all streets in Oxford City as Consent streets for the purposes of Street Trading.

Report Approved by:

Finance: Paul Swaffield (Approved)

Legal: Daniel Smith (Approved)

Policy Framework: Vibrant, sustainable economy

Recommendations:

Committee is recommended to:

(a) consider responses to the consultation,

(b) resolve to recommend that Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st April 2012,

(c) remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways,

(d) request the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre and for community / charitable events in the review of fees and charges for 2011/12.

Introduction

1. At its meeting on the 15th June 2011 General Purposes Licensing Committee received a report on the Designation of Streets for Street Trading. The purpose of the report was to address inconsistencies in the designation of streets under the current scheme. Committee considered two options for extending the street trading scheme. Option 1 was to retain the designation of Prohibited and Consent Streets and designate the remainder of the streets in Oxford as Consent Streets. Option 2 was to designate all streets in Oxford (including the City centre) as Consent Streets. Committee resolved:
 - (1) To recommend Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme;
 - (2) To remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways;
 - (3) To authorise the Head of Environmental Development to carry out the required consultation as set out in paragraph 13 of the report;
 - (4) To receive a further report to consider responses to the consultation before making a recommendation to Council.
2. This report summarises the responses to the consultation.

Consultation

3. The statutory public notice was printed in the Oxford Times on Thursday 11th August 2011 inviting views of the proposal.
4. A letter was sent to 70 stakeholders inviting their views. Amongst these were;
 - Clarendon Shopping Centre
 - Existing traders at sites on or adjacent to undesignated streets
 - Existing weekly and annual street traders
 - Oxford Castle
 - Oxfordshire County Council Highways
 - Oxfordshire Fire & Rescue
 - Planning
 - Templar Square Shopping Centre
 - Thames Valley Police
 - Westgate Shopping Centre
5. An email was sent to 'Councillors All Members' on Friday 12th August with an attachment of the Public Notice and a briefing note. A press release was issued on Tuesday 16th August 2011.

Summary of responses

6. Two responses were received via the Oxford City Council website. Both the respondents did not agree with expanding the designation of consent streets and both did not agree with removing the current designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways. One respondent commented *“can’t see any good reason for obstructing car advertisers”* and did not see how advertising a car for sale could be antisocial. The other respondent wrote *“the centre of Oxford is already a depressingly commercialised place with numerous stalls selling cheap tourist garbage. We don’t need more of it.”*
7. Four written responses were also received (Appendix). In summary:
 - Christ Church is in favour of extending the definition of Consent Street to all streets in the City but is against the reclassifying of Prohibited Streets
 - Pembroke College, St Aldates Church and Commonwealth House are strongly against the reclassification and urge the Council to adjust its proposed amendments to move to two categories of designation of streets: one being 'Consent' Streets and the other being 'Prohibited' Streets
 - Oxford Streets for People and Headington Action were concerned in particular that costs and bureaucratic paperwork would make it unviable for local activities such as street parties, farmers’ markets and festivals. They also ask that street trading regulations do not apply to park based events.
 - Alan Joyce expressed his concern that his business could no longer be viable and suggests that street trading fees be commensurate with business rates.

Officer comments

8. The two responses received via the website were against extending the designation of Consent Street to the whole of the City and against removing the designation of the shopping centre walkways. They do not give reasons for their views.
9. Christ Church, Pembroke College, St Aldate’s Church and Commonwealth House made a joint response. They are opposed to redesignating the whole of the City as Consent Street and support retaining the designation of Prohibited Street and extending the designation of Consent Street to the whole of the City. This was one of the options considered by Committee on 15 June.
10. The Street Trading Policy contains the criteria for deciding applications for Street Trading Consents and makes it clear that there is a process of

consultation to adhere to, before any new pitches are approved. If the current distinctions of Consent Street and Prohibited Street are maintained this may create an expectation that all applications for street trading consents in Consent Streets are likely to be successful. It also does not give the flexibility in allowing street trading to take place during special events in streets that may previously have been prohibited.

11. If all streets become Consent Streets, then existing traders on or adjacent streets that are currently undesignated will require a Street Trading Consent. Alan Joyce is the only one of such traders to respond to the consultation. He is concerned that should the scheme be extended with the current Consent fees being applied to all traders then his business would not be financially viable. From the content of his letter, it could be interpreted that he operates as a “rounds man” and would be exempt for the requirement for a Street Trading Consent. However, this does raise the question of setting an appropriate fee for those that are outside the scope of the current scheme. It is suggested that a lower fee be applied for daytime trading for sites outside the City centre. Officers would propose an appropriate fee for consideration at the annual fees and charges review that will be considered at the February Committee.
12. Oxford Streets for People and Headington Action raised issues with street parties, farmers’ markets and park based events. Small charitable activities associated with street parties and community events, fairs etc within parks do not require a Street Trading Consent. However, farmers’ markets held on Consent Streets would require a consent. Headington Farmers’ Market is already treated as a community/charitable event for its Road Closure application fee. It is suggested that it is treated similarly for the purposes of street trading and that an appropriate fee be proposed for consideration at the annual fees and charges review that will be considered at the February Committee.

Legal Implications

13. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as ‘Consent Streets’, ‘Licence Streets’ or ‘Prohibited Streets’.
14. Should the Council decide to designate or change the designation of streets within its area, it must follow the procedure laid down in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
15. The procedure to be followed before the Council can formally change the designation of streets is as follows;
 - The publication of a notice of intention to pass the resolution in a local newspaper and serve copies on the Chief Officer of Police and on the County Council as Highway Authority.

- A period of 28 days must elapse from the time of the initial publication of the notice to the time the Council passes the resolution confirming the proposed designation. This is to allow objections to be made, which must be considered before a resolution is passed.
- Once the resolution is passed, the Council must publish notice of the fact on 2 consecutive weeks in a local newspaper. The first publication date must be no later than 28 days before the date specified in the resolution as the date on which the designation comes into force.

Financial Implications

16. The Council collects licence fees for the Street Trading function. Fees are reviewed annually prior to the Council setting its budget. Predicted income from licence fees is included in the Council's budget.

Recommendations

17. Committee is recommended to:

- (a) consider responses to the consultation,
- (b) resolve to recommend that Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st April 2012,
- (c) remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways,
- (d) request the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre and for community / charitable events in the review of fees and charges for 2011/12.

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Background papers:

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