

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **19 November 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **STREET TRADING CONCESSIONS**

SUMMARY

The issue of Street Trading Consents within the Town Centre provides an opportunity for the Council to add to the town centre retail offer and the overall town centre vibrancy. They also provide an income to the Council. Historically, once issued, there was no means to review or to allow other potential traders to take up a consent. In 2008 this Committee undertook a review of the management of the Street Trading Consents in West Street, Fareham. As part of that review it agreed an initial five year period for the existing traders. This ends in March 2014 and the Committee is now required to determine how the issue of Street Trading Consents is conducted in the future.

RECOMMENDATION

That the committee considers the options for the future issue of the Street Trading Consents within West Street, Fareham as set out in paragraph 8 of this report.

INTRODUCTION

1. On 30 June 1983 the Council resolved to adopt Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The provisions of that Act allow the Council to exercise some control over Street Trading. In particular it allowed the Council to declare a particular street to be a consent street. In a consent street a person may only trade in the street (subject to certain exemptions) with a Street Trading consent issued by the Local Authority.
2. The following streets in the borough were designated consent streets at that time:-

West Street Fareham (Portland Street to Quay Street)
Portchester Pedestrian Precinct
High Street/ The Square, Titchfield
South Street Titchfield
East Street Titchfield
Mill Street Titchfield
Meon Shore Hill Head
Salterns Road Hill Head
Cliff Road, Hill Head
Hill Head Road, Hill Head.
3. Since 1994 a number of Street Trading Consents have been issued to mobile caterers by Fareham Borough Council in respect of the pedestrianised area of West Street Fareham, really to help improve the vibrancy and vitality of the town centre.
4. During 2008 the arrangements for the issue of Street Trading Consents was reviewed by this Committee. At its meeting of 18 November 2008 the Committee resolved:-
 - a) that a maximum of four permanent catering consents in West Street, Fareham be granted;
 - b) that the four locations for permanent catering consents within West Street identified in the report, be agreed;
 - c) that consents be granted to the four traders that were already operating in West Street for a period of five years, subject to review annually in accordance with street trading regulations;
 - d) that a Panel of five members be appointed with delegated powers to agree the detail of the Council's Street Trading Policy, the General Conditions applying to street trading consents together with any specific conditions and the location of specific traders;
 - e) the new arrangements were to come into effect on 1 February 2009 and the Panel to keep the matters set out in (d) above under review, and to consider representations from the traders;
 - f) that the seats on the Panel be allocated on the basis of four to the Conservative Group and one to the Liberal Democrat Group and that members be appointed in accordance with group wishes as expressed by the leaders of those groups;

- g) that separate arrangements be operated for the issuing of ad hoc catering concessions for special events and activities or other Town Centre Management initiatives, subject to such concessions being not in direct competition with the permanent consent holders, in accordance with paragraph 21 of the report and Appendix E: Street Trading Policy - Special Events and Activities;
 - h) that the annual fee for the four permanent street catering concessions be increased by 5% to £1,365 for 2009/10 and an additional charge of £80 per annum per table and/or 4 chairs be levied as appropriate.
5. The Licensing Trading Concessions Panel met on 22 January 2009 and determined the Street Trading Policy and Conditions and the location of the four existing traders; these locations are shown as Appendix A.
 6. The current situation is that there is only one of the original four traders trading, with the remaining 3 locations currently vacant. The initial five year period ends in March 2014.
 7. The current fee for consents is £1,600 for 12 months, £900 for 6 months and £500 for 3 months. The fees are usually reviewed annually as part of the fee setting process and are set out in the Spending Plans report that appears earlier on this agenda.

OPTIONS

8. The Committee is requested to consider the following options for the future issue of Street Trading consents:-

Option1 – As existing

Subject to continued compliance with the Council's Street Trading Policy and Conditions, continue to renew annually for a further period of five years the existing trader's consent. This option would enable Dunns Catering to continue trading and for the 3 vacant consents to be advertised. The Licensing Trading Concessions Panel would then select the traders it deems to have the most appropriate commercial offer for Fareham town centre and the three vacant consents offered to those traders. All consents would be renewed annually for a further five year period subject to compliance with the Council's Street Trading Policy and Conditions.

Option 2 – Re-advertise all four consents

To advertise all 4 consents for expressions of interest to trade within Fareham town centre and that the Licensing Trading Concessions Panel selects the four traders it deems to have the most appropriate commercial offer for Fareham town centre and the four consents offered to those traders and renewed annually for a further five year period subject to compliance with the Council's Street Trading Policy and Conditions.

9. This would provide the optimum opportunity to add to the town centre vibrancy and vitality and also provide an income of approximately £6,400 to the Council annually.
10. Should any consent become vacant during the next 5 year period then officers would advertise and re-issue that consent as described above.

RISK ASSESSMENT

11. There are no significant risk considerations in relation to this report

CONCLUSION

12. The issue of Street Trading Consents within the Town Centre provides an opportunity for the Council to add to the town centre retail offer and the overall town centre vibrancy. They also provide an income to the Council.
13. The initial five year period set by this Committee for the existing traders ends in March 2014 and the Committee is now requested to determine how the issue of Street Trading Consents is conducted in the future.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Ian Rickman (Ext 2401).

