



Licensing Committee

29 January 2014

Report title	City Centre Street Trading Review	
Wards affected	St Peters	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Licensing Services	
Accountable employee(s)	Colin Parr	Licensing Manager
	Tel	01902 550105
	Email	colin.parr@wolverhampton.gov.uk
Report has been considered by	City Centre Officer Working Group, 28 January 2013	

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Agree the following policy revisions to the city centre street trading function:
 - A net increase of one additional unit in the city centre, but replace repetitive trade lines with a more diverse offer.
 - Remove existing unit conditions to ensure units are of a higher quality.
 - Use licensing controls to ensure that the offer from each trader is of an appropriate quality; branded packaging, staff presentation, display of goods, etc...
 - A reduction in the total number of traders on Dudley Street
 - Concentrate traders in high footfall areas.
 - Commence the statutory process to designate the city centre as a licensed rather than a consented street trading area (this would allow traders a three year licence with a right to appeal any failure to offer renewal and provide traders with more security to invest in their businesses).

1.0 Purpose

- 1.1 This report details the findings of a data gathering exercise and subsequent consultation on proposals relating to the city centre street trading function. Following the outcome of this work Councillors are recommended to endorse the street trading policy revisions detailed at Section 5 of the report.

2.0 Background

- 2.1 There are currently fourteen daytime and four night time street trading consents in the city centre. Of these only nine are currently occupied, primarily by units offering hot food trade lines.
- 2.2 Fees vary from £2,675 to £3,075 for consents within the ring road. Income generated is used to support the delivery of the street trading function including compliance with consent conditions.
- 2.3 In November 2008 an options appraisal paper was presented to the then Cabinet Member regarding the city centre street trading function, the options presented ranged from maintaining the status quo to the incremental removal of all consents over a 12 month period. The Cabinet Member at the time resolved to maintain the existing arrangements.
- 2.4 In 2011 following agreement from the current Cabinet Member consultation proposals were developed by an officer working group consisting of employees from Regeneration, Legal Services and WV One. The proposals, which put forward some minor revisions to the existing trader locations and trade lines, focused primarily on an increased fee structure with income being shared between the Council and WV One.
- 2.5 Following the consultation process the Cabinet Member advised not to progress the proposals in relation to fee increases, income sharing or changes to the management of the function. However, it was requested that the issue of an appropriate city centre street trading offer be considered as part of a broader review of the city centre public realm that would complement the city centre regeneration programme.
- 2.6 To progress this work, an initial data gathering exercise was agreed by the previous City Centre Officer Working Group on 28 January 2013. A team of employees from Licensing Services, Physical Regeneration, Environmental Health (Commercial) and Highways were tasked to complete this exercise. This work took place between April and June 2013. This paper summarises the findings of this piece of work and puts forward formal proposals based on the group's findings and subsequent consultation.

3.0 Data gathering exercise for city centre street trading

- 3.1 It was agreed that in order to identify the best solution to enhance the regeneration of Wolverhampton city centre the data gathering exercise should seek to answer three questions, these were as follows:

- What level of street trading is appropriate for the city centre, if any?

- What should this offer consist of?
- In what locations should the offer be based?

3.2 The exercise followed a Systems Thinking methodology and involved face to face interviews with over 500 visitors to the city centre, 300 responses from the Council's Wolverhampton Today Facebook page, 22 detailed interviews with expert stakeholders and a meeting with all current city centre street traders.

3.3 Each of these questions and the findings identified through the data gathering exercise are detailed below:

3.3.1 **What level of street trading is appropriate for the city centre, if any?**

The data gathering exercise initially sought to identify if street trading of any type is appropriate in the city centre and if not - is there an appropriate alternative e.g. Licensing Services offering fixed trading units, rather than locations for mobile traders.

Summary of findings

There was a general consensus that a street trading offer was considered a necessary component of a vibrant retail offer.

Of those that were spoken to approximately 40% regularly used the existing street traders. The most common reasons given for choosing street traders over other retailers are detailed below:

- Convenient
- No queues/quick
- Cheap
- Friendly staff

3.3.2 **What should this offer consist of?**

Subject to the above, if a street trading offer is deemed suitable in the city centre the appropriate components of this offer need to be identified; this included consideration of issues such as trade lines, product quality, unit type and appearance.

The findings have been grouped into three areas; trade lines, quality of offer and trading units.

Summary of findings

Trade lines:

Of those that used the existing street traders the following units were identified as the most popular:

- Green's Doughnuts (doughnuts) on Dudley Street (70%)
- Spudley Street (jacket potatoes) on Dudley Street (60%)
- Sachin's (Asian food) on Dudley Street (40%)

No particular hot dog/burger trader was highlighted as being more popular than the others and 5% of those that were spoken to believed that there were too many traders offering these products, however a similar number felt that the balance of traders was about right.

There was a broad consensus that the existing offer is too narrow, this was across both those that currently do and do not use the existing traders. The following trade lines were the most popular suggested additions:

- Healthier eating options (40%)
- Vegetarian food (20%)
- Florist stalls (15%)
- Oriental food (10%)
- Mexican food (10%)
- Caribbean food (5%)
- Smoothies/juice bar (5%, all respondents that proposed this option were university students)

Quality of offer:

No specific conclusions can be drawn from the exercise regarding the perceived quality of the existing traders. However a number of factors, outside the trade lines offered, that are currently deterring people from using street traders did emerge. Of the group that didn't use street traders currently (approximately 60%) the following reasons were most frequently given:

- Prefer to sit down and eat
- Prefer to eat inside or undercover
- Prefer to buy branded products
- Concerns of the cleanliness of the units

Unit type and appearance

The most common comments in relation to the trading units were that they should be more eye catching and that the existing units were 'tatty' in appearance.

When discussions took place with the traders they said that their existing units complied with the Council's restrictions and that if there was more flexibility they would like to have more attractive units.

Another issue raised by the traders was that the current consent system only allowed them a single year's security and there was no requirement on the Council to renew the consent and no appeal if the Council chose to delete their pitches. Traders said that given this it was difficult for them to justify the capital outlay in superior units, establishing local brands or introducing branded packaging.

3.3.3 In what locations should the offer be based?

Finally the exercise considered the locations where street trading should be based within the city centre. This not only included consideration of the appropriateness of existing

locations, but also new areas and areas that are scheduled to change as part of the city centre transportation review.

Summary of findings

Of the entire sample nobody spoken to said that any particular street trader was the sole reason for their visit to the city centre. As such street trading is ancillary to other activities and the locations of traders must reflect this.

The traders did not believe that any area that was not already experiencing high footfall would be viable for street trading.

4.0 Consultation proposals

- 4.1 The learning identified above was used to establish a series of consultation questions for the future of the city centre street trading function. These questions were the basis of a formal public consultation took place between 7 October and 15 November 2013.
- 4.2 The consultation process generated four formal written responses and an additional 17 Facebook comments, none of these responses contradicted the findings established in the initial data gathering exercise. A complete set of all responses and the accompanying consultation document has been made available in the Councillor's area or is available to the public from Licensing Services (Civic Centre, Reception 14).

5.0 Policy Proposals

- 5.1 Following the data gathering exercise and the consultation process Councillors are recommended to agree the following policy revisions to the city centre street trading function:
 - A net increase of one additional unit in the city centre, but replace repetitive trade lines with a more diverse offer.
 - Remove existing unit conditions to ensure units are of a higher quality and each has its own identity and allow the Licensing Manager in consultation with any other relevant agency/person to agree a unit's livery.
 - Use licensing controls to ensure that the offer from each trader is of an appropriate quality; branded packaging, staff presentation, display of goods, etc...
 - A reduction in the total number of traders on Dudley Street
 - Concentrate traders in high footfall areas.
 - Commence the statutory process to designate the city centre as a licensed rather than a consented street trading area (this would allow traders a three year licence with a right to appeal any failure to offer renewal and provide traders with more security to invest in their businesses).

6.0 Financial implications

- 6.1 Recent case law has provided new guidance to licensing authorities on how licensing fees should be calculated and how the related income can be expended. In order to accord with this guidance, it is proposed that the Council establishes a specific reserve to 'smooth' the impact of in year surpluses and deficits across its various licensing functions over a three year period. This proposal will be the subject of a separate report to Cabinet (Resources) Panel in March 2014. Ordinarily, the street trading function is self-financing. This reserve, however, will provide the facility for any in year surpluses or deficits to be returned or recovered to licensed traders through changes to fees over this three year cycle. [TK/20012014/U].

7.0 Legal implications

- 7.1 Paragraph 2 of Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 sets out the procedure for the re-designation of the city centre as a licensed street trading area. Briefly, the steps to be followed are:
- 7.2 The publication of a notice of intention to pass a resolution designating a particular street. The notice must contain a draft resolution to be passed and must be published in a local newspaper. A copy is then served on the Chief of Police and any highway authority responsible for a particular street. The consent of the highway authority is required were a street is to be designated a licence street. Where the land is owned by one of the bodies specified in the Act, for example the British Railway Board, consent from that body is also required.
- 7.3 A period of at least 28 days must elapse from the time of initial publication of the notice to the time when the Council passes a resolution confirming the proposed designation. This is to allow for objections to be made to the Council, which must be considered before a resolution is passed to designate a particular street.
- 7.4 Once a resolution has been passed, the Council are obliged to publish the fact for two consecutive weeks in a local newspaper.
- 7.5 The Council will also be required to rescind the designation relating to consent streets. The same procedure as outlined above must be followed (paragraph 9 (13) of Schedule 4). [SH/16012014/D]

8.0 Equalities implications

- 8.1 The process for the re-designation of the city centre will require an equalities analysis and this will incorporated into the statutory consultation process.

9.0 Environmental implications

- 9.1 This report will have environmental implications. The revisions to the city centre street trading function will have a positive impact on the city centre's public realm.

10.0 Schedule of background papers

- 10.1 Street Trading Report – Various Issues, Licensing Committee, 26 September 2007