

# Regulatory Committee

15 June 2022

<b>Report title</b>	City of Wolverhampton Draft Street Trading Policy	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director City Housing and Environment	
<b>Originating service</b>	Environmental Health	
<b>Accountable employee</b>	Emma Caddick	Service Manager
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<b>Report to be considered by</b>	CHELT	24 June 2022

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## Recommendations for decision:

The Regulatory Committee is recommended to:

1. Approve for consultation the draft Street Trading policy as laid out in Appendix 1 of the report.
2. To approve the re-designation for the control and administration of the promotional pitches in the City Centre from the BID to the Markets Service.
3. To approve the proposed new pitches outlined in Appendix 3 of the report.
4. Receive a report with recommendations following the full public consultation.

## **1.0 Purpose**

- 1.1 To present for consideration the draft City of Wolverhampton Street Trading policy.
- 1.2 To seek member approval to consult on the draft Street Trading policy with existing Street Traders, members of the public and key stakeholders.
- 1.3 To approve the redesignation for the control and administration of the promotional pitches in the City Centre from the BID to the Markets Service.
- 1.4 For members to approve the proposed new pitch locations, which are highlighted in Appendix 3 of the report.

## **2.0 Background**

- 2.1 Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982 and involves the sale and exposing or offering for sale any article (including living things) in a street, road, footway, beach, or other area to which the public have access without payment.
- 2.2 On 24 May 1983 the Council's former Policy and Resources Committee agreed to adopt schedule 4 of the Act. This allowed the Council to comprehensively control street trading within the borough (now City).
- 2.3 This was subsequently adopted by Full Council on 6 July 1983, when it was resolved to designate all streets within the Borough (now City) as consent streets. This means that any trader is required to apply for street trading consent if they wish to operate from the highway or land to which the public have access with to without payment. There are currently 117 street trading consents across the city.
- 2.4 There are several exemptions to those requiring street trading consent. They are listed in Appendix 2 of this report and include:
  - Pedlars
  - Markets and fairs
  - News Vendors
  - Trading on a Petrol station forecourt
  - Rounds people
- 2.5 The purpose of the policy is to provide a framework for the Council to administer and regulate street trading to ensure that a consistent approach is taken. It also serves as a reference for consent holders, enforcement officers, relevant stake holders and the Regulatory Committee as to the Council's intended vision and approach to street trading activities in the City of Wolverhampton.

- 2.6 All applications for street trading consents will be considered on their own merits; but this will be done in accordance with the policy. The policy will strengthen the decision-making process and support the Council's position should issues arise.
- 2.7 There are currently two promotional pitches within the City Centre and two in Bilston town centre. The Markets service currently control and manage the pitches within Bilston and Wolverhampton Bid control and manage those within the City Centre. It is proposed that the local authority assume the administration of both the promotional pitches in the City Centre and Bilston to provide consistency in their control and administration.
- 2.8 The authority to create, locate and delete street trading pitches has previously been delegated to the Markets Manager and the Area Markets Manager, by the Regulatory Committee. Several new pitches have been identified in prime locations to encourage new traders into the city and speed up the application process for anyone interested in these key locations. Members are asked to approve the location of the proposed new street trading pitches, which have been identified in the City and are outlined in Appendix 3.

### **3.0 Progress**

- 3.1 The policy has been drafted to encourage the expansion of street trading within the City but also ensuring that it can expand and shrink with the commercial requirements of the City. The existing traders shall not be unduly impacted by the proposals and their livelihoods will continue to be a priority throughout the consultation.
- 3.2 Prior to any formal consultation with traders or members of the public, key internal stakeholders and the police have been consulted to assist with the development of the policy. A list of the stakeholders consulted can be found in Appendix 4.
- 3.3 The draft policy requires approval from Committee prior to consulting with the current street traders and external stakeholders. Should Committee approve the draft policy it is proposed that there will be a 12-week consultation period where officers will meet with the current street traders to discuss the policy and invite their feedback. The general public will have access to the consultation via the Council's website.
- 3.4 Following the formal consultation process the policy will be reviewed considering any comments made. A further report will be brought before Regulatory Committee including a review of the consent fees, which will be calculated on a cost recovery basis for the agreed policy.
- 3.5 All street trading consent applications (except from mobile traders, community and charity traders and special events traders) for locations not currently adopted are subject to a 28-day consultation period.
- 3.6 The consultation regarding the proposed new pitches will seek the views of residents and businesses that may be directly affected. Consultation will also take place with statutory agencies whose responsibilities maybe impacted by the proposed business.

- 3.7 Consideration will be given to all representations that are not deemed to be irrelevant, frivolous, vexatious, or repetitive.

#### **4.0 Financial implications**

- 4.1 The fees for street trading have been kept at their current level for more than eight years. The Committee have previously agreed reductions and fee free periods to help traders through, and to recover from the pandemic.
- 4.2 The cost of introducing, administering, and enforcing street trading consents will be recovered through the application fee and will be delivered within the budgets for the Street Trading function. This will be monitored as part of the routine quarterly revenue monitoring.

[SB/13052022/Y]

#### **5.0 Legal implications**

- 5.1 The legal implications have been referred to in the main body of the report.  
DA/16/05/2022/1

#### **6.0 Equalities Implications**

- 6.1 The Public Sector Equality Duty (under the Equality Act 2010) places a duty on local authorities to have due regard to achieve the objectives set out under s149 of the Equality Act 2010, namely the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 6.2 Market traders through their consent have the same duty to ensure that they are acting in line with the Public Sector Equality Duty and within the Equality Diversity and Inclusion Policy.
- 6.3 An equality assessment of the policy has been undertaken and is attached as Appendix 5
- 6.4 Several positive equality outcomes have been identified and included within the policy including:
- A. The Council will favourably consider traders who make allowances for disabled customers.
  - B. The Council will favourably consider traders who can offer culturally diverse trade lines.
  - C. The requirement for consent holders to comply with the Public Sector Equality Duty will be included within the consent conditions.

## **7.0 Health and Wellbeing Implications**

- 7.1 When assessing each application for a street trading consent, a key consideration will be how the health of the public in Wolverhampton can be protected and promoted as far as reasonably practicable. Particular attention will be paid to the promotion of the health of children and young people in Wolverhampton.
- 7.2 Consideration will be given to things that have a negative public health impact for example the locality of fast-food units near to schools and gyms. The policy specifically outlines that the sale of food or drink by means of a mobile unit such as an ice cream seller is prohibited within 50 metres of a school or religious building.
- 7.3 The policy includes a requirement to ensure that the food business operator complies with the requirements of Retained Regulation EC No. 852/2004 (food hygiene standards) particularly, Chapter III Requirements for movable and/or temporary premises. To ensure that businesses maintain high standards a requirement has been included within the policy that a Food Hygiene Rating Scheme score of 4 or 5 must be in place or obtained following an inspection by an Environmental Health Officer.

## **8.0 All Other Implications**

- 8.1 There are no other implications arising directly from this report.

## **9.0 Appendices**

- 9.1 Appendix 1: Draft City of Wolverhampton Council Street Trading Policy
- 9.2 Appendix 2: Exemptions from the Requirement to Have a Street Trading Consent
- 9.3 Appendix 3: Proposed New Street Trading Pitch Locations
- 9.4 Appendix 4: Key Stakeholders
- 9.5 Appendix 5: Equality Analysis