

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Committee

11 January 2023

Report title	City of Wolverhampton Draft Street Trading Policy Consultation Response and Recommendations	
Wards affected	All	
Accountable director	John Roseblade, Director City Housing and Environment	
Originating service	Environmental Health	
Accountable employee	Emma Caddick	Service Manager
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Report to be considered by	CHELT	13 December 2022

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the final version of the City of Wolverhampton Street Trading policy as laid out in Appendix 2 of the report.

Recommendations for noting:

The Regulatory Committee is recommended to note:

1. The responses to the public consultation on the Draft Street Trading Policy and proposed pitches, which are presented in Appendix 1 of the report.
2. The amendments made to the Draft Street Trading Policy, which are presented in Appendix 1 of the report.

1.0 Purpose

- 1.1 To inform Committee of the outcome of the consultation on the City of Wolverhampton Draft Street Trading Policy and proposed new street trading pitches.
- 1.2 To recommend that Regulatory Committee approve the final version of the City of Wolverhampton Street Trading policy for implementation on 3 April 2023.

2.0 Background

- 2.1 On 15 June 2022 the Regulatory Committee approved a 12-week public consultation on the City of Wolverhampton Council Draft Street Trading Policy.
- 2.2 Approval was also given to the proposed new, pre-determined street trading consent locations, which are presented in Appendix 1 of the report and for redesignation of the control and administration of the promotional pitches in the City Centre from the Business Improvement District (BID) to City of Wolverhampton Council's Markets Service.
- 2.3 The public consultation in relation to the draft Policy ran from 7 July to 30 September 2022. A range of methods were used to communicate with interested parties and included amongst others:
 - A. an online consultation
 - B. a written update and meeting with Councillors
 - C. a meeting with local businesses and the City Centre BID
 - D. three meetings with existing street traders.
- 2.4 A consultation took place between 22 July and 18 August 2022 in relation to the proposed new, pre-determined street trading consent locations. Businesses and residents in the vicinity of the pitches were advised about the proposals and were encouraged to comment on the consultation for the proposed pitches.
- 2.5 A meeting was held with the City Centre Business Improvement District Board in relation to the redesignation of control of the promotional pitches in the City Centre from the BID back to the Local Authority.

3.0 Progress

- 3.1 Detailed information relating to the consultations and the subsequent feedback can be found in Appendix 1: Street Trading Draft Policy Consultation Responses.
- 3.2 The questions asked and a summary of the responses to the consultation are included within the table s5.3 of Appendix 1. All responses have been considered and the Council's response/action taken to the feedback is included within the table (s5.3).

- 3.3 S5.3, Appendix 1 also includes the responses to the consultation relating to the proposed locations of new, pre-determined street trading consent locations, and feedback in relation to the changes to the control and administration of the promotional pitches in the City Centre.
- 3.4 The Draft Street Trading Policy has been reviewed in light of the consultation and has been amended to accommodate some of the feedback given.
- 3.5 Following the responses to the consultation relating to the proposed new, pre-determined street trading consent locations, the decision has been made by the Head of Commercial Regulation to designate all locations. It has however been determined that the consent locations in Victoria Street and School Street will only be temporary pitches for use during events rather than continuously used, until such a time as there is sufficient footfall to support their full-time use.
- 3.6 It is proposed that the City Centre promotional pitches continue to be redesignated to Local Authority control as was approved by Regulatory Committee on 15 June 2022, and that this shall be in effect as of 1 April 2023.
- 3.7 Approval of the City of Wolverhampton Council Street Trading Policy will be required prior to a review of consent fees for street trading, which will be calculated on a cost recovery basis in line with the agreed policy. Should the policy be agreed, a further report will be brought to Regulatory Committee regarding the consent fees.

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 Covid-19 pandemic. The draft policy will be reviewed prior to amendment of consent fees, which will be calculated using a cost recovery basis.
- 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/29112022/K]

5.0 Legal implications

- 5.1 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.
- 5.2 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).

- 5.3 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.

[AB/24-11-2022/105]

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 3.
- 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: Street Trading Draft Policy Consultation Responses

9.2 Appendix 2: Street Trading Policy

9.3 Appendix 3: Equalities Assessment