

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE 30<sup>TH</sup> JANUARY 2017  
REPORT OF THE DIRECTOR PUBLIC PROTECTION PLANNING AND  
GOVERNANCE

**CONSIDERATION OF ADDITIONAL STREET TRADING CONSENT**

**1 Executive Summary**

- 1.1 This report asks Members to consider legalising street trading in certain areas of Hatfield Town Centre, (details in appendix A). This would enable the Town Centre Manager to invite traders to attend appropriate events to enhance the ambience, increase footfall and benefit businesses in Hatfield. In order for this to happen it is necessary for Full Council to change the designation of these areas from “prohibited streets” to “consent streets”.

**2 Recommendation(s)**

- 2.1 For members to note the content of this report and consider whether a recommendation should be made to Full Council that:
- a) the areas marked with a red boundary on the location map at appendix A in this report which are currently “prohibited streets” for the purpose of street trading to be designated as “consent streets”
  - b) the suggested fees for these consents should be £20-£25 per trader per day with an annual maximum payable for the entire consent of £1155 per annum to Public Health and Protection.
  - c) that the street trading consent conditions should include those items related to food safety as set out in section 6.

**3 Explanation**

- 3.1 The council regulates street trading under the relevant statutory provisions. The council has adopted a “prohibited and consent street” method of regulation. As the name implies, street trading may be carried out in a designated “consent streets” provided the consent of the council has been given through the Public Health and Protection Team. Street trading is prohibited in a “prohibited street.” In this context the words “street” and “street trading” have specific legal meanings and there are exemptions along with an interface with peddler licensing and markets legislation.
- 3.2 The current law dates from 1982 and the original policy was set in 1982, revised in 1992 and reviewed in 1995. In March 2000 EOSC set up a “street trading working party” to carry out a review of all street trading. The working party’s remit was to consider all areas of street trading policy, including hours of trading and suitability/viability of existing consent sites. However as a result of this review Members found no additional streets to bring forward as consent streets.

- 3.3 There are currently five street trading pitches (within the consent streets) in the borough and a waiting list is kept for those requiring a street trading consent. There are currently ten people who have registered an interest in obtaining a pitch but these pitches very rarely become vacant. All pitches currently trade in fast food.
- 3.4 Stalls in Hatfield town centre currently operate using Markets legislation on Wednesdays and Saturdays. However there are occasions when events are taking place which could be enhanced by a single trader or up to four traders but this is not possible due to a “market” having to consist of 5 stalls or more.
- 3.5 Discussions with the Town Centre team reveal that for many events there is not enough footfall to warrant five stalls/concessions so the town centre is unable to benefit from additional traders which could encourage people to attend and enhance the town centre offer.
- 3.6 Therefore members are asked to consider a proposal to enable street trading relative to whatever event may be on offer. It is not intended to have any permanent burger/ kebab or ice cream vans in the trading positions. Types of events could include but are not limited to:
- Music events – food related to the music (e.g. street food/ hot doughnuts/candy floss/ specialist ice cream or frozen yoghurt)
  - Cooking demonstrations/ selling food to show the diversity of food available in Hatfield and how the ingredients can be used. (eg Polish or African food)
  - Healthy eating events – (eg invited traders/specialist food)
  - Christmas – hot chestnuts, hot chocolate, glow sticks etc
  - Activities relating to events (eg mini Olympics / cycling/running - invited trader/specialist food)
  - Animal antics, animal crackers (pet shows) – charity stalls such as cat survival trust etc who sell complimentary items relative to their charity.
  - Amusements – trampolining/ static bungies/ fairground rides
  - Specialist foods relating to the event eg old fashioned sweets, toffee apples, smoothies, pimm's (licence permitting) etc
- 3.7 The intention is to increase the footfall to Hatfield which will benefit the shops and not to have the same offering that will divert trade from the shops. If a similar offering is to be invited then this would be in conjunction with that business so they could be involved with displaying their own wares at the same time for example African food.

All traders would be invited for specific reasons and this would prevent illegal traders turning up for events such as the ‘ Christmas light switch on’ as pitches and products would already be occupied by ‘legal traders’ selling products that comply with Trading Standards. In all cases the Town Centre Manager would liaise with the businesses and Corporate Property to ensure that any traders

were not in conflict with other businesses in the shops or markets before inviting them to trade at events.

- 3.8 The potential areas have been identified in conjunction with Corporate Property to give flexibility with events and the ongoing improvements of Hatfield Town Centre. The areas identified by the red line on the plan at Appendix A can be used for street trading as either single or multiple pitches dependant on the event that is being supported and the suitability of the pitch at any given time. Any particular street trading offering should not compete with the shops within the Council's ownership or the Hatfield Market.
- 3.9 The fees would need to be agreed so that one off events were profitable for the trader concerned while not creating an imbalance with the traders already paying rent for their businesses or the council being seen to make a profit from the street trading consent.
- 3.10 The operating times would be flexible between 9.00am and midnight dependant on whether it was a day time or evening event. Traders could be stalls, vehicles or even a small marquee containing a demonstration or something similar.
- 3.11 Busker spots would be made available when appropriate to the event. Currently when buskers attend primarily on market days there is no control on their positioning in relation to other activities taking place.
- 3.12 The Committee are asked to consider whether the area marked by the red line in Hatfield Town Centre should be redesignated from prohibited streets to consent streets and if so to make that recommendation. These consents would be issued in the name of the town centre manager so appropriate relative street trading could take place during events to increase the ambience, offering and footfall at events in Hatfield town centre.

#### **4 Legal Implication(s)**

- 4.1 Welwyn Hatfield Council is able to grant street trading consents under the Local Government (Miscellaneous Provisions) Act 1982 and charge an appropriate fee. This was assessed in 2013 as part of the budget review process. The council is unable to use street trading fees to generate a profit.
- 4.2 The council is able to attach conditions to street trading consents and these can be used to help ensure trading is carried out in a way which the council requires.

#### **5 Financial Implication(s)**

- 5.1 The fees charged currently for individual permanent street trading pitches is £165 per day per annum, (a Maximum £1155 per annum). Having taken advice from the finance team an appropriate fee for a one off trader with no guaranteed return business would be in the region of £20 - £25 per day. This would give an income of between £1040 and £1300 per year if one trader traded for one day each week each year which would be compatible with the fees charged for our permanent street traders
- 5.2 The increase in fees would not be significant but would cover the costs of administering the consents

## **6 Risk Management Implications**

6.1 The risks related to this proposal are similar to any other food establishment in the borough and controls are in place through the national legislation. Additionally through the consent regime the council can attach conditions to street trading consents. These should be proportionate and it is suggested that appropriate conditions should include:

- a) details of the food business to be provided in advance to the council's environmental health team, to include business name, type of food, registering authority and food hygiene rating
- b) a requirement that the national food hygiene rating sticker for the business is displayed in a prominent place visible to the public

## **7 Security & Terrorism Implication(s)**

7.1 The council has an overarching duty to have due regard to the need to prevent people from being drawn into terrorism, in the context of this report, that means measures should be put in place to prevent street trading pitches being let to those promoting views incompatible with this duty.

## **8 Procurement Implication(s)**

8.1 None directly arising from this report

## **9 Climate Change Implication(s)**

9.1 As the weather warms up, more people may wish to engage in outdoor events.

## **10 Link to Corporate Priorities**

10.1 I confirm that the subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community" and is linked to statutory requirements under licensing and street trading legislation.

## **11 Equality and Diversity**

11.1 An Equality Impact Screening Assessment has been carried out in connection with the proposals contained in this report and the conclusion is that there are no differential impacts against any of the 9 protected characteristics. .

Kate Payne  
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January 5th 2017

Appendix A – plan depicting proposed consent streets