

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE – 11<sup>TH</sup> JUNE 2018  
REPORT OF THE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE)

STREET TRADING POLICY

**1 Executive Summary**

This report provides members with a new draft street trading policy detailing our current practises and a new system for vacant pitches and town centre pitches. The report recommends that the policy in Appendix 1 and appendices A-H are sent out for consultation.

**2 Recommendation(s)**

- 2.1 For members to consider the draft street trading policy shown in appendix 1 and agree that it is released for consultation to the stakeholders listed in appendix 2.

**3 Explanation**

- 3.1 The council is responsible for the provision of consents for street trading. Currently there are five “pitches” in the borough made available for street trading while all other areas are designated “prohibited streets”. These pitches have been renewed annually at a fixed price by the same traders for many years.
- 3.2 The Council does not issue street trading consents to traders who have made arrangements with owners of private land such as business car parks providing they are not on the Highway and have the owner’s permission. However these traders still have to register with Environmental Health if they are providing food.
- 3.3 As the council street trading policy was overdue for review it was considered an appropriate time to attempt to address other areas which have been the cause of complaint in recent years through one single council wide policy. The issues relating to street trading in its widest sense go beyond the controls given to the council in the Local Government (Miscellaneous) Provisions Act 1982 and the policy at Appendix 1 cites the areas of concern and the available control mechanisms for enforcement.
- 3.4 In order to create a diverse, fair, lawful and vibrant street trading culture which supports local businesses but does not compete with existing traders it is possible to have additional town centre street trading. Members have previously agreed an area in Hatfield suitable for this purpose but currently the process to implement these pitches has not begun. This is due to the cost implications and the fact that there have been no enquiries in having street trading at this time. It will also be appropriate to try and match the street trading activities to the area

and activities which are taking place so they complement, not conflict with each other.

- 3.5 In cases where a pitch becomes available a notice inviting applications for the pitch will be carried by one or more of the following: Council website, Council Offices' notice board, and social media; it may also be carried by other local publications or a notice at the site.
- 3.6 There will also be arrangements available via the appropriate service area for street collections, direct debit collectors, political party stalls, buskers, commercial promoters/sellers.
- 3.7 Enforcement of the new regime will remain with the current areas responsible (see appendix E) although it will be noted that some areas of enforcement responsibility are not vested in Welwyn Hatfield Borough Council and some activities are lawfully exempt from "street trading" controls.

### **Implications**

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

- 4.1 The attached policy would form the basis of decision making regarding street trading provisions in the borough of Welwyn Hatfield.
- 4.2 The legal implications are covered in more detail in the policy itself.

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

- 5.1 Advertising costs are attributable to the implementation of a new consent. This has not been carried out to date as there have been no enquiries in the use of the multi user consent agreed for Hatfield Town Centre.

#### **6 Risk Management Implications**

The risks related to this proposal are:

- 6.1 The council is at risk of legal challenge if it does not have or does not abide by an adopted policy on determining applications for street trading. The policy in appendix 1 and training for relevant members helps to mitigate this risk.

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

- 7.1 The council has an overarching duty to have due regard to the need to prevent people being drawn into terrorism, in the context of this report, there are no additional concerns.

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

- 8.1 None arising directly from this report.

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

- 9.1 The proposal does not imply an increase in greenhouse gas emissions or water use. A limited number of paper polices will be produced as it will be made

available in electronic format. The proposal appears to be resilient to climate change and does not require adaptations to be made.

## **10 Link to Corporate Priorities**

- 10.1 The subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community".

## **11 Equality and Diversity**

- 11.1 An Equality Impact Assessment (EIA) has been completed and no negative impact was identified on any of the protected groups under Equalities legislation.

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Date (30<sup>TH</sup> April 2018)

Background papers to be listed

Local Government (Miscellaneous Provisions) Act 1982

Appendices to be listed

Appendix 1 – Welwyn Hatfield Councils draft street trading policy  
Appendix 2 – List of consultees  
Appendix A – Application forms  
Appendix B – Fees  
Appendix C – Consents  
Appendix D- Standard Conditions  
Appendix E – Roles and responsibilities  
Appendix F - Street collections  
Appendix G – House to house collections  
Appendix H – Direct debit collections