

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET – 6<sup>TH</sup> NOVEMBER 2018  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

STREET TRADING POLICY

**1 Executive Summary**

- 1.1 This report presents and asks members to recommend adoption of the Council's new street trading policy detailing our current practises and a new system for vacant pitches and town centre pitches. The draft policy was approved for consultation release by the Environment Overview Scrutiny Committee on 11th June 2018 and the Cabinet is now asked to recommend that the final policy is approved and forwarded on to Full Council for adoption.

**2 Recommendation(s)**

- 2.1 For the Cabinet to approve the attached street trading policy in Appendix 1 (including appendices A-H) and recommend its adoption by Full Council.

**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.

- 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 Council and some activities are lawfully exempt from "street trading" controls.
- 3.8 A policy was prepared and presented to the Environment Overview Committee on 11th June 2018. The Committee recommended that the policy be consulted upon and was duly released for consultation between 15th June and 10th August 2018.

### **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.

Advice has been obtained from our legal department with regard to the provisions detailed in the policy.

#### **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**

- 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 and 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 policies 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     Human Resources Implication(s)**

- 10.1     None directly arising from this report. Consultation on policy development is a normal part of day to day work and allowed for in existing budgets.

## **11     Health and Wellbeing Implication(s)**

- 11.1     The street trading policy has a number of conditions at Appendix D covering food hygiene, disposal of waste, public liability insurance and other safety measures to protect the public.

## **12     Communication and Engagement Implication(s)**

- 12.1     The policy was subject to a wide consultation with those listed in Appendix 2. The policy was also placed in the WGC and Hatfield libraries and on the Councils website.

## **13     Link to Corporate Priorities**

- 13.1     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 the Local Government (Miscellaneous Provisions) Act 1982.

## **14     Equality and Diversity**

- 14.1     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                                        (15/10/18)

Background papers to be listed (if applicable)

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