

1 Purpose

- 1.1 To seek Licensing Committee's consent to conduct a comprehensive review of street trading matters within the District.

2 Recommendations/for decision

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| 2.1 That Licensing Committee consider the contents of this report and support a review of street trading in Aylesbury Vale over the next 12 months. |
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3 Supporting information

- 3.1 Outside London, street trading is mainly controlled through the Local Government (Miscellaneous Provisions Act) 1982, the Highways Act 1980, the Pedlars Act 1871 and common law modified and supplemented by general and local legislation, as is the case with historic market towns.
- 3.2 Street trading legislation regulates the sale, or offering for sale, of anything in a street. Street trading is different from peddling in a number of ways but primarily a pedlar is an itinerant seller where as a street trader sells goods from a pitch. The Police are responsible for the licensing of pedlars and local authorities are responsible for the regulation of street trading.
- 3.3 A local authority can designate "Prohibited Streets", where no trading may take place, "Licensed Streets", where a licence is required to trade and "Consent Streets", where a consent is required from the district council. Operating without a licence or a consent is an offence and can result in a fine and confiscation of goods.
- 3.4 Trading occurs across Aylesbury Vale in a variety of ways:
- 3.5 Established historic markets operate in Aylesbury, Winslow, Buckingham and Wendover. Trading in markets or fairs held under an acquired right by virtue of grant (including presumed grant) or acquired or established by virtue of an enactment or order is not consider 'street trading' for the purposes of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, para 1(2)(2). These markets are managed by Aylesbury Vale District Council (Aylesbury Town Centre and Winslow General Market), Winslow Town Council (Winslow Famers Market), Buckingham Town Council and Wendover Parish Council. Traders are generally licensed on a casual or permanent basis and subject to local rules and conditions.
- 3.6 Over the years 'Consent Streets' have been designated in Aylesbury Town Centre, Buckingham and Wendover. The Licensing Team are responsible for issuing consents to traders wishing to operate from approved pitches within the consent areas. Consents are subject to various conditions designed to prevent: obstruction or danger to persons using the street, nuisance and annoyance. Consents have historically been issued to allow either 'day time' or 'night time' trading.
- 3.7 Pavement licences can be issued under the Highways Act 1980 by Bucks County Council as well as AVDC, with the consent of the County. AVDC has consent to grant pavement licences to businesses in Kingsbury and George Street; this was a historical decision to help promote a 'café style culture'

when Kingsbury was regenerated around 2004 . Pavement licences are subject to various conditions, which include controls on the permitted hours of operation.

- 3.8 Unregulated trading can occur across the District, for example outside consent areas and on privately owned land, including land owned by AVDC.
- 3.9 As a consequence of the various control regimes, traders operate under different terms and conditions and pay differing amounts in order to conduct their business.
- 3.10 A number of traders, particularly those operating under consents, are reporting financial hardship to the Licensing Team and are struggling to pay fees. Some traders have built up considerable arrears. Consents may be granted up to 12 months and the Council “may charge such fees as they consider reasonable” (Schedule 3 paragraph 9(1)). Furthermore the Council may determine different fees according to the duration of the consent, the street in which trading is authorised and the description of articles which the holder is authorised to trade. The Council is also permitted to allow fees to be paid in instalments.
- 3.11 The different authorising regimes has led to some conflict, particularly in Aylesbury Town Centre where market traders are required to operate to different standards, which are arguably to a higher standard than those imposed on ‘consent’ traders.
- 3.12 The Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 paragraph 7, gives the Council powers to refuse to grant and revoke or vary the conditions attached to a consent at any time; the holder of the consent does not have any right of appeal. Presently there are no clear procedures laid down to guide decision making.
- 3.13 Aylesbury Town Centre is going through a period of significant transformation supported by significant investment. The Aylesbury Town Centre plan sets out the vision for the town and it is important that future street trading is planned so it complements this vision to preserve the town’s history while creating an attractive, flexible public space that people of all ages want to spend time in.
- 3.14 The Licensing Service has received a number of enquiries from new traders who would like to operate within the consent areas. Furthermore, some existing traders have reported difficulties with their current trading areas such as problems accessing power, intermittent street lighting problems and loss of trade through road works.
- 3.15 There has not been a consolidated review of street trading arrangements in AVDC for many years. It is proposed that the Licensing Service conduct a comprehensive review of street trading arrangements in Aylesbury Vale over the next 12 months to:
 - 3.16 consult and obtain views from key stakeholders;
 - 3.17 establish an accurate picture of street trading matters across the District;
 - 3.18 analyse whether the current authorised pitches are fit for purpose;
 - 3.19 ensure the approach to street trading in Aylesbury Town Centre is in line with the Council’s vision for Aylesbury town centre;
 - 3.20 promote safe guarding controls;

- 3.21 consider arrangements in other urban centres, notably Buckingham, Wendover and Winslow and perhaps others as well;
- 3.22 ensure geographic boundaries of markets and consent areas are clearly defined;
- 3.23 explore how greater partnership working can be promoted;
- 3.24 investigate the extent of unauthorised trading across the District and review whether additional controls are necessary;
- 3.25 review enforcement arrangements;
- 3.26 analyse the current consent streets;
- 3.27 evaluate current fee levels;
- 3.28 compare current terms and conditions with a view to achieving consistency and flexibility;
- 3.29 establish clear revocation, variation and refusal procedures and consider whether an appeal process should be introduced;
- 3.30 improve web based content;
- 3.31 review arrangements in other comparable Districts.

4 Options considered

- 4.1 None

5 Reasons for Recommendation

- 5.1 To allow the Licensing Committee the opportunity to consider some of the issues relating to street trading and report their views on matters that should be included in a review of street trading in Aylesbury Vale.

6 Resource implications

- 6.1 No additional resources required.

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Background Documents	N/A