

**Barrow Borough Council**  
**Licensing Regulatory Committee**  
**Wednesday, 20 April 2022**  
**Street Trading – Jubilee Celebrations**

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**Report from:** Director of People and Place

**Report Author:** Katherine Benson

**Wards:** (All Wards)

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## **1.0 Summary and Conclusions**

- 1.1 This report sets out a proposal to relax the need for individuals to apply for a street trading consent in the Barrow Borough area during the Queens Platinum Jubilee Bank Holiday. The celebrations are expected to take place between 2<sup>nd</sup> – 5<sup>th</sup> June 2022.
- 1.2 As the Council has adopted all streets in the Borough as consent streets, a street trading consent is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.

## **2.0 Recommendation**

### **2.1 It is recommended that Licensing Regulatory Committee:-**

**Consider the proposal to relax the need for individuals to obtain a street trading consent during the Queens Platinum Jubilee Celebrations only, on dates 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> June 2022.**

## **3.0 Background and Proposals**

- 3.1 On 10<sup>th</sup> May 2019 the Council adopted all streets in the Borough as consent streets with regard to the provisions of Part III and Schedule 4 the Local Government (Miscellaneous Provisions) Act 1982 – Street Trading (“the Act”).
- 3.2 Under the Act “street trading” means the selling or exposing or offering for sale of any article in a street. A ‘street’ includes any road, footway, beach, any part of a street or other area which the public have access without payment.

- 3.3 The designations have enabled the Council to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, attracts more people to the town, provides entertainment and seeks to enhance the character, ambience, street scene and safety of local environments. It has also facilitated the potential for additional street trading in the Town Centre.
- 3.4 This adoption means that permission is required from the Council prior to street trading commencing. Currently, an applicant is required to submit an application form, basic Disclosure and Barring Service checks for all those working from the vehicle/stall (dated within 1 month), photos of the vehicle/stall, permission from the landowner to trade and plan of trading site, public and employers liability insurance (if applicable), vehicle insurance (if applicable) and right to work evidence.
- 3.5 Applications for street trading consents are also subject to a 7 day consultation process whereby the application is forwarded to:
- Cumbria Police
  - Barrow Borough Council – Health and Safety
  - Barrow Borough Council – Environmental Protection
  - Barrow Borough Council – Planning
  - Cumbria County Council – Highways Authority
  - Cumbria County Council – Trading Standards
- 3.6 Ahead of the celebrations, the Council has been in receipt of a number of enquiries specifically around the Platinum Jubilee bank holiday weekend. Most enquiries relate to street parties and the playing of music, which are outside the scope of the street trading regime and this report. However, elements of these enquiries have enquired about having stalls to sell goods and/or food, including ice cream vans. They would generally meet the criteria for requiring a street trading consent, if they don't already hold one.
- 3.7 The Council has also been in receipt of a letter from the Department for Levelling Up, Housing and Communities (**Appendix 1**) requesting the Council support communities in celebrating the Platinum Jubilee. It is therefore proposed that the need to apply for a street trading consent is relaxed, for the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> June 2022 only.
- 3.8 If this proposal is approved, the sale of alcohol would still be subject to the requirements of the Licensing Act 2003 and in most cases a Temporary Event Notice will be required. All other relevant legislation would also need to be complied with, including food safety legislation.

- 3.9 Although not directly related to street trading, the Government has relaxed the licensing hours for premises licensed under the Licensing Act 2003. It will apply to premises already licensed until 11pm for the sale of alcohol for consumption on the premises, for the provision of late-night refreshment (only where there is also the sale of alcohol for consumption on the premises), and for the provision of regulated entertainment in England and Wales. The Order will extend the licensing hours for such premises from 11pm to 1am the following day, on Thursday 2 June, Friday 3 June, and Saturday 4 June.
- 3.10 This proposal in relation to street trading consents would strictly be for the 4 dates stated, any celebrations taking place outside of these dates would need a street trading consent if required.

#### **4.0 Consultation**

- 4.1 The authorities listed at 3.5 who are usually consulted when an application is received, have been consulted on this proposal. At the time of writing, Planning responded with no objections and Trading Standards responded advising they had no objections provided relevant food safety law (specifically around allergens) is complied with. Trading Standards are notified of any new food businesses who register with the Council.

#### **5.0 Alternative Options**

- 5.1 To require individuals to apply for a street trading consent subject to the normal requirements.

#### **6.0 Contribution to Council Plan Priorities**

- 6.1 2 – Place – Creating a great place to live and 3 – Supporting our economy to thrive to ensure a long term economic future for all our community.

#### **7.0 Implications**

##### **7.1.1 Financial, Resources and Procurement**

- 7.1.2 The fees for street trading operate on a full cost recovery basis, encompassing officer time to process and enforcement of conditions. Relaxing rules over the specified period may result in minimal loss to the Council.

- 7.1.3 Officers would monitor future compliance within existing budgets.

##### **7.2 Legal**

- 7.2.1 The Council has adopted all streets in the Borough as consent streets with regard to the provisions of Part III and Schedule 4 the Local Government (Miscellaneous

Provisions) Act 1982 – Street Trading. It is therefore expected that non-compliance with this legislation is appropriately enforced. If the proposal is agreed then the requirements of the existing policy would be relaxed over the Jubilee weekend only.

### 7.3 Local Government Reorganisation

7.3.1 This report has no direct implications in relation to Local Government Reorganisation.

### 7.4 Equality and Diversity

7.4.1 Have you completed an Equality Impact Analysis? No. The report has no direct Equality and Diversity implications.

#### Risk

Risk	Consequence	Controls required
Unregulated activity	Non-bona fide traders Unregistered food businesses Highway obstruction Annoyance to residents	Likely to be low risk/one off  Road closures in place One off and unlikely to cause nuisance

#### Contact Officers

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#### Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Letter from the Department for Levelling Up, Housing & Communities

#### Background Documents Available

Name of Background document	Where it is available
Local Government (Miscellaneous Provisions) Act 1982	<a href="https://www.legislation.gov.uk/ukpga/1982/30/schedule/4">https://www.legislation.gov.uk/ukpga/1982/30/schedule/4</a>