

## HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

4 FEBRUARY 2004

### STREET TRADING GUIDELINES

- 1.1 Following consultation with Town Centre Groups and other interested parties the Council, on 11 April 1990, adopted guidelines and principles in respect of street trading to aid decisions and to help prospective applicants.
- 1.2 One of these guidelines suggested that a commercial fee should be charged with a view to answering criticisms of street trading from established shop owners. The Council was keen to enhance the viability of the three shopping precincts in the Borough and saw the opportunity to grant properly regulated street trading consents as a means of achieving this objective but at the same time wished to be able to charge a fee which reflected the “prime shopping space” that would be made available to the street trader. However, following the judgement of the Divisional Court in R v Manchester City Council Ex parte King, the Council in 1991 accepted that it could no longer charge a commercial fee and approved a guideline (set out below) which seeks to avoid unfair competition to established shop traders.

The Principles are:-

- (i) street trading should not impede either pedestrian movement or access for emergency vehicles;
- (ii) street trading should, so far as possible, be regulated to ensure sufficiently high standards are maintained;
- (iii) free standing street trading should be equitable in that no unfair financial advantage accrues to such traders at the expense of established town centre retailers;
- (iv) street trading is only justified if it positively enhances the attraction of the shopping centre to the general public; and
- (v) sites allocated to free-standing street trading should be flexible so as not to interfere with organised town centre events.

The guidelines are:-

- Consent will not normally be granted for any location where the trade proposed would be in direct competition with the established shop traders at least if the Council is satisfied that there is adequate provision of the sort of trade proposed.
- Trading should deal predominantly with impulse purchases.
- The location of the stall must be determined at the time of licence application.
- Stalls should conform with design and space standards specified in advance, which will vary depending on the type of trader.
- An upper limit will be set on the number of traders in each centre. (To be reviewed annually).

- Applications for the licensing of free standing street traders will be considered individually, although the Council may eventually decide to deal with them on an annual basis following advertisement.
- Daily street cleansing for the space occupied by the stall holder will be the stall holder's responsibility. (Litter clearance, sweeping and scrubbing down).
- The stall and other associated equipment is to be removed at the end of each day's trading.

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