

Rother District Council

Report to:	Licensing and General Purposes Committee
Date:	25 October 2021
Title:	Street Trading Controls
Report of:	Head of Service-Environmental Services, Licensing and Community Safety
Ward(s):	Bexhill Central and Ticehurst
Purpose of Report:	To consider advertising to amend the street trading controls in Bexhill and imposing controls in Ticehurst

Recommendation: It be **RESOLVED:** That the Council advertises that it is minded to make street trading controls in Battle, Bexhill, Robertsbridge, Rye and Ticehurst as set down in Appendix B to the report or as otherwise determined by the Committee.

Background

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

1. The Council can designate certain streets as consent or prohibited streets for street trading. Street trading is prohibited in consent streets unless the Council has granted a consent to do so. Street trading controls do not apply to news vendors, rounds men or trading on a shop forecourt.
2. Since 1992, the Council has adopted street trading controls at different times for Battle, Bexhill, Robertsbridge and Rye. The Council has also adopted policies giving delegated authority to Officers to issue consents in certain circumstances. The policy for Bexhill states:

Consents will normally only be granted to traders if they are approved by the organiser of an event that is of an educational, tourist or cultural nature or that promotes Bexhill (such as the Anglo French market, Art Festival, Christmas celebrations). In addition, consents will be granted for any event where a road closure order is required.

3. Current controls can found here: <https://www.rother.gov.uk/licences-and-permits/other-licences-and-permits/street-trading/>

Requests

4. The Chair of the Town Centre Steering Group (Councillor Bayliss) has requested that the existing consent streets for street trading for Bexhill be amended to designate Sackville Road as a consent street, to permit markets to be held there. Ticehurst Parish Council has requested that street trading controls be introduced in Ticehurst within the Village Square and the surrounding roads.
5. In July, Ticehurst Parish Council requested that the northern end of Church Street, the Village Square itself and the High Street, be consent streets as

detailed on the map, marked in red (Appendix A). A policy is requested to be adopted that consents will only be granted during events organised by Ticehurst Parish Council.

6. If the Committee are minded to designate Sackville Road as a consent street and further streets in Ticehurst it is recommended that all the streets in the District are re-designated so that the extent of street trading controls throughout the District can be ascertained from one document.
7. Summary of changes proposed:

Battle & Robertsbridge: No changes.

Bexhill: Sackville Road be designated as a consent street (currently a prohibited street).

Rye: No changes.

Ticehurst: Village Square and surrounding Roads to be consent streets (see Appendix A provided by Ticehurst Parish Council).

Enforcement

8. The Council does not have any Officers designated to enforce street trading controls. If enforcement were required, Officers would have to be taken off their existing duties. The Police, however, can enforce the Orders but normally look to the Local Authority to take the lead.

Conclusion

9. The Committee may resolve to advertise amending the schedule of streets in the district designated as consent or prohibited streets.

Risk Management

The Council's policy must be consistent and thereby not be open to challenge.

Legal Implications by Factor	Prohibited	Consent Subject To A Restrictive Policy	Consent Without A Restrictive Policy
Nuisance to Neighbours	None	Limited, anyway short duration	Could be significant. Council could be liable for nuisance caused by traders with consents.
Disputes over licensing	None	Limited, applications determined by policy	Could be significant "why him and not me?" And disputes over whether particular businesses cause nuisance.
Flexibility	Subject to new order, regime can be changed	Subject to new order, regime can be changed	If a particular trader becomes established Human Rights Act may prevent changing regime to extinguish the business, or even using the area for temporary community events.
Resources requirement	Investigate unlawful trading and take appropriate action.	Investigate unlawful trading and take appropriate action. Process applications under policy and monitor compliance.	Investigate unlawful trading and take appropriate action. Process applications and determine whether to grant them and whether conditions needed. Process appeals etc. Monitor compliance with conditions.

Financial implications

Any fees set should reflect the costs incurred by the Council in carrying out the function.

Other Implications		Applies?	Other Implications		Applies?
Human Rights		No	Equalities and Diversity		No
Crime and Disorder		No	Consultation		Yes
Environmental		No	Access to Information		No
Risk Management		Yes	Exempt from publication		No
Chief Executive:	Malcolm Johnston				
Report Contact Officer:	Richard Parker-Harding, Head of Service				
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Appendices:	Appendix A – Ticehurst Map				
Relevant Previous Minutes:	E71/12/92 E13/06/00 LA0304 LGP0407 LG13/30 LG14/08				
Background Papers:	None				
Reference Documents:	None				