

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

3 DECEMBER 2015

**REPORT OF DIRECTOR OF
PUBLIC HEALTH
HEAD OF ECONOMIC GROWTH
& DEVELOPMENT SERVICES**

CABINET DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Nigel Cooke

THE USE AND CONTROL OF ACTIVITIES IN OUR TOWN CENTRES

1. Summary

To seek Cabinet approval to establish policy guidelines to coordinate and manage activities taking place within Stockton's town centres, including promotional activities, the marketing of goods and services and research/canvassing purposes.

2. Recommendations

It is recommended that Cabinet:-

Consider and approve the draft policy guidelines attached at Appendices 1- 4 for consultation with key stakeholders and delegate final approval of the guidelines to Director of Public Health and Head of Economic Growth and Development Services in consultation with relevant Cabinet Members

3. Reasons for the Recommendations

To ensure that Members are aware of the current issues that a current lack of controls is having within town centre areas, whilst ensuring that appropriate recommendations are suggested which will enable the Council to effectively control and monitor activities in these areas.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably

regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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RECOMMENDATIONS

It is recommended that Cabinet:-

1. Consider and approve the draft policy guidelines attached at Appendices 1- 4 for consultation with key stakeholders and delegate final approval of the guidelines to Director of Public Health and Head of Economic Growth and Development Services in consultation with relevant Cabinet Members

DETAIL

1. Ensuring that our high streets and town centres can thrive requires the provision of not only a range of essential shops and services, but attractions and activities that help ensure that they are a social place and encourage a vibrant economy.
2. In addition to celebrating the role that markets / specialist markets play in re-energising the high street, this report looks at the role street traders, pedlers, buskers and other activities have in enhancing the vibrancy and attractiveness of high streets and Town Centres.
3. It has long been recognised for example that thriving markets, entertainers and street traders add to the variety and joie de vivre of our High Streets, the diversity of shopping opportunities, and the character of the neighbourhoods in which they are located.
4. In addition, these types of activities can provide valuable employment/volunteering opportunities for local people as well as in some cases be a seedbed of entrepreneurship.
5. Activities on the High Street and in our Town Centres should contribute positively to the public realm, this is vital if we are to be successful in creating environments that people want to visit, socialise, live and work in. Equally activities should satisfy demand, by providing goods, services, entertainment or information that is required.

6. To that end Stockton-On-Tees Borough Council want to establish a policy framework within which a range of activities are considered, encouraged and permitted where appropriate. However these permissions should not detract from for example the quiet enjoyment of residential areas, or the unhindered enjoyment, specific fixed or temporary installations of art or the performing arts.
7. Demand for use of the highway in our town centres by external organisations has increased significantly, especially following completion of the recent regeneration schemes. The benefits to an organisation in using the highway for promotional activities are clear in terms of providing access to a large footfall. Organisations do not incur overheads and business rates by operating in such areas. Examples of organisations operating in this manner in town centres include charities, the armed forces, and commercial organisations, for example Sky TV, mobile phone operators, religious and political organisations.
8. However, with an increased number of organisations wanting to operate in town centre areas, it would be prudent to set policy guidelines to avoid uncontrolled and inappropriate activity that would detrimentally impact upon visitors enjoyment and experience. Many local authorities across the UK and a number of Welsh authorities have developed policy frameworks which allow them to licence and manage town centre activities.
9. Attached at Appendices 1-4 are our proposed policy guidelines for consideration.
10. **Appendix 1** covers the policy guidelines for street traders. Like all other kinds of business, they should not cause nuisance or inconvenience to their neighbours or to the community within which they are located. Hence, this policy describes what is expected in terms of the responsible management of stalls or approved vehicle/structure, the disposal of waste, and not obstructing the highway etc.
11. It should be noted that a street trading policy does no more than ensure that traders operate within the same general constraints that apply to any other business, requiring that they comply with the law and meet the same minimum standards that any responsible business should observe.
12. The policy also aims to regulate the number and location of street traders and sets out the parameters in which the Authority will make decisions ensuring that rules are applied consistently
13. **Appendix 2** to the report covers the policy guidelines for pedlars who are exempt from street trading consents. A pedlar is a person who holds a Pedlars Certificate under the Pedlars Act 1871 and is acting as a pedlar. A pedlar's certificate is obtained from the Chief of Police from the area in which they live.
14. A Pedlar is defined as *"... any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses carrying to sell or exposing for sale any goods, wares or merchandise, or procuring orders for goods, wares or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft."*
15. The Council and the Police welcome people who trade within the law. However, enforcement staff and CCTV may be used to ensure our high streets and Town Centres are free from illegal street traders

16. **Appendix 3** to the report covers the policy guidelines for buskers and street entertainers who it is acknowledge can help to create a lively and enjoyable town centre. However, inconsiderate busking can cause disturbance or nuisance if unusually loud, or repetitive in nature, we have therefore produced guidelines for buskers and street entertainers.
17. It is acknowledged that busking is not a licensable activity under the Licensing Act 2003 and no permit or licence is required in order to busk or perform in our town centres. However the policy reinforces the need to avoid causing problems, and show consideration for the local community, business proprietors and shopkeepers.
18. **Appendix 4** to the report covers the policy guidelines for external organisations that wish to use the highway in town centres. It enables the regulation of currently uncontrolled activities and recognises that certain activities can contribute to the vitality of town centres, whilst also recognising that it could also lead to a detrimental enjoyment of spaces.
19. The Council is empowered, under Part VIIA of the Highways Act 1980 (“the Act”), to permit persons to place objects or structures on the highway for the provision of amenities and services including (Section 115E of Part VIIA of the Act) for the purpose of producing income, advertising and the provision of advice or information. This is conditional on the authority obtaining the consent of frontagers adjacent to the section of highway on which the object/structure with be placed, or service provided. Block approval will be sought from frontagers where possible and appropriate.
20. Section 115F of the Act gives the authority the power to impose conditions on applicants intending to place objects or advertise etc. on the highway and authorises the authority recover reasonable costs associated with the granting of permission and charges as a condition of the permission.
21. These policy guidelines seek to manage the physical space and to authorise occupation of the site under the Highways Act 1980. It is proposed that when applications to place structures/objects on the highway are received, unless a block approval has been obtained a letter will be sent to all frontagers adjacent to the site allowing sufficient time for objections to be considered at the end of the statutory 21 day objection period. This letter will act as the notice required to be served under the Act.
22. In order to regulate and manage activity in Stockton High Street, one of the Borough’s busiest locations for these types of activity, a location map **Appendix 5** is attached. This illustrates some possible areas where activities including promotional activities, the marketing of goods and services and research/political canvassing may be agreed, pending receipt of appropriate licenses/permissions and consideration by appropriate officers to any proposal against the policy guidelines.
23. It is proposed that the Policy Guidelines will be subject to review following a period of six months, in addition to the associated charges, terms and conditions.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

24. It is envisaged that the fees charged for applications will cover the costs associated with the administration of the applications.

Legal

25. The majority, if not all, of the activities etc. specified in **Appendix 1** are governed by legislation and the policy guidelines must, therefore, be in accordance with the statutory provisions. The legislation concerning each activity is referred to the Appendix.

RISK ASSESSMENT

COUNCIL PLAN IMPLICATIONS

EQUALITY IMPACT ASSESSMENT

CONSULTATION

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<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	Not applicable
<u>Property Implications:</u>	None