

STREET TRADING POLICY REVIEW

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**Cabinet Member - Councillor Jim Garner**  
**Responsible Director - Trevor Watson**

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**PURPOSE OF THE REPORT**

1. To invite Members to approve public consultation of Darlington's Street Trading Policy, which is in **Appendix 1**.

**SUMMARY**

2. Darlington's Street Trading Policy was last reviewed in January 2015, and Licensing is seeking views from all stakeholders, including traders and the public, to ensure it remains relevant and reflects changes within the town in recent years. This report also outlines the current status of street trading provision within the town centre.

**Human Rights Act**

3. When considering matters relating to the grant of a licence and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group, or Company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate.

**Legal Implications**

4. There are no issues that the Assistant Director, Law and Governance, considers need to be brought to the specific attention of Members, other than those highlighted in the report.

**Crime and Disorder Act 1998 Section 17**

5. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty of the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## **RECOMMENDATIONS**

6. It is requested that this Licensing Committee approve this Policy for public consultation.

## **REASONS**

7. To ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities

**Trevor Watson**  
**Executive Director, Economy & Public Protection**

Contact officer: Colin Dobson Ext 5988

## **BACKGROUND PAPERS**

The Local Government (Miscellaneous Provisions) Act 1982  
Street Trading Policy 2015

## **APPENDICIES**

Appendix 1 – Current Street Trading Policy  
Appendix 2 – Location of trading locations

Council Plan	This policy will maintain the legal framework when dealing with Street Trading applications
Addressing inequalities	The proposals will have no additional impact on the equality of opportunity for the disabled public. Equality Act screening assessment has been carried out
Tackling Climate Change	This report has no impact on the Council's carbon impact.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This policy does not address health concerns
S17 Crime and Disorder	This policy will address issues specifically relating to the prevention of crime and disorder
Wards Affected	Any proposals will affect Street Trading licences throughout the Borough
Groups affected	The policy does not have a direct impact on any particular group
Budget and Policy Framework	This report represents no major change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

## **MAIN REPORT**

### **BACKGROUND**

- 8.** Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. This legislation enables Local Authorities to control street trading by designating areas as consent streets, licence streets, and prohibited streets.
- 9.** Street Trading refers to the selling of any article (including a living thing) on a public highway or other publicly accessible area. Sales by pedlars, or as part of a market, or in trunk road picnic areas, do not constitute street trading.
- 10.** The Current policy is based on decisions made by Members in 1991 and 1993. In November 1991, the Council's Works and Health Committee adopted the provisions of the 1982 Act in relation to street trading, creating consent streets and prohibited streets. The Council elected to regulate street trading using consents rather than licences, as this provides greater flexibility for the Council in terms of approving and removing street traders, and is less onerous than the requirements for the issue of licences.
- 11.** A list of consent and prohibited streets has been published within the policy, and if Members were to seek a change in the designation of these streets, there is a statutory process to follow, which includes a 28-day consultation period.
- 12.** In June 1993, the same Committee set a policy for street trading, which encompassed both daytime and nighttime sales of food from a fixed position, and also sales of items from vehicles that travel through the borough, such as ice cream vans. The sales of newspapers and periodicals in the street were also regulated.
- 13.** Traffic Regulation Orders in place within the town centre limit street trading, and those authorised locations are for stationary trading only. Consents outside the town centre relate to static and mobile traders, and are granted where they do not compromise public safety.
- 14.** The current policy allows 12 daytime trading sites and four nighttime sites for stationary trading in the town centre. (This does not include those operating under the authority of the Market Asset Management, who are now the holders of the Market Licence running the covered, outer and themed market events on behalf of Darlington Borough Council.)
- 15.** Within the town centre, there is currently only one nighttime trader, and there are no static daytime street traders. Whilst these trading locations have not all been used in the past, there has been a significant decline in town centre street trading in recent years, particularly following the Covid pandemic.
- 16.** Finally, 19 mobile street traders trade within the borough outside the town centre area, selling ice cream, sandwiches, and drinks, etc.

17. Developments in recent years within the town centre have meant that the current fixed locations may no longer be appropriate. These locations, listed in the policy, have been marked on a plan in **Appendix 2** for reference.

## **ISSUES TO CONSIDER**

18. Over the years, there have been concerns about street trading within the centre of Darlington relating to the number, location of units, noise, the type of goods available for sale, and the appearance of the units. Current retailers have also expressed concerns that whilst they pay premium business rates and ongoing costs to trade, street traders can sell the same or similar goods at less cost and without recurring expenses.
19. If Members decide that there is a place for street trading to remain, particularly in the town centre, the nature and type of provision can be addressed through Council policy and conditions.

## **THE CONSULTATION PROCESS**

20. Consultation is integral to the overall policy review process, and if Members are minded to approve a full consultation, it will be widely advertised for the public and stakeholders to make comments. The timing of this consultation will coincide with the end of the summer trading period, whereupon traders and the public may reflect upon this period to suggest that amendments are required for this policy.
21. Following the conclusion of this consultation, relevant information, proposals, and recommendations will be used together with information from other relevant sources to draft a revised policy, which will be brought back to this committee for consideration and recommendation to Full Council.

## **RECCOMENDATION**

The Statutory Licensing Committee approves and authorises the commencement of a public consultation process relating to the consideration and adoption of a revised policy.

