

# Agenda Item 13

Executive Board

30 April 2008

IC/JT



## Results of the Public Consultation in respect of Street Trading on the Esplanade and Promenade at Sidmouth

### Summary

The report sets out the method and results of the public consultation undertaken in respect of the possible designation of the Esplanade and Promenade, Sidmouth as a consent street for street trading.

### Recommendation

#### That the Board:

1. **Note the results of the public consultation undertaken in respect of the possible designation of the Esplanade and Promenade, Sidmouth as a consent street for street trading under the Local Government (Miscellaneous Provisions) Act 1982.**
2. **Considers the implications of the consultation result and decides whether any change be proposed to the designation of the Sidmouth Esplanade and Promenade.**

#### a) **Reasons for Recommendation**

To advise the Board of the results of the consultation carried out in accordance with the resolution made at its meeting of 26 March 2008.

#### b) **Alternative Options**

That the Esplanade and Promenade be designated as a consent street for the purposes of street trading under the Local Government (Miscellaneous Provisions) Act 1982 **and that consents for street trading shall only be issued during the period of the Sidmouth Folk Festival.**

Should the Board approve this alternative option there is a requirement for a legal notice of the intention to pass a resolution at a future meeting of the Executive Board to be given before a final determination can be reached. In order for it to be effective for this year's Folk Festival it would ideally entail the Board making a resolution at its meeting on the 4 June 2008 although it would still be possible for the decision to be made at the following meeting on the 2 July 2008.

#### c) **Risk Considerations**

None

#### d) **Policy and Budgetary Considerations**

None

#### e) **Date for Review of Decision**

None

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## 1 Results of the Public Consultation

- 1.1 The public consultation in respect of the possible designation of the Esplanade and Promenade Sidmouth as a consent street for street trading under the Local Government (Miscellaneous Provisions) Act 1982 commenced on 27 March 2008 and closed on 17 April 2008. The public were invited to make their comments through articles in the Local Press (Sidmouth Herald, View from Sidmouth and the Midweek Herald) and through the Council's website. Sidmouth Town Council, the Chamber of Trade and Commerce, Sidmouth Folk Festival, Local Members and the Council's Planning & Street Scene services were also consulted.
- 1.2 A copy of the coupon printed in the Sidmouth Herald on the 28 March 2008 is attached at **Appendix A**. Also attached as **Appendix B** is a copy of the article printed in the same edition of the newspaper.
- 1.2 One hundred and sixty one (161) responses were received and of these sixty nine percent (69%) were against street trading being permitted at any time. With 111 against and 50 in favour. It will be appreciated however that there is a very large silent majority who have not voiced their opinion.
- 1.3 Details of the responses received are set out at **Appendix C**. Those who responded were requested to provide their postcode in order to identify the numbers who live within or close to Sidmouth. As will be seen a high percentage of respondents gave post codes within the EX10 8/9 area. All respondents were given the opportunity to provide a comment in addition to voting on their preferences.
- 1.4 Of those who supported street trading being introduced on the Esplanade and Promenade the majority did so for the Folk Festival week only. There was almost no support for extending the facility to other times of the year.
- 1.5 Included in these figures are responses from the Sidmouth Town Council and what appears to be 18 responses from Sidmouth Chamber of Commerce members:
  - (a) **Sidmouth Town Council**

The Town Council responded to the initial consultation that the Council supported in principle of the introduction of a "consent street" for the Esplanade and Promenade but would await further information on how this would be implemented before making a final decision.
  - (b) **Sidmouth Chamber of Commerce**

The Chamber of Commerce circulated a copy of the voting slip to its members. The Council have received 18 voting slips which indicate that they were circulated by the Chamber of Commerce however there is no guarantee that these were all from Chamber members. Of the 18 slips received 12 were against trading on the Esplanade and Promenade and 6 supported the idea.

## 2. The Future

- 2.1 Many of those against permitting street trading on the Esplanade have suggested by their comments that they do not want any form of trading in this area. Unfortunately under the existing legislation this is not possible because even if normal street trading is prohibited genuine pedlars and those providing services, for example hair braiding cannot be prohibited from operating in the area.
- 2.2 In recent years many of those "trading" on the Esplanade have claimed they were pedlars however true pedlars are required to be mobile and at least be able to move their stalls regularly. Members who have visited the Esplanade during recent Folk Festivals will be

aware that this has not been the case. The pedlars' certificates and the enforcement of them are mainly the responsibility of the police. The local police are not able to control the numbers of certificates as it doesn't matter where they are issued because they can be used anywhere in the country. For example certificates granted by the police in Birmingham or Bristol can be used in Devon.

- 2.3 It is anticipated that if the Esplanade and Promenade became a "consent street" it will be easier to control the rogue traders and pedlars as certain sections of the seafront would be allocated to genuine traders which would have the effect of freezing out the rogues and those traders that are not compatible with the event. Other areas of the seafront would be reserved for dancers/performers and these would be heavily enforced by Council staff and the police to keep them clear of traders.
  - 2.4 There is the ability for the Council to charge traders a fee for the grant of a "consent to trade". Should Members decide to designate the Esplanade and Promenade as a "consent street" then it is proposed that a suitable charge would be made. If necessary this would be subject of a further report. Despite the ability to charge the amount raised is unlikely to cover the enforcement costs however if "prohibited street" status is maintained there will still be enforcement costs but without any fees to off set them.
  - 2.5 The local police commander, during recent consultation over these issues with the Council's Licensing Team, has undertaken, at least for the duration of the 2008 festival, to support the enforcement of "consent street" status should Members decide to go down that avenue. This would include assistance with the enforcement of the legislation relating to pedlars.
  - 2.6 Should the Council decide to retain the Esplanade and Promenade as a "prohibited" street a high level of enforcement by the Council and police will be necessary to prevent illegal trading. In recent years however the police have given this issue a low priority in resource terms. Although the police have indicated that they will support enforcement of "consent street" status it is not clear what their stance would be if the "prohibited" street status is maintained.
  - 2.7 Should the Council determine that the Esplanade and Promenade be designated as a consent street it will have the discretion as to who should be granted a licence and will be able to impose conditions.
- 3 Conclusion
- 3.1 Taking the results of the consultation into account the Board are asked to note the outcome of the consultation that shows there is a majority of public support for the retention of the designation of the Esplanade and Promenade as a prohibited street.
  - 3.2 If the Board, after considering the contents of this report, decide that no change be made to the designation of the Sidmouth Esplanade and Promenade there is a need for the Council to decide what action is necessary to enforce the existing regime.

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#### Legal Implications

If the Board resolves to change the designation of the Sidmouth Esplanade and Promenade it will be necessary for the Chief Executive to advertise notice of the intention to pass a resolution at a future meeting of the Executive Board, effectively changing the street designation from 'prohibited' to 'consent'; and to serve a copy of the notice on the Chief Officer of Police and on the Highway Authority (LG(MP) Act 1982, Sch 4, para 2(3)).

#### Financial Implications

No implications other than the possible charges as outlined in the report.

#### Consultation on Reports to the Executive

The formal public consultation was conducted as set out within the report.

Background Papers

Responses to the public consultation

Appendix C

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Ian Carter ext 2080  
Senior Licensing Officer

Executive Board  
30 April 2008

John Tippin ext 2787  
Licensing Manger

Executive Board  
30 April 2008