

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Street Trading in Abergavenny

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing and Regulatory Committee

Date to be considered: 15th October 2019

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider existing street trading arrangements in Abergavenny, noting recent concerns raised by Elected Members from the area.

2. RECOMMENDATION(S):

- 2.1 To provide information to Members on existing arrangements on how street trading is managed in Abergavenny town, determine adequacy and consider any areas for improvement.
- 2.2 Licensing Officers have further discussions with Estates colleagues on implications of restricting the scope of their existing Block Street Trading consent. Members to be advised of any additional cost implications to major events, such as Abergavenny Food Festival, noting their interest in attracting tourism and vibrant town centres.

3. KEY ISSUES

- 3.1 Further to the 'Topping Out' ceremony in Abergavenny on Bank Holiday Saturday, 24th August 2019, some local Councillors raised concerns about some mobile vehicles situated on St John's Square on the same day. Specifically –
- County Councillor Sheila Woodhouse emailed the Council's Chief Executive on 29th August. Main concern was how a large burger van could be permitted to trade, taking trade off local businesses that pay high business rates.
 - Councillor Maureen Powell formally asked a question at Full Council on 19th September raising the same concerns, directed to Councillor Sara Jones as Cabinet Member with responsibility for Licensing.
 - Bryn y Cwm Area Committee raised this issue at their meeting on 25th September. Agreed it would be discussed at the next Licensing & Regulatory Committee.
- 3.2 The Head of Public Protection responded to the questions raised by Councillors Woodhouse and Powell, the key points being –
- The Authority's Street Trading policy – last updated on 9th February 2016, copy attached – refers to street traders not being allowed to trade within 100 metres of fixed premises selling similar goods. **See attached policy – section 7, 'Guidelines for an application', third bullet point.** Exemptions can be made, most notably for the Abergavenny Food Festival held in September annually. It is recognised such events attract large crowds to Abergavenny and benefits local businesses considerably.

- The Block Trading Consent for Abergavenny centre was previously agreed by L&R Committee, and issued to MCC's Estates section to implement. Block Street Trading Consents are covered in section 5 of this Authority's Street Trading Policy – as attached. On 24th August, the Estates section issued a consent applied for by the Trading Post. A consent was issued to allow six traders to operate from St John's Square on this Bank Holiday Saturday. Licensing understand that Estates did approach traders on Nevill Street, advising they are able to request consents, if deemed beneficial to visitors and traders.
- One of the traders on 24th August was a local ice-cream vendor. This, however, was a one-off occasion. The trader's applications to operate from St John's Square, to trade there on a few occasions every week, have consistently been refused. This is as per our Street Trading Policy, noting other permanent premises selling ice-cream in the vicinity.
- Block Street Trading consents are useful in making it easier for organisers to implement an event, with the added benefit of being less onerous for our small Licensing team. Such consents operate successfully in Chepstow and Usk – both administered by the Town Councils – together with Monmouth (Estates) and Caldicot Country Park (Mon Lives).
- The Licensing Authority continues to be supportive of local businesses. In relation to St John's Square, as an example, the Kings Arms were permitted 5 Temporary Event Notices in 2018, with a further 4 so far in 2019. This allows them to extend their trading, eg. barbeques, onto the (MCC) paved area opposite the public house.
- Licensing Officers met with colleagues from the Markets team (Estates), Highways and Events Management on 9th September to discuss what happened on 24th August and processes followed. Agreed that improvements to how existing traders are consulted could be improved, and Monmouthshire's Event Safety Advisory Group can seek to ensure there are no clashes between events.

3.3 On 18th September MCC's Estates section wrote to advise Licensing of their intention to change the areas covered by their Block Street Trading Consent, when their existing consent finishes in February 2020. Estates seek to amend the consent to only cover Cross Street, Market Street, High Street and Lower Brewery Yard, ie. areas in the vicinity of the Market Hall. Clearly this would have implications, as outlined below –

Changes	Estate holding a block consent	Each applicant applying for consent
Time	Licence already in place whereby Estates could agree/authorise traders on the same day	Each individual or event organiser will apply for a day or block ST consent, (consultation 60 days)
Consultees	Estates team, who hold the licence, would consult local traders	Local Member, Town Council, Highways, Police, Environmental Health, (SWTRA if applicable)
Cost	Estates able to set fee and make a profit for MCC	ST fees are set so that MCC are unable to make a profit and assessed each year. If the town consent is removed, more applications to be processed by Licensing
If refused permission/consent	Estates hold the consent and are able to assess and refuse any traders they deem not suitable	If an objection is received, the L&R committee will receive a report from Licensing and consider the objection. Applicants will need to allow time for this process
Flexibility	This year the Tuesday before the Food Festival Highways placed extra planters on Frogmore Street, in locations where Food Festival Stalls or Emergency Vehicle Access was planned. At short notice Estates and Food Festival were able to quickly alter the plans and relocate stalls as most of the town is licensed	Any last minute alterations would need suitable processing. Applicants, potentially, would need to cancel the event and re-apply through the consultation period. So the process is more prescribed.
Workload for Licensing	Licensing currently intervene when we receive complaints, or are issuing the Block Trading renewal to the Estates team	Licensing staff will need to assist/advise/process all ST needs. This relates to any non-ticketed event whereby items are sold - from assessing location, trading items, suitability of applicant, etc. As a small team this can be very time consuming especially for large events and Licensing officers are likely to struggle.

- 3.4 Noting the issues summarised above, a further Officer meeting will be needed to discuss the implications of the proposed changes for next year. One issue worth noting is that some events operate with fine profit margins, so the Council would not wish to see significant cost increases to organisers. If organisers withdraw, for example if costs prohibitive, this could be detrimental to our town centres. The workload to Licensing is also a factor, noting Abergavenny Food Festival would need day block consents covering two days, various non-ticketed events in Bailey Park, and other trading held in streets not listed in 3.3 above.

4. REASONS

- 4.1 County Councillors raised concerns on existing street trading arrangements in Abergavenny, so this report serves to outline the processes followed on 24th August and outlines future working arrangements.
- 4.2 Members will want to seek reassurances that any changes to the existing arrangements do not have a detrimental impact on existing, and highly popular, events in the county.

5. RESOURCE IMPLICATIONS

- 5.1 None as a consequence of this report. There will be more revenue from an increase in Street Trading licences processed by the Licensing team, albeit on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 This report is primarily advising Members of existing arrangements and what is likely to change in 2020. No evaluation is required as no policy change is recommended at this time.

7. CONSULTEES:

Licensing team

Further consultation to take place between Licensing and Estates sections

8. BACKGROUND PAPERS:

Street Trading Policy & Conditions, revised 9th February 2016

9. AUTHOR:

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