

**Manchester City Council
Report for Resolution**

Report to: Licensing and Appeals Committee – 5 December 2022

Subject: Street Trading Policy Review – Designation of Streets

Report of: Director of Planning, Building Control & Licensing

Summary

This report presents the Committee with proposals to review the designation of streets in certain areas of Manchester as prohibited, licence and consent streets.

Recommendations

The Committee is asked to approve commencement of the statutory consultation process.

Wards Affected: Piccadilly and Deansgate wards

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

None

Our Manchester Strategy Outcomes	Summary of how this report aligns to the OM
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Street trading consents and licences may make a valuable contribution to areas in and around Manchester. The vehicle and trailers used can be of a quality that compliments the street scene, which in turn may encourage people into the area thereby impacting positively on the economy of the sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	

A liveable and low carbon city: a destination of choice to live, visit and work.	The Street Trading Policy will enable the Council to create a street trading environment which complements premises based trading, is sensitive to the needs of the residents, provides diversity, consumer choice and safety of local environments
A connected city: world class infrastructure and connectivity to drive growth	Street trading licences and consents allow people to start a business and in addition each licence or consent will normally create employment for at least two people.

Full details are in the body of the report, along with any implications for:
 Equal Opportunities Policy
 Risk Management
 Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Danielle Doyle
 Position: Licensing Unit Manager
 Telephone: 0161 234 4962
 E-mail: danielle.doyle@manchester.gov.uk

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

Manchester City Council Street Trading Policy

1. **Introduction**

- 1.1. For street trading purposes, the Council designates streets as either consent, licence or prohibited streets. A street is defined in the Act as “any road, footway, or other area to which the public have access without payment”. A designated licence street means that street trading is authorised by way of a street trading licence, whereas it is authorised by way of a street trading consent on consent streets. A prohibited street means that street trading will not be permitted there.
- 1.2. There are some notable differences between the two authorisation processes: applications for street trading licences can only be refused subject to specific statutory grounds set out in the street trading legislation, whereas a street trading consent may be granted as the council sees fit. There is a right of appeal to the magistrates court for decisions to refuse an application for a street trading licence. There is no right of appeal for street trading consents.
- 1.3. The statutory grounds for refusal for a street trading licence are as follows:
 - a) that there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street; or
 - b) there are already enough traders in the street from shops or otherwise in the goods in which the applicant desires to trade; or
 - c) the applicant desires to trade on fewer days than the minimum number specified under the resolution; or
 - d) the applicant is unsuitable to hold a licence as they have been convicted of an offence or for any other reason; or
 - e) the applicant has been granted a street trading licence and has persistently refused or neglected to pay the fee or charges required under paragraph 9(6) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; or
 - f) the applicant has been granted a street trading consent and has persistently refused or neglected to pay the fees; or
 - g) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.
- 1.4. The report proposes that a review of prohibited, licence and consent streets within certain areas of the City is conducted, and a number of proposed changes have been suggested. The current schedule is provided at Appendix 1.
- 1.5. Section 2 of this report details the proposed changes.

2. **New public spaces**

- 2.1 Only the following of the city public squares are prohibited ‘streets’ for street trading:
 - St Ann’s Square
 - Exchange Square

2.2 Since the streets were last designated St Peter's Square has been redeveloped and Albert Square is currently undergoing renovation as part of the Our Town Hall project. It is proposed to take an equivalent approach across similar areas of the city centre.

2.3 Therefore, it is proposed to include:

- St Peter's Square
- Albert Square
- Lincoln Square
- Cathedral Gardens
- Piccadilly Gardens

2.4 It should be noted that prohibited street for the purposes of street trading does not preclude the ability for a licensed market to operate.

3. **Process**

3.1 The procedure for the designation, variation of designation, or revocation of designation is governed by paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

3.2 Whilst the power to licence street trading is delegated to the Licensing and Appeals Committee, the power to make a resolution to designate streets must be made by Council.

3.3 Before making any such resolution the Council must, in summary, publish a notice that it intends to pass such a resolution in a local newspaper, following which a minimum period of 28 days must be allowed for formal objections to be made. Following that period the Council must consider any such objections and may, if they think fit, pass a resolution designating those streets. Further newspaper notices must be placed before the resolution comes into force

4. **Consultation**

4.1 The proposal is to commence the statutory consultation process to designate the above areas as prohibited streets.

4.2 Members of the public and trade will have the opportunity to make representations when the statutory notice is published

4.3 It is proposed that consultation will take place with the following parties:

- Greater Manchester Police;
- Current consent and licence holders;
- Manchester City Council: Neighbourhoods, Licensing and Out of Hours, Highways, Planning, Local Ward Councillors, Events Unit;
- Cityco;
- General Public via the Council's website.

A further report will be presented to Licensing Committee following the end of the consultation period requesting Committee to recommend the Council to adopt the resolution for the new street trading process subject to any variations of the draft proposals that arise as a result of the consultation

process.

5. **Recommendation**

The Committee is asked to approve commencement of the statutory consultation process.

6. **Key Policies and Considerations**

6.1 The details in the report relate the Council's policy for street trading.

6.2 The Council currently has an ongoing appeal to refuse an application for a street trading licence at Cathedral Gardens. This licence was granted on appeal at the magistrates court and an appeal against that decision is pending at the Crown Court, due to be heard in May 2023.

Appendix 1 – Current designation of streets

Prohibited Streets

- All streets within the area bounded by the City boundary, Trinity Way (formally New Bridge Street), Cheetham Hill Road, a line drawn between the junction of Cheetham Hill Road and Adeline Street and the junction of Verdon Street and Scotland Street, Verdon Street, Fernie Street, Lord Street, Stocks Street East, St Chad's Street, Stanley Street, St.Thomas Place, Red Bank, Back Bank Street, a line drawn between Back Bank Street and the Manchester to Bury railway line, but excluding any land along the length thereof in the ownership/control of the British Railways Board, Queens Road, Elizabeth Street, Waterloo Road, Bury New Road and Broughton Lane and where the said area is bounded by a street throughout the length thereof which forms the boundary and including all forecourts, roads, footways or other areas adjacent to the streets referred to in this resolution for a distance of 30 metres, but excluding any land and streets In the ownership/control of the British Railways Board, such being indicated on the plan.
- St Ann's Square and Exchange Street
- The area known as St Ann's Square and Exchange Street from the junction of St Ann's Square with St Ann's Street along it's length and including Exchange Street along its length to its junction with St Mary's Gate and where the said area is bounded by a street throughout the length thereof which forms the boundary.
- King Street
- The area known as King Street from its junction with Cross Street along its length to its junction with Deansgate and where the said area is bounded by a street throughout the length thereof which forms the boundary.
- Market Street and St Mary's Gate
- Piccadilly
- New Cathedral Street
- Exchange Square

Licence Streets

City Centre

- All streets within the area bounded by the River Irwell, Regent Road, Dawson Street, Egerton Street, Mancunian Way, London Road, Travis Street, Sheffield Street, a line drawn between the junction of Baird Street and Sheffield Street and the junction of Sparkle Street and Chapeltown Street, Sparkle Street, Store Street, Great Ancoats Street, Redhill Street, Bengal Street, Oldham Road, Thompson Street, Rochdale Road, Gould Street, Dantzic Street, Victoria Station to Miles Platting Railway line, Cheetham Hill Road and Trinity Way (formally New Bridge Street) and where the said area is bounded by a street the designation includes the whole of the street throughout the length thereof which forms the boundary and including all forecourts, roads, footways or other areas adjacent to the streets referred to in this resolution for a distance of 30 metres but excluding any land or streets in the ownership or control of the British Railways Board, such area being indicated in the plan.

Consent Streets

Streets not identified as prohibited or licence streets can be considered for applications for Street Trading Consents.