



Torbay Council's Street Trading Policy

Introduction

This policy has been written to give guidance and direction to those who have responsibility for implementing the Street Trading provisions adopted under schedule 4 Local Government (Miscellaneous Provisions) Act 1982. The current Street Trading Policy was approved XXXXXXXXX.

This policy should not in any way conflict with Torbay Council's obligation to comply with the Local Government (Miscellaneous Provisions) Act 1982, but if a conflict between the Act and this Policy arises, then the Act shall prevail.

Consent and Prohibited areas.

In Torbay there are currently no licensed areas. However, there are consent and prohibited areas, 'within the meaning of the legislation' under paragraph 2 of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982. In addition, Torbay Council has included, within its Street Trading Schedule, areas called 'restricted consent areas'. Permitted use of these areas is granted by Torbay Council Officers, as Torbay Council is either the land owner or the administrators of such areas, with the exception of the following:

Torquay Town Centre Business Improvement District,
St Marychurch 'proposed' Business Improvement District,
Paignton 'proposed' Business Improvement District, and
Brixham 'proposed' Business Improvement District.

This function is delegated to the Town Centres Company for Torquay, St Marychurch and Paignton and to Brixham Town Council in partnership with the Town Centres Company for Brixham. These delegations are made with the agreement and support of Torbay Council and the relevant designated Officers below and apply only while that agreement remains in place.

In the case of beaches, parks, open spaces, car parks and highways the final decision for permitted use of these areas, will be determined by the Executive Head Residents and Visitor Services or any subsequent replacement post, in consultation with any other relevant departments.

In the case of harbour land, the final decision for permitted use of this area will be determined by the Executive Head Torbay Harbour Authority or any subsequent replacement post.

Within the Street Trading Schedule the three types of consent areas are referred to as Part A, prohibited areas, Part B, restricted consent areas and Part C, consent areas.

Restricted Consent Areas

In some areas, there will be additional restrictions, as listed below. These restrictions have been drawn up to assist Torbay Council and delegated Officers in making decisions, and to ensure that where such a conflict of interest arises, this is kept to a minimum, especially between the interests of existing traders and street trading. If an area is not listed below, then the discretion of that decision remains with the specified post holder above, dependant on the area being considered.

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The key purpose of encouraging 'high quality' markets or events into Torbay is to increase the areas footfall, with the knock on effect of those people using other services and retail outlets in Torbay. The key types of markets being encouraged should be craft, farmers, French and continental markets or anything of a similar nature which upholds the emphasis on 'high quality' produce. Although there may at times be an overlap in produce and therefore some potential conflict of interest between traders, Torbay Council's primary aim is for the overall benefit to Torbay's economy. Therefore, in some cases Torbay Council may not be able to reconcile such conflicts. Where an overlap in produce occurs, existing traders in Torbay should be given priority to trade from a stall ahead of those traders from outside the area.

Although a number of street trading pitches have already been allocated in certain areas, this will not prevent 'high quality' markets, events or fairs from operating in these areas, following the grant of the required permission.

Consultation must take place with the relevant Chamber of Commerce and the emergency services where there are proposals to have 'high quality' markets or events in the town centre areas of Torbay. This will provide an opportunity for them to consult with their members and colleagues.

Consultation must also take place with the Executive Head Torbay harbour Authority or any subsequent replacement post, should any activity impact on the harbour estate, for example the closure of Victoria Parade, Torquay.

Consent Areas in Torbay

The list of Prohibited Areas, Consent Areas and Restricted Consent Areas are contained with Schedule 1 to this policy (see Annex 2). What follows is some additional guidance on the types of street trading that will be allowed on restricted consent land:

Restricted Consent Highways In Torquay:

All highways in Torquay **that** have restricted consent, **except the pitches** below, which are only available with regard to street trading for markets or events, as described in this document.

Castle Circus, Torquay – Two pitches on pavement in front of Town Hall.

Market Street/Union Street junction, Torquay – Two pitches adjacent to number 55 Union Street.

Union Lane, Torquay – One pitch adjacent to 22 Union Street.

Union Street, Torquay – One pitch adjacent to Old Town Hall at junction with Abbey Road.

Fleet Street, Torquay – Up to ten pitches between GPO roundabout and Cary Parade.

Palk Street, Torquay – Single pitch.

Vaughan Road, Torquay – Single pitch.

The Strand, Torquay – Three pitches along the seaward side of The Strand.

Victoria Parade, Torquay – Up to six pitches along Victoria Parade.

Beacon Quay, Torquay – Single pitch at junction of Beacon Quay and Beacon Hill.

Lower Union Lane and Temperance Street, Torquay – Single pitch at each site.

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Fore Street, St Marychurch – Up to five pitches.

Restricted Consent Highways In Paignton:

All highways in Paignton that have restricted consent, except the pitches below, which are only available with regard to street trading for markets or events, as described in this document.

Victoria Street, Paignton – Up to five pitches between Torquay Road and Hyde Road.

Victoria Square, Paignton – Up to six pitches.

Torbay Road/The Esplanade junction, Paignton – Two pitches, one on each side of Torbay Road.

Restricted Consent Highways In Brixham:

All highways in Brixham that have a restricted consent are only available with regard to street trading for markets or events, as described in this document.

Parks and Beaches in Torbay:

There are no pitches in these areas, so the locations are only available with regard to street trading for markets or events, as described in this document.

Princess Gardens, Torquay – Two pitches close to the pavilions within the Torquay BID area.

Palace Avenue Gardens, Paignton – One pitch.

Victoria Park, Paignton – One pitch.

Harbour Land in Torbay:

Inner Harbour Slipway and Entrance to Beacon Quay, in Torquay and The Strand, The Quay and The Old Fish Quay, in Brixham have a restricted consent. There are no restrictions for harbour land, except for the broad principles laid down in this policy. This remains the responsibility of the Executive Head Torbay Harbour Authority.

Car Parks in Torbay

There are no pitches in these areas, so the locations are only available with regard to street trading for 'high quality' markets or events, as described in this document.

'High Quality' Markets and events

All markets and events will be evaluated by Officers to ensure that stalls do not sell a similar range of produce as nearby traders, therefore reducing the likelihood of a conflict of interest arising. However, Torbay Council's primary aim is for the overall benefit to Torbay's economy and in some cases the Council may not be able to reconcile such conflicts.

Torbay Council, will liaise with the relevant Chamber of Commerce/traders representatives with regard to markets and similar events, to ensure that all aspects of the market/event have been taken into consideration.

Pitches

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These need to be formally identified with a pitch number and/or location, with the agreement of the relevant Executive Head.

Tattooists, hair braiders, painters etc

These types of trading are considered to be street trading, as defined by paragraph 1 of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982. From 1st January 2009 traders trading in this type of produce or anything deemed to be of a similar nature, will be required to apply for a Street Trading consent. The granting of such a consent will potentially only relate to events that such traders are invited to attend or in consent areas (Part C).

Fees

The fees that are charged will be the annual discretionary fees, as set by Full Council on an annual basis. However, in cases where the event is predominately for charity (although if all the money generated is for charity, then the fee will be exempt) or where quality markets or events are new and the fees in the early days of setting up may act as a discouragement and there is a clear benefit for the economy of Torbay, then with the permission of the **Executive Head Community Safety** or any subsequent replacement post, these fees can be reduced or waived.