
**Manchester City Council
Report for Information**

Report to: Licensing & Appeals Committee - 28 November 2011

Subject: Review of Street Trader Licence and Consents

Report of: Assistant Chief Executive, Neighbourhood
Strategy and Delivery

Summary

The report provides details of consultation responses received as a result of the twelve-week consultation in relation to a review of Street Trading.

The report includes an assessment of the consultation responses together with some suggested amendments resulting from the consultation process.

For information purposes details of the application process, guidance notes and revised conditions relating to Street Trading Licence and Consents are available as a background document to the report

Recommendations

1. That the Committee approve the draft Street Trading Policy, with or without modification, attached at **Appendix 1**
2. That the Committee consider the results of the consultation and determine for the purpose of street trading whether any recommendation should be made to the full Council in relation to proposed changes to the designation of scheduled streets (Consent, Licence or Prohibited). **Appendix 4**
3. That the policy becomes effective from the date of the implementation of re-designation of schedule streets (Consent, Licence or Prohibited)
4. That the Committee determine the delegation of functions in relation to all Street Trading applications, namely Street Trading Consents and Licences, which have or have not, attracted objections.

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Street traders may make a valuable contribution to areas in 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. In some instances street traders provide a service, which is not otherwise available in the locality.
Reaching full potential in education and employment	Street trading can provide employment opportunities each street trading permission will normally create employment for at least two people. It is acknowledged that some street traders may attract sales that would otherwise have been made at other local businesses
Individual and collective self esteem – mutual respect	
Neighbourhoods of Choice	The Street Trading Policy will assist 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

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

There are no revenue financial consequences

Financial Consequences – Capital

There are no capital financial consequences

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Background documents

Licensing & Appeals Committee Report of 4 July 2011 – Review of Street Trader
Licence and Consents
Local Government (Miscellaneous Provisions) Act 1982 Schedule 4
Full response received from the Manchester Evening News Arena
Manchesters proposed Street trading application process and licence/ consent
conditions

1.0 Introduction

- 1.1 On 4 July 2011 the Licensing and Appeals Committee approved a twelve-week consultation in relation to a proposed policy for Street Trading. The proposed Street Trading Policy is attached at **Appendix 1**
- 1.2 In developing the street trading policy the opportunity was also taken to review the current designated consent, licence and prohibited streets within the City

2.0 Consultation

- 2.1 A twelve-week consultation period (11 July 2011 to 3 October 2011) has taken place by way of:
- Public consultation on the Council web
 - Direct contact with the following organisations advising of the consultation
 - Greater Manchester Police
 - City Co
 - Manchester Universities,
 - Relevant bodies within Manchester City Council (eg. Highways, Food Hygiene, Planning, Land and Property, Local Ward Councillors, Ward Co-ordinators, Street Scene)
 - Letters sent to all current street trader licence and consent holders

3.0 Consultation Responses

- 3.1 Nine consultation responses have been received. These are detailed in full at **Appendix 2**, but have been briefly summarised below.
- 3.1.1 **Response A** - Ruth Beeching – an individual – Felt strongly that shopping streets within the City Centre should be free from people playing loud music, selling vouchers and charity workers begging for money.
- 3.1.2 **Response B** - MCC Regeneration Scheme – wishes consideration to be given to a restriction from street trading on the road opposite the Apollo Theatre.
- 3.1.3 **Response C** - Newcombe Homewatch – Wish to object to street trading taking place around the Manchester City Stadium (now known as the Etihad Stadium). Would like to see street trading prohibited for a 0.5 mile area around the Etihad Stadium
- 3.1.4 **Response D** - Delamere Residents Association – Would like an assurance that only licensed street traders are allowed to operate around the Etihad Stadium.

- 3.1.5 **Response E** – East Manchester Neighbourhood regeneration team – Have identified a number of streets around the Etihad stadium that they would like to be prohibited.
- 3.1.6 **Response F** - M.E.N. Arena – felt strongly that the current approach to street trading was not robust enough. Proposed exclusion zones should be restricted to both day and night. Street trader exclusion zones should be provided around the MEN Area as well as other large venues (Gmex, City of Manchester Stadium, Bridgewater Hall, Palace Theatre, Apollo Theatre and Opera House).
- 3.1.7 **Response G** - Professor JS Brooks, who is the Chair Person of Corridor Manchester and Corridor Manchester. Professor Brooks sent in a separate letter, which agreed with the response for Corridor Manchester is a Partnership between Manchester City Council, Manchester Metropolitan University. The University of Manchester and Manchester University Hospitals NHS Foundation–(Manchester City Council declared an interest and abstained) – in driving forward economic growth and investment in the area wish to see the entire Oxford Road as a prohibited street for the purposes of street trading with no exception given to the pavement area in front of Grosvenor Park.
- 3.1.8 **Response H** – Steven Marsden – Individual- Highlighted street trading in Levenshulme, Longsight and Rusholme Wards. In particular he expressed concern regarding the standard of street trader vehicles/trailers/carts, welfare of the street traders and detrimental impact on the area as a whole.
- 3.1.9 **Response I** – Cllr Rosa Battle – Bradford Ward- Highlights issues associated with street trading, which are detrimental to the area surrounding the Etihad Stadium. Would like to see street trading prohibited for a 0.5 mile area around the outside of Eastlands Estate

4.0 Evaluation Of Consultation Responses

- 4.1 Officers have evaluated the responses to the consultation. Suggested changes to the policy or re-designation of streets have been collated into a Table attached at **Appendix 3**.
- 4.2 In considering any re-designation of streets, consideration needs to be given as to the possible impact prohibiting streets could have on surrounding areas.
- 4.3 **Appendix 4** Summarises a proposed designation of scheduled streets highlighting the streets, which require committee to make a recommendation to Council regarding the designation of those streets in relation to street trading.

5.0 Street Trading applications and associated documentation

5.1 Street trading application documentation, guidance notes and street trading licence/ consent conditions are available from the contact officers listed at the beginning of the report.

6.0 Timetable for the re-designation of Streets

6.1 Table 1 below indicates the proposed timetable for the re-designation of Streets including consideration of any representations received

Table 1

28 November 2011	Results of consultation considered at L&A Committee, who make recommendation to Council to make resolution
7 December 2011	Report to Full Council on re-designation of streets
W/C 12 December 2011	Newspaper notice advertising proposal to make resolution (statutory period for making representations begins – minimum of 28 days)
1 February 2012	Report to full council to consider any such representations, and make resolution
9 February 2012	First post-resolution newspaper notice (minimum of 28 days prior to the resolution coming into force)
16 February 2012	Second post-resolution newspaper notice (must within 7 days after first post-resolution notice)
Date to be determined by Council Resolution	Designation comes into force (minimum of 28 days after first post-resolution notice)

7.0 Decision making

7.1 On 4 July 2011 the Licensing and Appeals Committee determined that decisions on applications for street trader licence and consents, which attract objections, be delegated to a sub committee of the Licensing and Appeals Committee until after the current review of the street Trader licence and consents was finalised

7.2 Street Trading Licences

7.2.1 In relation to Street Trading Licences, the legislation provides a right of appeal to the Magistrates Court in respect of a decision by the Council not to grant or refuse to renew a street trader licence.

7.2.2 The Committee need to determine whether street trading licences, which attract objections, should be determined by an officer panel, Licensing and Appeal Committee or a Licensing and Appeal Sub Committee.

7.3 Street Trading Consents

7.3.1 In relation to Street Trading Consents the legislation does not provide for a right of appeal to the Magistrates' Court.

7.3.2 The Committee need to determine whether street trading consents, which attracts objections, should be determined by an officer panel, Licensing and Appeal Committee or a Licensing and Appeal Sub Committee.

7.3.3 In making a decision regarding the delegation for determination of street trading consents, which attract objections, the Committee should have regard to the constitution of Manchester City Council. The Constitution provides that the Licensing and Appeals Committee has the power to determine any appeals referred to the Committee against any decision made by or on behalf of the authority.

7.3.4 If the Committee determine that the delegation for Street Trading Consents, which attract objections, is to the Licensing and Appeals Committee then there is no right of appeal against the decision of the Committee

7.3.5 If the Committee determine that the delegation for Street Trading Consents, which attract objections is to an Officer Panel or a Licensing and Appeals Sub Committee, then there is a right of appeal to the Licensing and Appeals Committee.

7.4 In determining decisions relating to the delegation of functions in respect of Street Trading applications (which attract objections) the Committee should be aware of the risk factors highlighted in 9 (b) of this report.

7.5 Currently street trading applications which do not receive objections are determined by officers, the recommendation at the start of the report requires the committee to determine how such applications should be dealt with in the future

8.0 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

8.1 Street traders may make a valuable contribution to areas in Manchester. The vehicle and trailers used can be of a quality that complements the street scene, which in turn may encourage people into the area thereby impacting positively on the economy of the sub-region. In some instances street traders provide a service, which is not otherwise available in the locality

(b) Reaching full potential in education and employment

8.2 Street trading can provide employment opportunities each street trading permission will normally create employment for at least two people. It is acknowledged that some street traders may attract sales that would otherwise have been made at other local businesses.

8.3 (c) Individual and collective self esteem – mutual respect

8.4 (d) Neighbourhoods of Choice

The Street Trading Policy will assist 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

9.0 Key Policies and Considerations

(a) Equal Opportunities

9.1 Equal opportunities has been considered within the context of this policy.

(b) Risk Management

9.2 The introduction of this policy is not considered to pose any real risk to the Council.

- 9.3 The Wednesbury rules of natural justice support the principle of applicants having a right of appeal against any decision. In the event of the Licensing and Appeals Committee having the delegated function for the determination of Street Trading Consents (which attract objections), no such right of appeal exists.
- 9.3.1 The absence of an appeal process may provide opportunity for an applicant to judicially review the Council.
- 9.3.2 In the determination of Street Trading Licences there is not a parallel risk, as there is a right of appeal to the Magistrates Court. However the Committee may wish to consider whether they wish to have parity in relation to the determination of both types of Street Trading permissions

(c) Legal Considerations

- 9.4 There are no additional legal considerations to consider

10.0 Conclusion

- 10.1 This report provides the Committee with responses received in respect of the consultation process relating to the proposed street trading policy, together with officers evaluation of those responses (**Appendix1**). **Appendix 3** of the report highlights potential amendments to the designated streets as a result of the consultation exercise, and asks committee to give consideration to those amendments to re-designation of scheduled streets.
- 10.2 The report provides the Committee with details of a further consultation by way of public advert in relation to proposed re-designation of streets. The report incorporates a table giving details of the timetable in connection with the re-designation of streets.
- 10.3 The report provides the Committee with details and associated risks in relation to the decision making process for the delegation of functions for all Street Trading applications



DRAFT

Street Trading Policy

And

Guidance on the relevance of convictions in relation to
Applications for street trading licence and consents

Content

- 1. IntroductionSection 1
- 2. BackgroundSection 2
- 3. PolicySection 3
- 4. EnforcementSection 4

Annex A– Convictions guidelines

Introduction

- 1.1. Manchester is a vibrant multi-cultural City with a diverse range of shopping experiences. Manchester City Council (the Council) seeks to create a street trading environment which compliments premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, enhances the character, ambiance and safety of local environments and complies with all relevant legislation.
- 1.2. Section 2 of this document gives a brief overview and summary of the background to the street trading regime.
- 1.3. Section 3 details the policy considerations which the Council will take into account when determining applications for street trading licences or consents under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (hereafter referred to as the Act).
- 1.4. Section 4 outlines the Council's approach to enforcement of Street Trading activities.

2. Background

- 2.1. On 28 November 1989 the Council adopted Schedule 4 of the Act which allowed the Council to regulate trading on the street by a system of licences and consents. As the City has grown in size the dynamics of the City have changed and the Council has progressively designated 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".
- 2.2. Therefore, subject to the statutory exceptions briefly described at paragraph 2.3, this means that:
 - street trading cannot take place on a prohibited street
 - street trading can only take place on a licence street under and in accordance with a licence issued by the Council

- street trading can only take place on a consent street under and in accordance with a consent issued by the Council

2.3. The statutory exceptions from these controls on street trading include:

- trading by a person acting as a pedlar, under the authority of a pedlar's certificate, subject to the qualifications introduced by the provisions of the Manchester City Council Act 2010 (see paragraph 2.5)
- anything done in a market or fair
- trading in a trunk road picnic area as defined in section 112 of the Highways Act 1980
- trading as a news vendor (newspapers and periodicals)
- trading which is carried on at premises used as a petrol filling station
- trading which is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop
- acting as a roundsman (for example a milkman)

2.4. The Manchester City Council Act 2010, which came into force on 8th April 2010, modified the Act as follows:

- extended the scope of the Act to allow the City Council to regulate the provision of services as well as the sale of goods;
- clarified the exemption enjoyed by the holders of a Pedlar's Certificate from the street-trading regime contained in the 1982 Act;
- gave council officers and police constables the power to seize articles, receptacles or equipment as evidence, or for forfeiture, in cases where they have reasonable grounds to believe that a street trading offence has been committed;
- gives the court the power to order the forfeiture of any article, receptacle or equipment, which is shown to the satisfaction of the court to be related to the offence of street trading.

2.5. The Act provides that the Council may take into account different matters when considering an application for a licence than those, which it may take into account when considering an application for a consent.

2.6. Consultation

The Council will consult with interested parties prior to any new/renewal applications for street trader licence or consents. These will include:

- Occupiers of premises immediately adjacent and opposite
- Local Ward Councillors and Ward Co-ordinators.
- Manchester City Council – Highways Division
- Manchester City Council– Environmental Health.
- Manchester City Council – Planning.
- Manchester City Council – Corporate Property
- Greater Manchester Police
- Any other interested parties

3. Policy

- 3.1. The Act provides that the Council must grant an application for a street trading licence to a person aged 17 years or over unless they consider that the application ought to be refused on one or more of grounds including:
- 3.1.1. That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street
 - 3.1.2. That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade
 - 3.1.3. That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason
 - 3.1.4. That the applicant has at any time been granted a street trading licence or consent by the council and has persistently refused or neglected to pay fees due to them for it
 - 3.1.5. That the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence
- 3.2. The Act provides that the Council may grant an application to a person aged 17 years or over for a street trading consent if they see fit.
- 3.3. The Act also provides that, on the grant of a licence or a consent the Council may attach conditions to that licence or consent in order to ensure that trading is carried out in an appropriate manner. The standard conditions which will normally be attached to a licence or a consent are available from the Council web site.

- 3.4. There is a right of appeal to the Magistrates' Court against the refusal of an application for a licence. There is no right of appeal to the Magistrates' Court against the refusal of an application for a consent, however in certain circumstances an appeal may be made to the Licensing and Appeals Committee of the Council. Applicants will be advised of their appeal rights should their application be unsuccessful.
- 3.5. Whilst the statutory grounds differ between a licence and a consent, the policy applies equally to applications for both types of authorisation. The policy will also be taken into account by the Council when dealing with applications for the renewal of an existing authorisation, and when considering whether to revoke an existing authorisation.
- 3.6. The policy is intended give guidance on the statutory grounds for refusal however this policy is not intended to fetter the City Council's discretion, and each case will be determined on its own merits.
- 3.7. The aims of the policy are to:
- Ensure that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways.
 - Ensure that traders and people that they employ are suitable to undertake the activities applied for and do not pose a threat to the public
 - Ensure that trading does not cause an unreasonable disturbance to residents and businesses
 - Ensure that trading is carried out in a manner that protects public health
- 3.8. Ensuring that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways.
- 3.8.1. The Council is concerned to minimise the impact of street trading on the immediate vicinity of a street trading site, and as such applications for licences or consents will usually be refused where:

- road safety may be compromised either by the location of the trading activity itself, or from customers visiting or leaving the site
- there is insufficient space in the street for street trading to be engaged without causing undue interference or inconvenience or risk to persons using the street
- there would be a significant loss of amenity caused by additional traffic, disturbance (e.g. noise, odour or fumes, etc.);
- there is already adequate provision of similar goods in the vicinity of the proposed site to be used for street trading purposes
- there is a potential conflict with Traffic Management Orders such as waiting restrictions
- the proposed site obstructs vehicular access, or traffic flows, or interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities
- street trading in a particular location may contribute to crime and disorder in the vicinity
- Applications which relate to the sale of alcohol will usually be refused
- On 1 June 2009 the City Council adopted a separate policy regarding the sale of fireworks. Anybody wishing to apply for a licence or a consent, which relates to the sale of fireworks should refer to that policy, which will be taken into account (in addition to this policy) when determining such applications.

3.9. Ensure that traders and people that they employ are suitable to undertake the activities applied for and do not pose a threat to the public

3.9.1. The Council is concerned to ensure that traders do not pose a threat to the public; that the public are protected from dishonest persons; and that children and young persons are sufficiently safeguarded. The Council expects traders to ensure that the people that they employ also do not pose a threat to the public etc.

- 3.9.2. The Conviction Guidance at **Annex A**, which forms part of this policy, is intended to give guidance on whether an applicant is unsuitable to hold an authorisation by reason of having been convicted of an offence.
- 3.9.3. The Council will require all applicants for a licence or a consent to complete a statutory declaration (which is a formal document, sworn in the presence of a solicitor) giving details of all their unspent convictions, formal cautions, and fixed penalties and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
- 3.9.4. The information will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in reaching a determination on that matter. Information received will be kept in strict confidence while the licensing process takes its course, and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 3.9.5. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining an authorisation. Whether or not an applicant will be granted an authorisation will depend upon whether or not they can satisfy the Council that, if granted an authorisation, that the aims of this policy will not be undermined.
- 3.9.6. In considering evidence of an applicant's good character and fitness to hold an authorisation, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of the

conviction, the applicant's age when the offence was committed, and any other factors which might be relevant.

3.9.7. Annex A does not deal with every type of offence, and does not prevent the Council from taking into account offences which are not specifically addressed, or other conduct which may be relevant to an individual's application. If an applicant has a conviction for an offence not covered by Annex A, regard will be had to the factors at paragraph 3.6. when deciding whether any action should be taken. Offences described in Annex A and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with Annex A.

3.10. Ensure that trading does not cause an unreasonable disturbance to residents and businesses

3.10.1. The council is concerned to ensure that trading does not cause an unreasonable disturbance to residents and businesses in the vicinity of a trading site and as such applications for licences or consents will usually be refused where:

3.10.2. there would be a significant loss of amenity caused by additional traffic, disturbance (e.g. noise, odour or fumes, etc.);

3.10.3. A street trader unit at this site would cause a significant increase in traffic, from customers.

3.10.4. A street trader unit at this site would cause an unreasonable noise disturbance to residents/businesses from customers gathered at the unit

- 3.10.5. The proposed food to be sold from the unit would cause unreasonable disturbance to the residents/businesses from fumes or odours
- 3.10.6. The type of street trader and /or goods/food to be sold would detract from the street scene or ambiance of the area
- 3.11. Ensure that trading is carried out in a manner that protects public health
- 3.11.1. The Council is concerned to ensure that street trading is carried out in a manner that protects public health, and as such applications for licences or consents will usually be refused where:
- Street trading could give rise to a statutory nuisance under the Environmental Protection Act 1990
 - the street trader could not adequately address the consequences of litter in the area
 - the street trader could not adequately address disposal of commercial waste

4. Enforcement

- 4.1 Manchester City Council has formally adopted the central and local government Concordat on Good Enforcement. This means that we will be open, helpful and fair to ensure that any enforcement action is proportionate to the risks.
- 4.2 Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

4.3 Prevention

- 4.3.1 We believe that the first step in enforcement is to help prevent contravention of the law by raising awareness and promoting good

practice.

4.3.2 We will provide written guidance on aspects of the law and will be happy to discuss and explain requirements with customers and members of the public.

4.4 Inspections

4.4.1 We will:

- arrange routine inspections
- carry out unannounced inspections
- act on information received, or
- make enquiries about a specific complaint

4.5 Inspection Frequency

4.5.1 We will attempt to direct our efforts towards those sectors, businesses or individuals whose activities impact most on the safety, health or well being of the community at large, on vulnerable groups or individual people.

4.5.2 We will assess these risks in a consistent and objective manner, and take into account such things as:

- the nature and history of the business
- the procedures and controls it has in operation
- the renewal date of any licence or permit

4.6. Informal action

4.6.1 We will use our best efforts to resolve any issues where the law may have been broken without necessarily immediately referring the matter to the courts. This will be our first option when the circumstances indicate that a minor offence may have been

committed and we are confident that appropriate corrective action will be taken.

4.6.2 During inspections and following investigations about specific complaints:

- minor technical breaches will be dealt with informally by the officer giving information, advice or guidance
- formal action will be taken where it is an absolute offence, there is an immediate threat to human health and the environment, the breach is serious or the circumstances are exceptional

4.6.3 Wherever possible or requested, advice or guidance will be given in writing with a distinction made between legal requirements and best practice. An opportunity will be given to discuss the matter and any rights of appeal, complaint or further representation will be advised

4.7 Prosecution

- 4.7.1 Where the circumstances warrant it and the alternative actions mentioned previously in this section are considered inappropriate, then prosecution may result.
- 4.7.2 We will consider the following factors when deciding whether or not to prosecute:
- Where a trader has failed to act appropriately upon advice or warnings given by our officers
 - there is flagrant/reckless disregard for the law or repeated breaches
 - the offence is a serious one
 - the attitude of the offender towards the offence
 - the offender's history of previous behaviour
 - the deterrent effect of a prosecution, on the offender and others
 - whether a formal caution would be more appropriate
- 4.7.3 To ensure that fair and consistent decisions are made regarding prosecutions any decision to prosecute takes account of the Code for Crown Prosecutors.
- 4.7.4 We will during the investigation, usually give the offender the opportunity to be interviewed, with legal representation if they so wish, and give due regard to any statutory defences, explanations or mitigation.
- 4.7.5 The Human Rights Act 1998 introduced an obligation on public authorities to act consistently with the Articles of the European Convention on Human Rights. These articles confers rights on an individual for example it confers a right of respect for a persons home, other land and business assets. However, the Council's use of enforcement powers in respect of street trading offences is a justified interference with these rights if it is in accordance with the law, in the public interest and proportionate.



**Statement of Policy and Guidelines Relating to the Relevance of
Convictions for Street Trading Licence and Consent Applications**

Approved and adopted	
Licensing & Appeals Committee	

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

General Policy

The policy and guidelines relate to applications for the grant or renewal of a Street Trader Licence or Consent, as well as current holders of those authorisations.

1. In considering evidence of an applicant's good character and fitness to hold a street trader licence or consent where unspent convictions, other information relating to criminal matters or information is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
2. The Council has adopted the following guidelines relating to the relevance of unspent convictions to which it refers in determining applications for Street Trader Licence or Consent.
3. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual's application. When deciding whether any action should be taken. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
4. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where an unspent conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified

sexual offences, murder or manslaughter a Street Trader Licence or Consent will normally be refused.

5. Each case will be decided on its own merits and the Council will assess whether:
 - a. an applicant for the grant or renewal of a Street Trader Licence or Consent is a suitable person to hold or to continue to hold a Street Trader Licence or Consent.
6. In considering evidence of an applicant's good character and fitness to hold a Street Trader Licence or Consent the Council will consider unspent convictions or conduct of such persons and will take into consideration the following:
 - a. whether the conviction/incident is relevant;
 - b. the seriousness of the offence/incident;
 - c. the length of time since the offence/incident occurred;
 - d. whether there is a pattern of offending behaviour/similar conduct;
 - e. whether that person's circumstances have changed since the offence/incident occurred; and the circumstances surrounding the offence/incident and the explanation offered by that person.
7. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*]. (already quoted above)
8. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences involve children or young persons.
9. Whilst the guidelines may suggest particular periods where an application is unlikely to be granted the Council may only take into account matters which are unspent under the provisions of the Rehabilitation of Offenders Act 1974.

Guidelines

1. The following are given as guidance to the Council's general approach to certain categories of offences.

- a. **Dishonesty**

Holders of a Street Trader Licence or Consent must be persons who can be trusted. It is easy for a dishonest trader to take advantage of the public.

Members of the public using a street-trading outlet expect the street trader to be honest and trustworthy.

For these reasons a serious view will be taken of any unspent conviction involving dishonesty. In general, an applicant for the grant or renewal of a Street Trader Licence or Consent is unlikely to be granted a Street Trader Licence or Consent where the application is made within 3 to 5 years of a conviction or the date of release from a period of imprisonment.

- b. **Violence**

- i. **Offences of violence involving Children (under 14 years) and Young Persons (aged 14 to 17)**

Street traders will often come into contact with children and young persons. It is comparatively easy for an unscrupulous street trader to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

In relation to where the commission of an offence involved loss

of life a licence will normally be refused. In other cases a period of 5 to 10 years free of unspent conviction or the date of release from jail where a custodial sentence has been imposed for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

ii. **Offences against persons other than children and young persons**

As street traders have close contact with the public, serious view will be taken of applicants who have unspent convictions for violence. In cases where the commission of an offence involves loss of life, a Street Trader Licence or Consent will normally be refused. In other cases, a period of 3 to 10 years free of unspent conviction from the date of conviction or the date of release from jail where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

c. **Drugs**

Where an applicant has an unspent conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from jail, where a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from an unspent conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a Street Trader Licence or Consent will be taken into consideration.

An application will normally be refused where the applicant has an

unspent conviction for an offence relating to the possession of drugs and the date of the conviction or the release from jail, where a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from jail where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a Street Trader Licence or Consent.

An application will normally be refused where an applicant has more than one unspent conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

d. Sexual and Indecency Offences

1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

(i) As the holders of Street Trader Licence or Consent (for example those who sell ice cream), have access to children, applicants who have unspent convictions for rape, indecent assault, any sexual offence involving children and any unspent Conviction for an offence under the Sexual Offences Act 2003 will normally be refused a Street Trader Licence or Consent

2. Offences against persons other than children and young persons

(i) Where an applicant has an unspent conviction for a sexual offence such as indecent exposure they will normally be refused a Street Trader Licence or Consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of

conviction or the date of release from jail where a custodial sentence has been imposed.

(iii) After a period of 5 years from conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a Street Trader Licence or Consent

(iv) When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a Street Trader Licence or Consent In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

e. Motoring convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a Street Trader Licence or Consent is a suitable person. However, there may be instances where the nature of the street trading is such that, by its very nature the applicant is required to drive (for example ice cream sellers) or the offences are of a very serious nature. In those cases, an applicant for a Street Trader Licence or Consent would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

f. Other convictions

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. In particular, an applicant will normally be refused a street trading licence or consent if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

g. Formal cautions and penalty notices

For the purposes of these guidelines, the Council will take into account cautions and penalty notices. These are not subject to the Rehabilitation of Offenders Act 1974 and are never spent. However the longer the period since the caution/penalty notice was imposed the less relevance it is likely to have.

h. Complaints against Licence / Consent Holders or Licence or Consent Holder Assistants

For the purpose of these guidelines where complaints have been received in respect of a Street Trader Licence or Consent holder or a Street Trader Licence or Consent holder's assistant the Council may review the same. This may be for instance where the Council has received complaints about customer service or nuisance. In determining complaints the Council will take into consideration whether the complaint is a single isolated complaint and/or any history of complaints.

Consultation Responses

Response A

Name	Ruth Beeching
Address	Address supplied
Company/Individual	Individual
Comment	<p>I feel strongly that shopping streets in the city centre should be free of traders, people playing loud music, people trying to sell vouchers etc, and charity workers begging for money. Market Street and surrounding streets are particularly bad. It is no longer possible to have a nice wander round the shops. One is constantly interrupted by people asking for money for charities or trying to sell stuff. Street dancers and balloon sellers are everywhere making it very difficult to walk down the street. A few genuine stalls selling eg flowers without causing an interruption is fine. But the current amount of nonsense going on in market street is just ruining the experience of going to town. The other day I was trying to eat a burger when some idiot from a charity approached me in a very direct manner and started trying to force me to set up a direct debit to his charity. I was trying to eat and found this really rude. He could have been anyone, someone could easily persuade vulnerable shoppers to part with their bank details in this way. If these comments can be passed on to the correct department I'd be really grateful.</p>
Assessment	<p>This response mainly relates to 'Chuggers' and peddlers neither of whom can be dealt with under this policy. The Licensing Unit has forwarded Ms Beechings response to the Public Fundraising Regulatory Association, a voluntary organisation to which Charities subscribe and who monitor compliance against an agreed code of conduct in relation to "chuggers". The activities of chuggers currently fall outside of any licensing requirement</p>
Change to Policy	No change to the proposed policy is required

Response B

Name	Tracy Swann
Address	MCC Regeneration Scheme
Company/Individual	Manchester City Council
Comment	I am sending this on behalf of Cllr Bernard Priest. The Cllr has received complaints about the burger van, which operates on the end of Stockport Road opposite the Apollo theatre. It is close to houses and causes disturbances in the evenings. It might be better if that side of the street was designated as 'prohibited' to prevent the nuisance it causes.
Assessment	Issues with an individual Street Trader can in the first instance be dealt with by way of enforcement and where necessary additional conditions or restrictions can be placed on the street trader consent to control days and times of operation
Change to Policy	Change to policy would not be considered appropriate as this matter can be dealt with by enforcement and other relevant action.

Response C

Name	Barbara Taylor
Address	Address Supplied
Company/Individual	Newcombe Close Homewatch
Comment	<p>I wish to object to street trader licenses being issued in the areas around the Manchester City Stadium i.e. Etihad Stadium, on environmental grounds, enough outlets for food in the area already and inconvenience to residents. I have been a representative for my Homewatch Association for over 20years and as an original member of the New Deal for Communities Board, throughout all the regeneration plans in East Manchester, including the bid for the Commonwealth Games, plus the subsequent move to East Manchester of Manchester City Football Club. The Resident Forum for NDC, which covered Beswick, Openshaw and Clayton, was given assurances from Manchester City Council officials about street trading in and around the stadium site. The assurances were that, no street trading licenses were to be issued other than the ones given for the site itself, for approximately 0.5 miles around the stadium. From 2003 residents have reported burger vans and other traders who have set up in the local area and licensing have taken action to have them removed. This action had given residents the impression that all was as it should be and no licenses were being given. A burger van has set up on Greymare Lane and again the residents reported it to licensing and were told it was legal and there was no embargo of licenses in the area. If this burger van had not arrived we would not have known any of this. It seems that an agreement made at the time of the Commonwealth games that should have been carried on when it became a Football Stadium was not done by council officials. Whether this is due to incompetence of the officials concerned or an oversight is irrelevant at this point but it needs to be put right now. As you can appreciate this has come as a surprise not only to residents but to our local councillors, who with us, understood that an embargo was in place. Within approximately 150 to 200 yards from and on our estate we have, 3 public houses all selling food, 2 chip shops, the stadium food outlets, Asda and McDonalds. There are more than enough choices on match days to cater for peoples preferences. We also have the City Square, yet another food and drink venue. We have communal recycling bins in the area that we have trouble getting emptied because they are contaminated by waste food, the eight days of the Take That concert no recycling bins were emptied, although over flowing onto the pavements, because of this contamination. The estate does not get cleaned on a regular basis we have to keep calling cleansing to empty the ordinary bins. Food cartons are strewn across the area from these above mentioned food outlets. People walk about 20 to 50 yards with the containers of food and when they have finished eating they are tossed on the floor. With an average of 45,000 people in our area on match days, although welcome, you can appreciate all the inconvenience this causes, street traders will add to this.</p>

Assessment	This is one of four responses in relation to the area around Etihad Stadium, with general support for the area around the stadium to be prohibited. There are number of mobile food vendors inside the confines of the Stadium all of whom have current street trader consents issued by the City Council . It has not been possible to find past evidence of a 0.5 mile exclusion zone around the stadium. . A 0.5 mile exclusion zone would include residential streets thus in effect prohibiting all street trading in the area
Change to Policy	Committee should review this and the other responses relating to Etihad stadium and decide whether a prohibited street trading zone is appropriate.

Response D

Name	Angela Doyle
Address	Address Supplied
Company/Individual	Delamere Residents Association
Comment	<p>I refer to map and street listings at Annex A (pages 16-18). As the Chair of a Residents Group and a member of the Beacons Partnership/Community Forum, I've attended many meetings and was given to believe that the streets surrounding the City of Manchester Stadium (now Etihad) are licensed for traders, though none are listed in the consultation document. In support of residents local to the stadium and a visitor there myself, I would like an assurance that only licensed street traders are allowed to operate in order to prevent a free for all and multiple traders converging on the area when large events such as football matches and pop concerts occur. This will hopefully ensure quality of food/merchandise sold on the streets and deter the fraudsters and those wishing to take advantage of these events to the detriment of local residents and existing businesses.</p>
Assessment	<p>This is one of four responses in relation to the area around Etihad Stadium. They support street traders around the stadium, but only legal ones. There are food vendors inside the confines of the Stadium who operate on match/ event days and cater for the attendees. The Council issue Street Trader Consents to those who submit successful applications. Illegal street traders can only be dealt with by means of enforcement. Pedlars who trade as they travel are outside the scope of this street trading review</p>
Change to Policy	<p>Committee should review this and the other responses relating to Etihad stadium and decide whether a prohibited street trading area is appropriate.</p>

Response E

Name	Katie McColl
Address	Address Supplied
Company/Individual	East Manchester Neighbourhood Regeneration Team
Comment	<p>Background Since the Etihad Campus (formally known as Eastlands) was opened in East Manchester there has been a weekly surge of over 35,000 visitors to East Manchester whether it is during the football season or when concerts and other similar events take place. The campus sits within a residential area, which with the high volume of visitors at times has negatively impacted on the residents. Areas of concerns are litter, traffic, anti social behaviour and noise and crowd management.</p> <p>Proposal East Manchester Regeneration Team, Councillors, Manchester City Football Club, Greater Manchester Police and other agencies work together to look at ways to improve how crowds can be moved to an event and then encouraged to leave the area as quick as possible reducing the issues highlighted above and reducing the pull on police resources. One way the group indicates would help this process is to reduce the need to break in their journey and increase speed. Therefore it is proposed that street trading ceases and an area of prohibited streets (which includes carriageways, footpaths and grass verges) is created around the Etihad Campus and the arterial and public transport routes in East Manchester. Appendix 1 lists the proposed prohibited streets (please see attached).</p>

<p>Comment Continued</p>	<p>Current Street Traders Within the streets identified in appendix 1 there is currently 11 street trading stalls (10 established and 1 temporary stalls); 8 within the Etihad Campus , 1 on Mill Street (Veg Barrows), 1 on Grey Mare Lane (hot food) and 1 on Riverpark Road (hot food). East Manchester Regeneration Team would insist that the stalls within the Etihad Campus, Mill Street and Riverpark Street remain trading on their identified site until the licensee decides to move or cease to trade. The stall on Grey Mare Lane however currently has a temporary licence and is directly opposite the Etihad Campus and would encourage visitors to stop and buy food, which would go against the ethos of implementing and creating the prohibited street trading zone. East Manchester Regeneration Team would not support this licence beyond the current temporary period.</p> <p>Summary There are a number of issues identified by local residents, MCC Departments and other agencies such as litter, anti social behaviour, noise and crowd management due to the weekly influx of over 35,000 visitors to Etihad Campus for football matches and other events. To help combat these issues and reduce the strain on police and other agencies resources it is proposed that an area of prohibited streets (which includes carriageways, footpaths and grass verges) is created around the Etihad Campus and arterial routes in East Manchester to cease street trading and ensure visitor move in and out of the area as quickly as possible. Stall holders who hold a full Street Trading license in the identified area would remain until they choose to cease trading, however temporary licensees would not be issued a full licence and any further applications would not be considered due to the prohibited street zone.</p>
<p>Assessment</p>	<p>This is one of four responses in relation to the area around Etihad Stadium, with general support for the area around the stadium to be prohibited. There are food vendors inside the confines of the Stadium to cater for the attendees.</p>
<p>Change to Policy</p>	<p>Committee should review this and the other responses relating to Etihad stadium and decide whether a prohibited street trading area is appropriate</p>

Proposed Prohibited Streets within East Manchester September 2011

Appendix 1 – List of identified proposed prohibited streets

Streets (including, carriage ways, footpaths and grass verges) identified within East Manchester to be consider as prohibited streets:

Bradford Ward

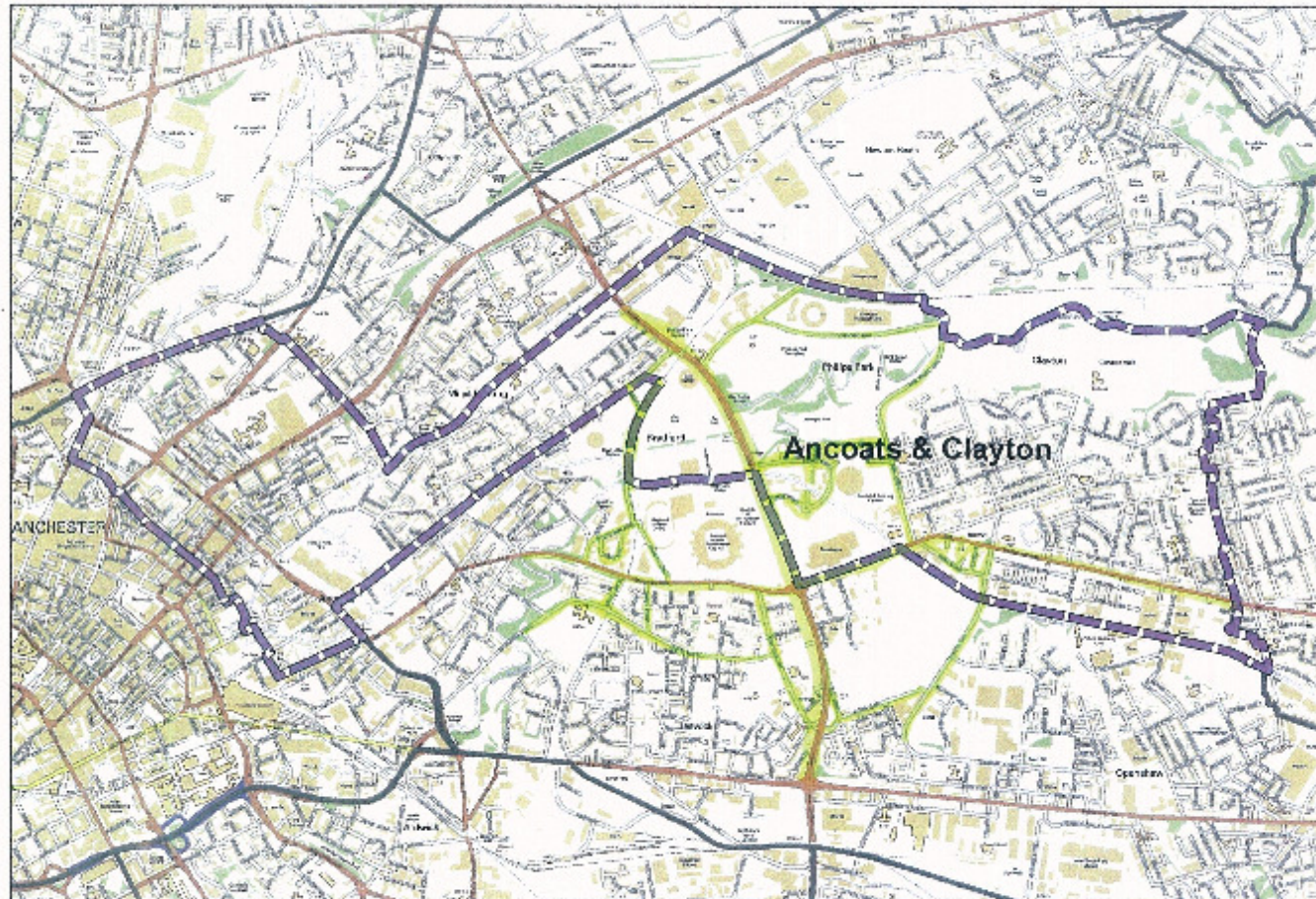
- Hulme Hall Lane and Alan Turing Way (from the Rochdale Canal to Pottery Lane)
- Ashton New Rd
- Mill Street
- Wilson Street
- Clayton Lane
- Croft Street
- Simpson Street
- Score Street
- Quinn Street
- Corbet Street
- Colliery Street
- Barking Street
- Rowsley Street
- Philips Park Road
- Edwin Road
- Cambrian Street (from Ashton New Rd to junction of Philips Park Road)
- Grey Mare Lane
- Butterfly Street
- Sledmere Close
- Howarth Street
- Brookshaw Street
- Bronx Street
- New Viaduct Street
- Albert Street
- Palmerston Street (from Albert St to the junction of Viaduct Street)
- Councillor Street
- Orme Street
- Darley Street

(Appendix 1 - Continued)

Ancoats & Clayton Ward

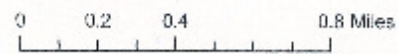
- Hulme Hall Lane and Alan Turing Way (from the Rochdale Canal to Pottery Lane)
- Ashton New Road (to the junction of Edge Lane)
- Briscoe Lane to the Railway Bridge
- Bradford Road (from Alan Turing Way to Barking street)
- Riverpark Road
- Clayton Lane
- New Viaduct Street
- Gwelo St
- Linfield Street
- Bank Street
- Fairclough Street
- Stuart Street
- Stuart Street East
- Gibbon Street
- Archer St
- Clague St
- Kinloch St
- Willdale Close
- Still Water Drive
- Side St
- Cantrell St
- Aintree St

Ancoats & Clayton



MANCHESTER
CITY COUNCIL

Author: CGIS Team
Date: 01/06/2011



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Response F

Name	M.E.N Arena
Address	Victoria Station, Manchester M3 1AR
Company Individual	Company
Comment Pages 16, 17 and 18	<p>The M.E.N Arena fully supports the City Council's approach to ensuring all street traders have the correct licence. However, we believe that our business and customers suffer from street traders failing to comply with the conditions of their licences. They don't clearly displaying their Identification/Licence numbers and set up stalls on pavements for long periods of time without moving. We also feel that the lack of enforcement from the City allows for non license holders to operate unchallenged causing dangerous situations on the narrow pavements and busy roads surrounding the Arena.</p> <p>The M.E.N Arena has been fighting this increasing problem of unauthorised street trading for many years and has raised the issue at every opportunity during the Multi-Agency Planning meetings that are held at the Arena on a quarterly basis and with letters to Council and Police officials (Appendix 1 & 2). Unfortunately the long awaited Manchester Act has had no impact as it requires heavy investment from both Trading Standards and the Police during this time of austerity.</p> <p>Both licensed and none licensed traders often sell counterfeit (Appendix 3) and/or inferior items which greatly impacts on the touring shows' business model. It has become more common place for artists to have a greater involvement and understanding of their own specific merchandising needs. The continuing escalation of counterfeit and/or illegal activity often results in negative feedback from the artist. A seemingly laissez-faire approach by the involved agencies is considered a negative aspect of their visit to the city. While a lack of support in dealing with the issues will not prevent a show from coming to Manchester, it will be a consideration when deciding on which city should get the coveted second or third extra show. Many of the items sold in the streets approaching the venue, are not permitted into the Arena itself on safety or annoyance grounds to other visitors (i.e. large flags and whistles, which greatly disappoints the arriving public. The nature of this type of sales activity leaves visitors without recourse in the event of purchases being sub-standard. This is despite our constant campaign on the back of tickets & our own website to warn of illegal street traders in the streets approaching the venue (Appendix4)</p> <p>The M.E.N Arena is surrounded by the very busy A56, Trinity way and Victoria approach bus route where pavements are not wide enough to allow static traders to operate without impeding the footpaths & exits on all sides of the venue. (Appendix 5)</p> <p>However, the biggest problem we face is at the end of the event when up to 18,000 visitors exit the building and public safety is put at risk on narrow pavements and busy roads by overzealous illegal street traders who block exits and pavements, slowing egress and forcing people to step into the highway (Appendix 5).</p>

<p>Comment Pages 16, 17 and 18</p>	<p>We would welcome the Exclusions Zone currently proposed for King’s Street & Piccadilly Gardens to be extended to incorporate all large venues around the City including the Arena, Opera House, Apollo, The Bridgewater Hall, Manchester Central, The Palace Theatre and City of Manchester Stadium (Appendix 6).</p> <p>We believe that street trader’s licences should not be issued to people working around the Arena and other large venues in the city because to do so would contradict many of the proposed guide lines highlighted in 3.1.1, 3.1.2, 3.8.1 & 3.9.1 of the policy below:</p> <p>3. Policy</p> <p><i>3.1.</i> <i>The Act provides that the Council must grant an application for a street trading licence to a person aged 17 years or over unless they consider that the application ought to be refused on one or more of grounds including:</i></p> <p><i>3.1.1.</i> <i>That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street.</i></p> <p><i>3.8.</i> <i>Ensuring that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways.</i></p> <p><i>3.8.1.</i></p> <ul style="list-style-type: none"><i>• The Council is concerned to minimise the impact of street trading on the immediate vicinity of a street trading site, and as such applications for licences or consents will usually be refused where:</i><i>• road safety may be compromised either by the location of the trading activity itself, or from customers visiting or leaving the site</i><i>• there is insufficient space in the street for street trading to be engaged without causing undue interference or inconvenience or risk to persons using the street</i><i>• there is a potential conflict with Traffic Management Orders such as waiting restrictions</i><i>• the proposed site obstructs vehicular access, or traffic flows, or interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities</i><i>• street trading in a particular place may contribute to crime and disorder in the vicinity</i> <p>The M.E.N Arena is surrounded by the very busy A56m Trinity Way and Victoria Approach bus route where pavements are not wide enough to allow static traders to operate without impeding the footpaths & exists on all sides of the venue (Appendix 5)</p>
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<p>Comment Pages 16, 17 and 18</p>	<p>Much of the street trading taking place outside the venue is aimed at young people and undertaken by dishonest unauthorised traders; often selling substandard or counterfeit shirts & posters. (Appendix 3+5)</p> <p><u>Summary</u></p> <p>The M.E.N Arena feels the current approach to street trading is not tough enough both in its current state or with the proposed changes highlighted in this policy document.</p> <p>We don't believe that the proposed exclusion zones should be restricted to the day time economy. Increasing the number of exclusion zones to include large entertainment venues would also help to protect the city's night time economy. These additional controls would make it easier for the enforcement agencies to identify and combat those who operate without any form of street trading licence; often selling counterfeit or substandard items.</p> <p>SMG Europe operates both the M.E.N Arena and The Bridgewater Hall and would welcome the opportunity to provide representatives with first hand knowledge to assist in achieving a robust policy that works for all.</p> <p>Manchester Evening News Arena (The full consultation response from the Manchester Evening News Arena is available as a background document to this report)</p>
<p>Assessment</p>	<p>The streets around the arena may benefit from a prohibition of street trading this would not alleviate the problem with peddlers.</p> <p>It would be difficult to advocate prohibiting streets around other large venues where there have been no responses in relation to direct impact of illegal street traders or negative impact of legitimate street traders</p>
<p>Change to Policy</p>	<p>Committee should review the response in relation to the area around the MEN Arena decide: Whether the proposed streets , which are listed in Appendix 3, should be prohibited in respect of street trading</p>

Response G

Name	Professor John Brooks Manchester City Council has declared an interest and abstained
Address	325 Tylecote Building, Oxford Road, Manchester, M15 6BH
Company/Individual	Professor John Brooks [individual] and Corridor Manchester
Comment	<p>On behalf of the Corridor Manchester Board, we wish to respond to the consultation undertaken by Manchester City Council on the Draft Street Trading Policy¹. Corridor Manchester is a partnership between Manchester City Council, Manchester Metropolitan University, The University of Manchester and Central Manchester University Hospitals NHS Foundation trust. The task of the partnership is to drive forward economic growth and investment in the area. The four main partners are joined by a number of stake holders to form the Corridor Manchester Board². Within Annex A, we note that Oxford Road is a prohibited street, and we would welcome this designation, however, we feel this should be in place throughout the entire road, with no exemption with respect of the pavement area directly in front of Grosvenor Park. Corridor Manchester's long-term vision is that, globally and locally people will recognise the corridor as a place that is original, creative and smart, where knowledge is put to work. This vision is articulated in a number of themes with the 'Sense of Place' being a vital aspect. This worldclass ambition should be manifested in the quality of the environment and the presence of the street traders is not in keeping with this ambition.</p> <p>In recent years Manchester Metropolitan University and the University of Manchester have made capital investments to enhance the public realm, together with the ERDF funding. Street trading detracts from this enhanced urban landscape and there are significant detrimental impacts in this particular location in terms of increased congestion and litter.</p> <p>This specific area of the Corridor is the focus for a low carbon laboratory, and a number of projects are underway to create a unique interactive learning experience. One example is the I-trees project which is an action learning study to accurately measure the important aspect of the trees in the fight against climate change. In addition, partners are working together to increase visitor numbers and to widen the participation in the arts and culture, the location of street traders detracts from these key initiatives.</p> <p>Looking into the future, the Cross City Bus Scheme, which is being considered by the Secretary of state, includes Grosvenor Square frontage as a major interchange for the Universities and for Cultural assets along the Corridor. The stalls of the street traders and additional vehicles ancillary storage/signage will be a hindrance to pedestrian movements in this important transport node. Oxford Road Corridor is a place where already 70,000 students study, 55,000 people work and countless others visit for leisure, sporting or cultural reasons. The area is congested, with health and safety implications of the street trading in the particular location in question.</p>

	<p>Professor John Brooks, as an individual advised: - We write further to the release of the Draft Street Trading Policy about which you have requested feedback from interested parties. As a partner of the of the Corridor Manchester, the Manchester Metropolitan University are fully committed to the regeneration and investment on Oxford Road Corridor. We are dedicated to ensuring that the full potential of the “Knowledge economy” is achieved through the development and changes currently taking place on Oxford Road. We are therefore keen to co-operate and provide you with the MMU’s prospective on this Draft Policy and we welcome the creation of a clear and structured point of reference on this licensing matter.</p> <p>In annex A of the draft Policy we note that Oxford Road has been designated as an “Additional Prohibited Street”. This designation is extremely positive and clearly fits with the clear objectives and vision of the Partners of Corridor Manchester to attract new business to the area for the benefit of the City.</p> <p>Nevertheless, we note that the City Council has proposed an exemption of Oxford Road as a Prohibited Street, to allow trading to take place on the pavement area directly in front of Grosvenor Park. As the University has a significant vested interest in the Oxford Road Corridor, we would like to understand why the City Council has made the decision to create an exemption to its own rules and allow street trading in this location, at the very heart of the corridor.</p> <p>We do not feel that this decision supports the recent developments of the Oxford road Corridor, nor is it our belief that this would improve or support the vision of the Corridor project. What is the basis for this decision and under what authority has the decision been taken?</p> <p>Please confirm whether the City Council will upon receipt of this letter, re-visit the issues regarding the pavement outside of Grosvenor Park in line with the ongoing changes and allow the whole of the Oxford Road to be a Prohibited Street. We look forward to receiving your comments in the near future.</p>
Assessment	<p>There is consensus for prohibiting Oxford Road for the purposes of street trading . In general street trading applications along the Oxford Rd corridor have attracted numerous objections primarily in relation to potential obstruction issues. There are two existing street traders currently sited adjacent to Grosvenor park, these units trade in (1) hot food (2) fresh fruit and vegetables. No objections have been received in respect of the annual renewal of these two street trading consents.</p>
Change to Policy	<p>It is recommended that consideration should be given to making the Oxford Rd Corridor prohibited for the purposes of street trading with or without exemption to the pavement area in front of and adjacent to Grosvenor Park</p>

Response H

Name	Steven Marsden
Address	Supplied
Company/Individual	Individual
Comment	<p>"It is my observation that a number of new street trading activities have been taken hold in Levenshulme, Longsight and Rusholme wards. These primarily are by those trading phone cards, ice cream vending and or hot teas and soups. There scruffy shambolic hand carts and tables are more often than not sited on public footpaths and not on forecourts private forecourts. This causes in many cases severe obstructions to the footpath, can cause damage to it and can in the case of the hot food increase the potential for vermin. The other aspect to consider is the look, feel sense of place, identity and brand of district centre. The location of street trading in an area has in my opinion a very detrimental effect of the centre and creates a scruffy adhoc and unappealing shanty environment. The type of goods being peddled on the street is irrelevant it is in its self detrimental to shops and other commercial concerns. There is also the very real issue concerning the exploitation n of people doing the actual selling. Often they have no employment rights are also on benefit and are very often being paid much less than the minimum wage. They are expected to be out in all weathers for very very long hours without breaks or consideration of their welfare or well-being. The sellers are of all ages from the very old to the quite young. In addition to the above but no less of a problem we can all see instances of shops displaying goods from their shops on the footpath and even when they do have a forecourt they cram as much as possible on it and always encroach on the footpath further reducing it's size and always causing another obstruction. I am not therefore in favour at of street trading in any district or provincial centre no matter how they would be or are regulated it created opportunities for abuse at every turn. However, I do strongly approve of city council led, supported and managed street markets"</p>
Assessment	A number of the issues outlined in this response relate to pedlars, which are not dealt with under Street Trading Legislation. External displays of goods from shops is also outside the remit of this street trading policy
Change to Policy	No change in policy is recommended

Response I

Name	Rosa Battle
Address	Address Supplied
Company/Individual	Bradford Ward
Comment	I would like added to the policy a 0.5 mile Street Trader Exclusion Zone around the outside of Eastlands estate (not including land within the estate) This would replace the previous section in the policy which relates to Maine Road. As an Elected Member for the Bradford Ward I was always led to believe by City Council Officers that an Exclusion Zone was in place following the move from Maine Road of MCFC and the Commonwealth Games. This was to ensure that the residential areas in Beswick and Openshaw did not get flooded with Street Traders on Match and Event days. Street Traders can cause excess litter and also attract large crowds bunched up in one area. This in turn causes a great nuisance and safety concerns for residents and the local community. The Street Traders also take away business from the local food outlets who should be supported and protected to ensure that they can remain in business and provide much needed permanent amenities to the Bradford Ward.
Assessment	This is one of four responses in relation to the area around Etihad Stadium. It indicates issues associated with street trading, which is detrimental to the area around the stadium, especially on match days It has not been possible to find past evidence of an exclusion zone around the stadium. A 0.5 mile exclusion zone around the outside of Eastlands Estate, would include residential streets thus in effect prohibiting all street trading in the area
Change to Policy	Committee should review this and the other responses relating to Etihad stadium and decide whether a prohibited street trading area is appropriate.

Summary of Changes To Policy/ Streets As Proposed In The L&A Report of 4 July and Responses To The Street Trader Consultation where Changes have been Proposed

Designated Street	Proposed Change to existing schedule of designated street	Assessment	Matters to be considered by Committee
Oxford Road	<p>Proposed in the report to L&A Committee 4 July 2011 to prohibit Oxford Road – with the exemption of the pavement area in front of and adjacent to Grosvenor Park</p> <p>Corridor Manchester – proposed prohibiting Oxford Road with no exempted Area</p>	<p>No objections have been received regarding the proposal to make Oxford Rd Corridor prohibited for the purposes of street trading. There are currently two street traders trading from the pavement area in front of and adjacent to Grosvenor Park, one of whom who has been there for a number of years. Historically there has been no objections received regarding the annual renewal of these two street trading consents</p>	<p>Oxford Street should become a prohibited street with consideration being given by the Committee, whether the prohibition is given with or without exemption to the pavement area in front of and adjacent to Grosvenor Park</p>
Current Prohibited Streets in the vicinity of Bury New Road	<p>Proposed in the report to L&A Committee 4 July 2011 – Remove as a prohibited Street – designate as a Consent street.</p>	<p>There have been no responses in relation to this proposed change from a prohibited Street to Consent Street</p>	<p>Current Streets in the vicinity of Bury New Road to be designated as a Consent Street (see Appendix 4)</p>
Current Prohibited Streets in the vicinity of Maine Road	<p>Proposed in the report to L&A Committee 4 July 2011) – Remove as a prohibited Street – designate as a Consent street.</p>	<p>There have been no responses in relation to this proposed change from a prohibited Street to Consent Street</p>	<p>Current streets in the vicinity of Maine Road to be designated as a Consent Street (see Appendix 4)</p>

Summary of Changes To Policy/ Streets As Proposed In The L&A Committee Report of 4 July and Responses To The Street Trader Consultation where Changes have been Proposed

<p>Area around Etihad Stadium</p>	<p>(i) Newcombe Close Home Watch – propose a 0.5mile exclusion zone around the stadium</p> <p>(ii) Delmere residents Association – propose only licensed street traders are allowed to trade around the stadium</p> <p>(iii) East Manchester Regeneration Team have proposed an number of streets around the stadium that they wish to see prohibited</p>	<p>These three responses were all in connection with the problems experienced by resident living near to the stadium.</p> <p>The proposed 0.5 mile exclusion zone would be difficult to implement and enforce.</p> <p>A suggested list of prohibited streets would provide a clear , transparent and consistent approach for both applicants and enforcement officers .</p>	<p>Committee should review the responses in relation to the Etihad stadium and decide:</p> <p>Whether a prohibited street trading area is required and if so define the area by either a list of streets or an area bounded by a list of streets.</p> <p>If consideration is given to defining a list of prohibited streets, committee are asked to consider the list of prohibited streets provided by East Manchester Neighbourhood Regeneration Team</p>
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Summary of Changes To Policy/ Streets As Proposed In The L&A Committee Report of 4 July and

Responses To The Street Trader Consultation where Changes have been Proposed

<p>MEN Arena exclusion zone should include:</p> <p>The Full Arena/Station & Car park Complex (should already be cover by bylaws in relation to the railway act)</p> <p>Trinity way from A56 Junction – Cheetham Hill Rd Junction (including the junctions themselves)</p> <p>Cheetham Hill Rd A665 Park St to Millar St</p> <p>Dutton St to the junction of Park St & Robert St</p> <p>Park Street Shaw St A56 Trinity way Junction to Chapel St Junction Hunts Bank, Walkers Croft Victoria Station Approach up to Corporations St</p>	<p>MEN arena asked for an exclusion Zone around all large venues:</p> <p>Gmex Bridgewater Hall MEN Arena City of Manchester Stadium Palace Theatre Apollo Theatre Opera House</p> <p>Further clarification was sought from the respondent, and a list of suggested prohibited streets was subsequently supplied . The respondent was unable to provide any specific information regarding street trading problems associated with other large venues</p>	<p>The streets around the MEN arena may benefit from being prohibited streets for the purposes of street trading this would not alleviate the problem with peddlers.</p> <p>It would be difficult to advocate prohibiting streets around other large venues where there have been no responses in relation to direct impact of illegal street traders or negative impact of legitimate street traders.</p>	<p>Committee should review the response in relation to the area around the MEN Arena decide:</p> <p>Whether any/ all of the streets proposed by the Manchester Evening News Arena should be prohibited for the purposes of street trading</p>
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Summary of Changes To Policy/ Streets As Proposed In The L&A Committee Report of 4 July and

Responses To The Street Trader Consultation where Changes have been Proposed

<p>Stockport Road opposite the Apollo Theatre</p>	<p>MCC Regeneration Scheme – Cllr Priest Requests the prohibiting of the area Stockport Road – opposite the Apollo Theatre</p>	<p>It would be difficult to enforce a small area of a street as a prohibited street as vendors would simply move outside of the restricted Zone. Problems with individual street traders should in the first instance be dealt with by way of enforcement action and control of days and times of operation to lessen any negative impact .</p>	<p>Committee should review the response in relation to the area of Stockport Road and decide if this area should be prohibited for the purposes of street trading</p>
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DRAFT REVISED SCHEDULE OF STREETS
(For the purposes of Street Trading)

Streets Where The Proposal is To Prohibit Streets

1. Oxford Road [Borders Hulme Ardwick, Moss Side]

Comment

Committee to give consideration to proposing this as an prohibited area for the purposes of Street trading . Consideration to be given as to whether the pavement adjacent and in front of Grosvenor Park should be included or exempted from any proposed prohibited street trading area

2. Eithad Stadium [Bradford, Ancoats & Clayton]

Comment

This area has historically been a street trading consent area, consultation responses have been received in relation to proposals for prohibiting street trading . The committee are asked to consider whether a prohibited street trading area should be proposed and if so how this should be defined

3 Vicinity of Manchester Evening News Arena [Cheetham]

Comment

*This area has previously been designated as a consent area but the consultation response received from Manchester Evening News Arena suggests that the following streets should be prohibited for the purposes of street trading.
Trinity Way from A56 junction – Cheetham Hill Rd Junction (including the junctions themselves). Cheetham Hill Rd A665 Park St to Millar St. Dutton St to the junction of Park St and Robert St. Park Street to Shaw St A56 Trinity Way Junction to Chapel St junction. Hunts Bank, Walkers Croft, Victoria Station Approach up to Corporation St*

Streets Where The Proposal is for No Change

1. Sharston Ward – [Wythenshaw]

All streets within the area bounded by Simonsway, Brownley Road, Poundswick Lane and Crossacres 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 meters, such being Indicated on the plan.

Comment

No change was proposed to this area currently prohibited for the purposes of street trading No change has been suggested in the consultation responses received

2. St Ann's Square and Exchange Street [City Centre]

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 its 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.

Comment

No change was proposed to this area currently prohibited for the purposes of street trading No change has been suggested in the consultation responses received

3. King Street [City Centre]

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.

Comment

No change was proposed to this area currently prohibited for the purposes of street trading No change has been suggested in the consultation responses received

4. **Market Street and St Mary's Gate [City Centre]**
5. **Piccadilly [City Centre]**
6. **New Cathedral Street [City Centre]**
7. **Exchange Square [City Centre]**

Comment

No change was proposed to these areas currently prohibited for the purposes of street trading. No change has been suggested in the consultation responses received.

LICENCE STREETS

Streets Where The Proposal is for No Change

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, Dantzig 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.

Comment

No change was proposed to these areas currently licensed for the purposes of street trading. No change has been suggested in the consultation responses received.

CONSENT STREETS

(Any Street not identified as Prohibited or Licence Street can be considered for applications for Street Trading Consents)

Streets Where The Proposal Is To Lift The Prohibition Of Street Trading

Cheetham Ward

(Referred to in the report as Bury New RD)

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

Maine Road Area - Moss Side Ward

The area bounded by and streets included within: Thornton Road and its junction with Yew Tree Road. Yew Tree Road to the junction of Claremont Road. Claremont Road to the junction of South upper Lloyd street and back to the junction of Thornton Road