

Report title	Street trading in the borough – outcome of consultation
Report author	Andrew Finch
Department	Democratic Services
Exempt?	No
Exemption type	Not Applicable

Purpose of report:

- To recommend to full Council

Synopsis of report:

Following Environment and Sustainability Committee recommending to Full Council to open a consultation to rescind The Broadway, New Haw as a consent street to remove the ability of street traders to apply to operate in the area, and Full Council’s approval, a consultation ran between 2 – 30 August 2024. The responses received reaffirm officers’ recommendation to remove The Broadway as a consent street.

Environment & Sustainability Committee are therefore invited to continue the process by recommending to the December 2024 meeting of the Council to revoke the existing Schedule in order to convert The Broadway from a consent street into a prohibited street. This would take effect in February 2025.

Recommendation(s):

Environment and Sustainability Committee are asked to recommend that the Council resolves that:

- 1) All previous resolutions of the Council made pursuant to paragraph 2 of Schedule 4 to the Local Government Miscellaneous Provisions Act 1982 (the Act) be hereby revoked
- 2) Pursuant to Paragraph 2 of Schedule 4 to the Act, that as from the date when this resolution takes effect, all areas of land within the Borough of Runnymede which are “streets” within the definition of that term contained in Paragraph 1 of Schedule 4 to the Act shall be designated as prohibited streets with the exception of any streets referred to in resolution 3 below
- 3) The parts of streets set out below be designated as Consent Streets or Licence Streets, as defined in Schedule 4 to the Act :

Consent Streets
None

Licence Streets
High Street, Egham
Station Road North, Egham
Guildford Street, Chertsey

With effect from 10 February 2025.

1. Context and background of report

- 1.1 At its meeting on 6 June 2024 Environment and Sustainability Committee considered a report about the future of the Council's sole consent street in the borough, which is a small section of The Broadway, New Haw (see map at appendix A), with a view to removing its status as a consent street. The Committee resolved to recommend to Full Council to commence a consultation, which was approved by Full Council at its meeting on 18 July 2024.
- 1.2 The consultation ran between 2 – 30 August 2024 and an advertisement was published in the Surrey Advertiser on 2 August 2024 (appendix B). There is a statutory requirement to consult with both Surrey County Council as highways authority and Surrey Police. Their responses to the consultation can be found at appendices C and D.
- 1.3 The Council's Environmental Health team were also invited to comment, along with the ward councillors for both (1) Woodham and Rowtown and (2) New Haw wards. The Broadway dissects these two wards. Their responses to the consultation can be found at appendices E and F. There were no further responses to the consultation.

2. Outcome of consultation

- 2.1 The responses received to the consultation indicate widespread support for removing The Broadway as a consent street, for reasons that were highlighted during the two most recent applications to trade at the location, including (but not limited to) parking, noise nuisance, access and antisocial behaviour.
- 2.2 Environment & Sustainability Committee are therefore invited to continue the process by recommending to Full council at its December 2024 meeting to revoke the existing Schedule in order to convert The Broadway from a consent street into a prohibited street. This would take effect in February 2025.
- 2.3 The result of this would mean that Runnymede would have three license streets in the borough, which allows markets to take place, and zero consent streets. The remaining streets in the borough would continue to be designated as prohibited streets.

3. Resource implications/Value for Money

- 3.1 Street Trading consents run from 1 April to 31 March the following year. The basic annual fee is £1,100 per year plus an additional annual charge of £253 for each day of the week the trader is licensed to operate. The maximum fee for a trader operating seven (7) days a week for a year is therefore £2,871, and this is intended to cover any administrative costs. The Council are prohibited from using street trading as a source of income generation.

- 3.2 The removal of The Broadway as a consent street would require two further publications of an advertisement in a local newspaper circulating in the area. A modest, three-figure fee would be required for this, that would be covered from existing budgets.

4. Legal implications

- 4.1 RBC adopted the Local Government (Miscellaneous Provisions) Act 1982 (the “Act”) in September 1982 and designated streets as soon as January 1983. Schedule 4 of the Act gives Local Authorities discretion when issuing consents. Schedule 4 does not specify any particular grounds on which such decisions may, or may not, be made but while the Committee is able to refuse a consent it must do so for sound and valid reasons and has a duty to act reasonably at all times bearing in mind the consequences to the trader. While a trader has no right of appeal under Schedule 4 they are at liberty to take other legal action if the Council is seen to act unfairly or unreasonably or has reached its decision without due consideration of all material facts.
- 4.2 Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in its area. Street trading in certain areas, particularly after dark, can lead to problems of disturbance and disorder, especially in residential areas.
- 4.3 The past applications for consent on this street and comments from relevant authorities have shown this is not the right location for a consent street and it is right that the Resolution should be changed to reflect this.
- 4.4 Having duly consulted, we are now reaching the final stage of the process where a new Resolution can be agreed and if agreed, notification needs to be given and any relevant signs removed.

5. Equality implications

- 5.1 An equalities implications screening assessment has been completed and is included as appendix G, where it was concluded that there were no known impacts on anyone with a protected characteristic. A full impact assessment is therefore not required.

6. Environmental/Sustainability/Biodiversity implications

- 6.1 There are no Environmental consequences of this process as consent has not been granted for a number of years.

7. Risk Implications

- 7.1 Maintaining the status quo and not removing The Broadway as the Council’s sole consent street is a reputational risk for the Council on the basis that any subsequent refusal of an application could be seen as pre-determining the outcome of an application, whilst evidence from the two most recent applications would suggest that the location is no longer suitable to be a consent street and there is a very limited appetite from traders to utilise the location.

8. Other implications

- 8.1 The Council's website will be updated to reflect the fact that all but three of the Council's streets are now prohibited streets, and the ability to submit an application form to trade at The Broadway will be removed.

9. Timetable for Implementation

- 9.1 Subject to Environment and Sustainability recommending to Full Council the removal of The Broadway as a consent street and Full Council agreeing to this at its meeting on 19 December 2024, a notice shall appear in the Surrey Advertiser on both 10 January 2025 and 17 January 2025 .
- 9.2 The resolution would become effective on 10 February 2025. The legislation dictates that
- The date must be at least 1 month after the Full Council decision i.e. not before 19 January 2025.
 - The date must be at least 28 days after the first Notice in the paper i.e. not before 7 February 2025.

10. Conclusions

- 10.1 The outcome of the consultation held in August reaffirms officers' belief that the Council should revoke its current schedule in order to convert The Broadway, New Haw from a consent street into a prohibited street.

11. Background papers

- 11.1 'Street Trading in the borough' report that went to [June's Environment and Sustainability Committee](#) – item 5

12. Appendices

- Appendix A – Map of location
- Appendix B – Newspaper advertisement that appeared in the Surrey Advertiser on 2 August 2024
- Appendix C – Response from Surrey County Council
- Appendix D – Response from Surrey Police
- Appendix E – Response from RBC's Environmental Health team
- Appendix F – Response from ward councillors
- Appendix G – Equality Screening Assessment