



Walsall Council

LICENSING AND SAFETY COMMITTEE

19th MARCH 2008

REPORT OF HEAD OF PUBLIC PROTECTION

STREET TRADING REVIEW – STAGE ONE

1.0 PURPOSE OF REPORT

1.1 The report had been produced to provide members of the Licensing and Safety Committee with the findings of the first stage of the Street Trading Review. It represents the first stage of a 2-stage process for improving the regulation of street trading and other activities and outlines a number of proposals for discussion including:-

- changes to the consent, licensed and prohibited system of streets within the borough and the establishment of a two tier consent system. Firstly a mobile consent and secondly a fixed consent with conditions,
- the number and location of designated areas for street traders in town and district centres together with the type of goods to be sold at the locations. Also the use of designated sites.
- the licensing of shop displays, and advertisements on the highway
- the consultation responses to phase 1 and the suggested further consultation process in phase 2,

2.0 RECOMMENDATION

2.1 Licensing and Safety Committee is asked to consider the report, make any suggested amendments, and approve in principle a) – e):-

- a) the revision of license streets within the borough to be re designated as consent or prohibited streets as detailed in the attached list (**Appendix 1**),
- b) the establishment of a two tier consent system as outlined

- c) the revised list of locations as designated sites for street trading or other activities as detailed in the attached list and plans (**Appendix 2**)
- d) the process for attracting expressions of interest for children's amusement rides
- e) the criteria for licensed advertisements on the highway

Also approve the next stage in the consultation process including referral to Development Control Committee on 1st April 2008

3.0 FINANCIAL IMPLICATIONS

Financial implications and suggestions are laid out in **appendix 3**. The first section suggests ways of calculating income from designated sites in the town and district centres for street trading. The second section deals with commercial displays and the third section suggests fees associated with licensed shop pavement displays and advertisements.

4.0 POLICY IMPLICATIONS

- 4.1 Accords with council policy to protect residents against crime and disorder.
- 4.2 Amends Council policy on licence and consent streets.
- 4.3 Introduces new Council policy on licensing of pavement shop displays and advertisements.
- 4.4 Introduces designated sites in district centres for the first time and proposes recommendations for new guidelines for the types of activity permitted on the street.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services have been consulted before recommending any changes to Licensing and Safety Committee.
- 5.2 The Local Government (Miscellaneous Provisions) Act 1982 enables a District Council to control street trading by resolution to "designate any street in their district as a prohibited, licence street or a consent street".
- 5.3 Section 47 specifies several steps to designate a street as prohibited, licence or consent:
 - Publish a prescribed notice of intention to pass a resolution designating a particular street in a local newspaper for 2 weeks.

- Serve a copy on the chief officer of police and any responsible highway authority, or, where relevant the British Railway Board and some other statutory bodies.
- At least 28 days must elapse before the resolution can be passed confirming the proposed designation.

5.4 In accordance with Section 137 of the Highways Act of 1980 it is an offence to wilfully obstruct free passage along a highway. Section 149 of the Act makes it an offence to place any 'thing' on the highway to cause nuisance or danger. Section 130 of The Act imposes a duty on us, as the Highway Authority, to protect the highway from unauthorised obstruction.

5.5 In accordance with Section 115 (e) Walsall Council as a Highway Authority may issue a licence for goods to be displayed on the public highway.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 None.

7.0 WARDS AFFECTED

7.1 All.

8.0 CONSULTEES

8.1 Extensive consultation was undertaken in this first phase to obtain general views from across the borough as to what people from different background thought the street trading scene should be like. To achieve this, the nine Local Neighbourhood Partnerships received a short presentation and questionnaires were circulated. Trade organisations that had shown a particular interest were similarly contacted. A consultation document was placed on the web site, questionnaires were left at libraries for general use and questionnaires were sent and hand delivered to existing street traders. The list of consultees is attached as **Appendix 4** and a summary of the consultation results is attached as **Appendix 5**.

8.2 Although the subsequent response was not high in terms of completed questionnaires there was sufficient feedback to gauge opinion and produce this list of recommendations for consideration and further work.

8.3 There has been considerable national and local debate about the validity of street trading especially from an aesthetic, safety and healthy eating viewpoint. Local opinion appears to be divided however the results show a level of interest and support in increasing the variety of activities permitted in the street.

- 8.4** Those who would like to see more street traders in their area were spread across the borough. High levels of interest being directed at Walsall Town Centre, Brownhills, Bloxwich, Darlaston and Willenhall. The variety of different trades suggested were also diverse listing a craft market, farmers market, flowers, fruit and vegetables, hot potatoes, shoes and bags, and sweets being the most popular.
- 8.5** A high percentage of people were interested in street entertainment in their areas that again covered most district centres. Of particular interest were introducing quality rides/ amusements, street theatre, seasonal traders, events and exhibitions.
- 8.6** Licensed shop displays and highway advertisements were not popular generally. Of those that indicated a tolerance for shop displays Darlaston and Willenhall were the most popular areas.
- 8.7** These proposals take into account the comments to change to the street trading consent system so that the elected members can have more control on this activity. A list of potential additional designated areas has been identified for either street trading or other use and a suggested scheme for the introduction of permitted shop displays which preserves the safety of pedestrians and road users.
- 8.8** Consultation has also been carried out with internal partners including The Town Centre Management, Traffic Management on transportation and road safety matters, Regeneration on planning issues, Life Long Learning representatives on municipal festivals and events in town and district centres. This has enabled a potential blueprint to be considered by Licensing Committee, recognising that there needs to be more detailed consultation to develop the detail and practical implementation.
- 8.9** Should the recommendations be agreed it is suggested that these proposals are put out for a more detailed second phase of consultation to those traders that may be affected, to existing shop keepers in affected areas, trade associations, the enforcement authorities, emergency services, disabled groups and be brought back to Local Neighbourhood Partnerships for their final comments before implementing the proposals to take effect by April 2009.

9.0 BACKGROUND

- 9.1** The Highways and Transportation Committee (20 December 2000) received a report regarding Street Activities and Events Programme for Town and District Centres. This implemented several sites on the highway for a variety of activities and introduced commercial promotions for the first time within the town centre but did not consider the district centres. A further review was considered by the Policy and Resources (Licensing) Sub Committee on 17th September 2001 which again exclusively dealt with the location of street trading sites in Walsall Town Centre ignoring any potential for our several district centres. This report aims to rectify that position.

9.2 Since then there have been many changes to the street scene and it is appropriate to conduct this review. The current review has concentrated on the following areas:

- Consent, Licence and Prohibited Streets
- Designated areas of the highway for street trading, exhibitions, displays, commercial activities
- Pavement shop displays and advertisements
- Children's amusement rides
- Other related matters

9.3 Consent, Licence and Prohibited Streets

The council has the power to regulate activities in the street through **consent, licence or prohibition** and a pattern of the different types of designations has been established as depicted in the local maps which were presented to the Local Neighbourhood Partnerships. Although a different approach was taken for Walsall town centre was treated differently and in 1992 the Council approved eight Street Trading sites in Walsall Town Centre. The whole of the town centre was also designated as 'prohibited' for the purpose of street trading, whilst excepting certain locations as licensed sites. Most local authorities have applied a simpler model of just consent and prohibited streets.

The main differences between licence and consent and the level of control the council may exert is summarised in the table overleaf.

Licence streets give special privilege to Street Traders. Some streets are currently designated as a licence street for some of their length whilst the rest is not. There are some licensed streets in high density residential areas, for instance Park Hall, where there appears to be little call for street trading.

It is proposed that designation of licence streets be changed to consent to increase control over street trading activity and to introduce two types of consent:

- Mobile and
- Fixed location

	Licence	Consent
1.	District council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act	District council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
2.	District council may only revoke or refuse to renew a licence on the statutory grounds.	No statutory limitation on a district council's power to revoke or refuse to renew a street trading consent.

3.	Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Act.	There is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
4.	A district council may recover for a licence-holder such reasonable charges as the may determine for the collection of refuse and the cleansing of streets etc.	A district council may not charge the holder of a street trading consent for the collection of refuse and cleansing of streets etc.
5.	Where a licence is surrendered or revoked, the council has discretion to remit or refund any fee paid for it.	Where consent is surrendered or revoked, a council is under a duty to remit or refund the whole or part of any fee paid for the consent.

- **Mobile consent** – applies for mobile street traders who, by law, can move from place to place temporarily selling their wares, a typical example being ice cream vans. The mobile street trading consent allows trading from an approved vehicle under certain restrictions regarding where the vehicle can stop and trade. (A mobile trader may apply for and operate from a fixed location subject to the approved conditions -below).
- **Fixed consent** - available for traders at the designated sites outlined in the report and approved by council following consultation and approval by the local Neighbourhood Partnerships and other stakeholders. A street trading consent can allow trading from a fixed, approved location for the sale of an approved trade-line.

In considering applications for a street trading consent only the relevant primary enforcement agencies are usually consulted. However, as the review was instigated by one of the Local Neighbourhood Partnerships (LNPs) and all others were involved with this review, Licensing Committee may wish to include LNPs within the consultation process when applications are received within their area. The Licensing Act 2003 also gives guidance when seeking reviews of Licensed premises. In line with that process, we may seek to use appropriate posters for Street Trading applications so that local residents and existing traders can comment.

9.4 Designation areas of the highway for street trading, exhibitions, displays, commercial activities.

The review has identified some new locations which might be used for new street trading, exhibitions, displays and commercial activities. In accordance with The Highways Act of 1980, to designate these spaces as providing a amenity to the public, plans have been produced to define the exact location, and a Schedule has been prepared clearly identifying the site to avoid any confusion as to the

precise location therefore avoiding any possible obstruction to the highway.

An investigation into the land status has been carried out at all locations to ensure that the land forms part of the adopted highway.

- **Proposed District Centre Sites.
Plan Numbers 1 to 19 inclusive.**

Plans numbered 1 to 19 relate to proposed sites within the District Centres which could be designated for the purpose of Street Trading, Exhibition, Display or Commercial Promotion.

If designated this allows the site to be multi purpose and therefore fully utilised according to requirements. Their purpose therefore could be considered by the Local Neighbourhood Partnerships, the members of which have an in-depth knowledge of their area prompting best allocation of the sites involved.

- **Walsall Town Centre Street Trading Sites.
Plan Numbers 20 to 44 inclusive excepting 23,25 and 32.**

Plans numbered 20 to 44, with the exception of 23, 25 and 32 relate to areas of highway within Walsall Town Centre for the sole purpose of Street Trading. Any Traffic restrictions, or areas of inferior construction are reflected in the plans attached. Additionally, any existing sites proposed to be retained or retained with slight adjustment are shown with information relating to their status.

- **Walsall Town Centre Sites for Exhibition / Display / Commercial Promotion.
Plan Numbers 23, 25 and 32.**

There are currently two sites designated in Walsall Town Centre for the purpose of Exhibition / Display and Commercial Promotion in Park Street, and St Paul's Square.

Gallery Square was also designated (as at the time there was a specific area dedicated to be adopted pending completion). This has not been the case and therefore it is recommended that the site should **be revoked**.

Additionally, Civic Square is currently designated for Exhibition / Display as agreed by Council in 2001, where Exhibition / display includes a number of activities such as Performance, Street Entertainment, and Public Information.

Observation's have been made since 2001 regarding matters relating to obstruction of fire access at these locations, and enforcement of the Highways Act 1980 has been difficult mainly due to the vast size of the site's which encompassed the whole extents of each area. All sites have been well attended by a number of organisations including

Council Departments. Experience has shown that these areas are of great benefit to the residents of Walsall, however, to reduce the size of the sites would be beneficial. Revised Plans for 23, 25 and 32 therefore show the revised size of these sites to replace the agreed larger sites which accordingly should be **revoked**.

Festivals and Events.

Walsall Town Centre Plan's 45 and 46

At various times of the year Walsall Council and its Partners organise festivals and events. There is a Premises Licence in existence appertaining to the whole of the town centre which is a legal requirement for certain activities however, it is also a requirement in accordance with The Highways Act 1980 that the highway has to be designated for the purpose.

Plans 45 and 46 show area's of Highway within the town centre proposed to be designated in order that Festivals and Events may be carried out by Walsall Council and its Partnerships at various locations within the Town Centre.

District Centre's Plans 47, 48 and 49.

Willenhall, Darlaston and Brownhills.

There are currently no designated sites within these District Centres for Festivals and Events. Walsall Council and its Partnerships cannot carry out any festivals or events on the highway at these locations. Plans 47 – Willenhall, 48 – Darlaston and 49 Brownhills show area's within these Town Centres proposed to be designated in order that Festivals and Events can be organised.

All proposals for festivals and events should be submitted and considered by the Safety Advisory Group.

9.5 Pavement Shop Displays and Advertisements

A pattern of extended shop displays is evident throughout the borough. Many are a nuisance, creating a hazard for people with disabilities and carers with pushchairs or buggies and detract from the street scene. Presently, all shop displays are unauthorised obstructions on the highway, the proprietor is committing an offence which is punishable in the Magistrates Court. Enforcement by the Council involves a legal procedure leading eventually to prosecution, and in the event of a secured conviction the fine can be up to £5000 to the continuing offender. However, the Council may not be successful in securing a conviction at locations such as pedestrianised areas, or in situations where the obstruction leaves 1.8 metres of footway for free passage.

Historically, a policy, which was approved by the Highways Committee in 1991, allowed a tolerance towards shops displaying their goods on

the highway at some locations, however this was clearly not a licence or an authorisation. In 2004 consultation with our legal department revealed this policy was not considered fully compliant with the Council's duty as imposed by The Highways Act.

Consequently, at the Council meeting of 8th November 2004 the policy was reconsidered and approval was given to enforce an interim policy before reporting back to Council with a permanent policy. The interim policy carries a zero tolerance - that is, tolerating no obstructions on the highway.

Despite this legal view, however, there have been various views expressed that extended shop display provide a more interesting and vibrant street environment. In order that we achieve our aims in line with the Council's Vision 2008 whilst working within the Enforcement Concordat, and also in accordance with the Highways Act, we should consider the option of authorising selected shop displays.

It is being proposed that the council approve designated trade displays on the public highway within the Borough, whilst also allowing the impact of such features to be regulated and their effects on the public to be minimised. Proprietors who infringe any conditions of their licence would have their licence revoked, the display would return to 'unauthorised' status and enforcement would then be pursued in accordance with the Highways Act. Additionally, any display for which either a licence had been refused, or no application submitted, would remain an unauthorised obstruction and therefore enforcement procedures would apply.

The proposed regulations for trade displays are attached as **Appendix 6**.

9.6 Childrens' Amusement Rides

There is currently one children's amusement ride located in Park Street, Walsall Town Centre. As can be seen from the consultation responses there may be opportunity for much such amusements; in particular this was mentioned in relation to Willenhall.

Following a recommendation from internal audit services, it was agreed that an element of competition for these activities should be implemented. It is therefore suggested that an advertisement be placed asking for expressions of interest in providing rides/amusements at any of the identified locations from 1st April 2009.

Granting of licences will be subject to meeting a required minimum charge with a specification document drawn up to be agreed between the Council and the supplier.

9.7 Other Related Matters

Charities Act 2006

The Charities Act widens the definition of what is a “charity” and “charitable purpose”. It provides for a new system for licensing charitable collections in public (Public Charitable Collections). The Authority is required to publish its policy with regard to these collections.

Pavement Café Licenses

The licensing procedure for pavement cafes has now been updated and brought into line with the philosophy outlined in the Licensing Act 2003. It is now fully administered by licensing services having been transferred from constitutional services.

10.0 Implementation Timetable

19.03.08	Licensing and Safety Committee implement Stage 2
01.04.08	Development Control Committee for consultation
June/July	Licensing and Safety Committee to make recommendations to Council
September	Council to recommend scheme (consultation period)
December	Licensing and Safety Committee
January	Council for adoption
April 2009	Implementation of scheme

11.0 CONTACT OFFICER

John Beavon – Trading Standards Manager ext. 2214.

Appendix 1**List of Licensed Streets**

<u>Aldridge Central & South</u>	<u>Aldridge North & Walsall Wood</u>
Bakers Lane	Adams Road
Birmingham Road (Part)	Bradbury Close
Churchill Road	Chester Road
Gretton Crescent	Lazy Hill Road (Walsall Wood Road to Copyhall Grove)
High Ridge	
High Street	Mob Lane
Leighswood Road	Paul's Coppice
Myatt Avenue	St Mark's Road
Myatt Way	Streets Corner Shopping Precinct
Paddock Lane	Walsall Wood Road
Portland Road	<u>Bentley & Darlaston North</u>
Rookery Lane	Bill's Street
Tynings Lane	Blakemore Lane
Walsall Wood Road	Bull Stake
Whatstone Lane (Sevenacres to Churchill Road)	Campbell Place
	Churchill Road (Cunningham's Road to Cairn Drive)
<u>Blakenall</u>	
Beeches Road (Elm Road to Bloxwich Road)	Cramp Hill
	Crescent Road
Blakenall Lane (Chapel Street to Walker Road)	Croft Street
	Cunningham Road
Broadstone Avenue (Forest Avenue to Hollemeadow Avenue)	Dale End
	New Street
Coalpool Avenue (Dartmouth Avenue to Warner Place)	Queen Elizabeth Avenue (Cunningham Road to Churchill Road)
Dartmouth Avenue (Jubilee Close to junction of Coalpool Lane)	Rectory Avenue
	Slater Street
Harden Road (Guild Avenue to Broadstone Avenue)	Victoria Road
	Waverley Road
Harden Road (Walker Road to junction Goldsmith Road and Oakwood Road)	<u>Brownhills</u>
	Castle Street
Hollemeadow Avenue (Guild Avenue to Broadstone Avenue)	Deakin Avenue
	Howdles Lane (Knave's Castle Place to Watling Street)
Station Road	Kennet Close
<u>Bloxwich East</u>	
Blakenall Lane (Chapel Street to Walker Road)	New Road
	Pier Street
Buxton Road	Severn Road
Church Street	Shannon Drive
Field Road	Short Street
Harrison Street (High Street to Revival Street)	Silver Court Gardens
	Silver Street
Park Road	Tamworth Close
Pinfold	The Parade
Sleman's Hill	
Stoney Lane	
Victoria Avenue (High Street to Field Road)	

<u>Birchills/Leamore</u>	<u>Darlaston South</u>
Birchills Street	Bull Stake
Edison Road (Priestley Road to Arkwright Road)	Croft Street
Leamore Lane	Glyn Avenue
Old Birchills	Junction of Peacock Road & Hall Street
Upper Green Lane	Roberts Parade, Burns Road
<u>Hatherton Rushall</u>	Wolverhampton Street (Dorset Road to Pinfold Street)
Barns Lane	<u>Paddock</u>
Brickley Road	Bescot Crescent
Bridge Road	Broadway West (Bescot Crescent to Wallows Lane)
Butts Road (Mill Lane to Lichfield Street)	Delves Green Road (Delves Crescent to Botany Road)
Chestnut Drive	Hawes Close
Dean Road	Milton Street (Whitmore Street to Earl Street)
Four Crosses Road	Walstead Road (either end of Delves Crescent)
King George Crescent	Walstead Road (Hawthorne Road to West Bromwich Road)
Kings Road	Walstead Road (West Bromwich Road to Fullbrook Road)
Queens Road (Kings Road to Linley Road)	<u>Pelsall</u>
Rushall Square	Allens Lane (Commercial Road to Walsall Road)
Spring Road	Autumn Close
Station Road	Autumn Drive
Sycamore Road	Brewers Terrace
Winterley Lane	Chapel Street
<u>Palfrey</u>	Church Road
Bescot Crescent	Four Crosses Road
Broadway West (Bescot Crescent to Wallows Lane)	Green Lane
Delves Green Road (Delves Crescent to Botany Road)	Highfield Road
Hawes Close	High Street
Milton Street (Whitmore Street to Earl Street)	Mill Lane
Walstead Road (either end of Delves Crescent)	Mob Lane
Walstead Road (Hawthorne Road to West Bromwich Road)	Spring Lane
Walstead Road (West Bromwich Road to Fullbrook Road)	Wood Lane (Trevor Road to Wolverhampton Road)
<u>Pheasey</u>	<u>Short Heath</u>
Collingwood Drive	Lucknow Road (Spring Lane to Hayes Lane)
Hillingford Avenue	Pool Hayes Lane (Ravenscroft Road to Lucknow Road)
Moreton Avenue	Stroud Avenue (Birchtree Hollow to Furzebank Way)
Old Hall Lane	Wood Lane (Henley Road to Oaken Drive)
The Crescent	
Wimperis Way	
<u>Pleck</u>	
Bridgeman Street (from Pleck Road to Long Street)	
Station Street	

St Matthew's
Birchills Street
Caldmore Road (from Vicarage Place to Mount Street)
Forest Lane
Old Birchills
Stafford Street (Link Road North to Bloxwich Road)

Appendix 2**Proposed designated sites**

PLAN NO.	LOCATION	SUGGESTED USE
1	Outside number 3 Wolverhampton Street, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
2	Market Place, junction of Stafford Street, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
3	Outside 25 & 26 Market Place, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
4	In front of the Clock Tower, Market Place, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
5	Outside number 37 Anchor Road, Adlridge	Street Trading / Exhibition / Display / Commercial Promotion
6	Outside number 2 Leighswood Road, Aldridge	Street Trading / Exhibition / Display / Commercial Promotion
7	Outside number 23 High Street, Aldridge	Street Trading / Exhibition / Display / Commercial Promotion
8	Outside number 40 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
9	Outside number 52 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
10	Outside number 45 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
11	Outside number 39 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
12	Outside number 58 King Street, Datlaston	Street Trading / Exhibition / Display / Commercial Promotion
13	Paved area - entrance Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
14	Outside number 5 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
15	Outside number 1 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
16	Outside number 10 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
17	Pier Street adjacent to 72 High Street, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
18	Outside number 83 High Street, Bloxwich	Street Trading / Exhibition / Display / Commercial Promotion
19	Outside car park, next to library, High Street, Pelsall	Street Trading / Exhibition / Display / Commercial Promotion
20	Adjacent to 1a Saddlers Centre, Bradford Place, Walsall	Street Trading
21	North of entrance to Saddlers Centre, Bradford Street, Walsall	Street Trading
22	Opposite 1a Bradford Street, Walsall back against bollards	Street Trading
23	In front of trees & benches centre of Civic Square Walsall	Exhibition / Display
24	Darwall Street at junction St Paul's Square, Walsall	Street Trading
25	In front of St Paul's Church, St Paul's Square, Walsall	Street Trading
26	South of base of steps to Bus Station, St Paul's Square, Walsall	Street Trading

PLAN NO.	LOCATION	SUGGESTED USE
27	Butlers Precinct, Walsall Adj Butlers Passage	Street Trading
28	West of Multi Storey Car Park, St Paul's Street, Walsall	Street Trading
29	Adjacent to loading bay on St Paul's Square/St Paul's Street, Walsall	Street Trading
30	Opposite Quasar Centre access, St Paul's Street, Walsall	Street Trading
31	outside No. 8 Park Street, Walsall east of / close to planter	Children's Ride
32.	Park Street, Walsall, outside Woolworths	Exhibition / Display / Commercial Promotion
33.	Adj to the side wall of Woolworths, Gallery Square, Walsall	Street Trading
34.	Outside 14 Park Street, Walsall east of & backed up to planter	Street Trading
35.	Outside 53 Park Street, Walsall backed up to wall	Street Trading
36.	Opposite 69 Park Street, Walsall edged to LC	Street Trading
37	opp 24/26 Park Street, Walsall east of & backed up to planter	Street Trading
38	Outside 8 Park Street, Walsall west of & backed up to	Street Trading
39.	Gallery Square, east of Jct Wolverhampton Street	Street Trading
40.	North of 40 Station Street, Walsall	Street Trading
41	Station Street, Walsall Opposite 37	Street Trading
42.	High Street, Walsall East of Jct Goodhall Street	Street Trading
43.	Darwall Street, Walsall Outside Electoral Office,	Street Trading
44.	Tower Street / Civic Quarter	Street Trading
45	Walsall Town Centre North- Various Sites- Gallery Square (Part) Park St. Station Street St Pauls. Sq Civic Square (part) Leicester Street (part) Darwall St - Civic Quarter	WMBC and Partnerships Festivals and Events
46	Walsall Town Centre South - Various Sites- Civic Square Bradford Street Bradford Place Digbeth	WMBC and Partnerships Festivals and Events
47	Willenhall Town Centre - Various Sites Wolverhampton St Stafford St Market Place Cross St	WMBC and Partnerships Festivals and Events
48	Darlaston Town Centre - King Street	WMBC and Partnerships Festivals and Events
49	Brownhills Town Centre – Ravens Court	WMBC and Partnerships Festivals and Events

Appendix 3 **Finance scheme**

1) Street Trading Sites.

The current charge for a street trading site in Walsall Town Centre is £2560.00, obviously new sites in district centres should be fair and proportionate in relation to this. In order to achieve this, there are two options.

Option 1.

Charges for district centres could be 25% of the tariff + £100 admin fee (£740). This would be a 'blanket' charge regardless of location.

Option 2.

The council employs enumerators within the Traffic Management Section to conduct traffic and pedestrian surveys. It may well be the case that the footfall in Darlaston for example, is significantly lower than Bloxwich or Willenhall. In order to justify any differential reflected in the tariff, pedestrian counts could be carried out in Walsall Town Centre and also in each district centre.

The cost of conducting a survey is currently £7 per enumerator per hour.

- Walsall should be evaluated as a bench mark.
- Surveys should be carried out on one non-market day and one market day.
- Hours of the survey should be 10.00hrs – 16.00.
- Two enumerators would be required to accommodate the direction of flow.

The overall cost of a survey would therefore be:-

7 locations x 24 hours @ £7 = £1176.

New Street Trading Locations.

There are possible new sites at :-

Willenhall	4 sites
Aldridge	3 sites
Darlaston	5 sites
Brownhills	5 sites
Bloxwich	1 site
Pelsall	1 site
Total	19 sites

2) Commercial Promotions

The current charges for Commercial Promotion are on a two tier set tariff

- £250 per day
- £700 per week (5 or 7 days not defined)

A more comprehensive scale of charges should be introduced and propose the fee for a seven day week be raised to £1000 in the vehicular site.

Should Civic Square and Civic Quarter be designated the charges for these locations would be significantly higher to reflect the footfall.

3) Shop Pavement Displays and Advertisements

Under the Highways Act 1980, Walsall Council is entitled to charge reasonable costs for the administration of the licensing system and so has set fees linked to the time expected to be spent on dealing with each type of display, to include any anticipated problems which may arise.

An additional full time member of staff would be required to administer the system and the costs of printing and issuing the licenses will also need to be considered, as well as the costs of site inspections. It is therefore proposed that the annual cost of a shop display license should be £150.00 + VAT. Similarly a charge of £25 + VAT would be levied for pavement advertisements both of which should be renewed on an annual basis.

Appendix 4**List of Consultees**

DATE	PACK'S	Q'AIRE ONLY	LOCATION
04.09.07	20	20	Pheasey & Paddock LNP
04.09.07	20	20	Pelsall & Rushall LNP
05.09.07	25	25	Blakenall & Bloxwich LNP
11.09.07	25	30	Brownhills & Aldridge North LNP
11/09.07	25	25	Aldridge South and Streetly LNP
12.09.07	0	30	Brownhills British Leigeion
17.09.07	29	29	Pleck / Palfrey LNP
17.09.07	0	50	Pleck Community Watch
17.09.07	0	50	Pleck Residents Association
20.09.07	5	50	Pheasey & Paddock CAG
24.09.07	25	20	Willenhall LNP
25.09.07	20		Brownhills & Aldridge North CAG
26.09.07	50		Town Centre Group
26.09.07	25		Aldridge Traders Association
27.09.07	30		Brownhills Traders Association
27.09.07		50	First Stop Shop
27/09/07		20	Local History Centre
27.09.07		20	Walsall Museum
27.09.07		20	Walsall Leather Museum
		20	New Art Gallery
LIBRARIES			
		50	Walsall Central
27.09.07		20	Aldridge
		20	Beechdale
		20	Birchills & North Walsall Surestart
		20	Blakenall
		20	Bloxwich
		20	Brownhills
		20	Childrens Library Service
		20	Darlaston
		20	Forest Gate
		20	Mobile Library Services
		20	Pelsall
		20	Pheasey
		20	Pleck
		20	Rushall
		20	Right to Read – Manor Farm
		20	South Walsall
		20	Streetley
		20	Walsall Wood
		20	Willenhall
01.10.07	25	20	St Mathews Birchills & Leamore LNP
03.10.07		online link	Walsall Deaf - email
04.10.07		online link	Eyes Walsall - email
04.10.07	25	25	Darlaston Traders Association
05.10.07		25	Obesity Group
09.10.07	15		Caldmore Traders Association
10.10.07	25	25	Darlaston LNP
11.10.07	25	25	Palfrey & Pleck LNP
11.10.07	25	25	Willenhall CAG

Appendix 5

Street Trading Review

Consultation – Phase 1

Total number of questionnaires returned: 103

Q1. Do you think there is scope to accommodate more street traders in your area, and if so, where?

Yes - 50 (48.5%)	No – 43 (41.7%)
Responses: Aldridge High St 3 Aldridge Precinct 2 Any High St 1 Bloxwich High St 1 Bloxwich market 3 Brownhills High St 2 Brownhills R/o-next to Tesco's 2 Brownhills Ravenscourt 2 Brownhills Silver St 1 Darlaston all 2 Darlaston King St 5 Darlaston Pinfold St 1 Pelsall High St 1 Shopping areas 1 Various pedestrianised areas 1 Walsall - all 2 Walsall - Around bus station 1 Walsall Bradford St 1 Walsall Darwall St 2 Walsall Gallery Square 2 Walsall George St 1 Walsall Goodall St 1 Walsall High St 2 Walsall Leicester St 1 Walsall Park St 7 Walsall St Pauls Sq 1 Walsall Station St 2 Walsall The Bridge 5 Walsall town centre 4 Wherever practical and safe 1 Willenhall Wolverhampton St 2 Willenhall Cross Street 1 Willenhall market place 4 Willenhall The Square NI 2 Willenhall town centre 4	

Q2. Would you like to see a particular style, such as Victorian barrows, a standard of quality or perhaps a local identity?

Yes – 60 (58.3%)	No – 33 (32%)
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Q3. Would you like to see different trades, and if so, which specific types?

Yes – 49 (47.6%)		No – 23 (22.3%)	
Responses			
Arts / Paintings	1	Haberdashery	3
Bakers	2	Hardware	2
Bric-a-brac	1	Health foods	2
Café (street)	2	Hot potatoes	4
Cards	2	Household	1
Cheeses	2	Ice cream	2
Chemist	2	Information centre	1
Children's	1	Jewellery	3
Clothing	5	Kitchenware	1
Continental market	2	Knife sharpeners	1
Craft market	5	Local produce	2
Crepes	1	local trades	1
Crockery	1	men's clothes	3
Delicatessen	1	Nuts & dried fruit	2
Doughnuts	1	Organic foods	3
Electrical	1	Pizzas	1
Ethnic food	1	Post office	1
Farmer's market	5	Quality produce	1
Flowers	6	Shoes & bags	4
Fresh fish	3	Specialist foods	1
Fresh food	2	Speciality goods	1
Fruit & veg	7	Sunglasses	1
Gadget shop	1	Sweets	4
Gift & novelty	2	Toy shop	1
Gloves	1	Traditional trades	1
Grocery Store	2	Umbrellas	1
		Various	2

Q4. Are there any trades you think there are already enough of?

Yes – 56 (54.4%)		No – 13 (12.6%)
Responses:		
Asian off licences/supermarkets	1	
Banks	2	
Betting shops	2	
Building societies	2	
Burger / Hot dog stands	11	
cafes	1	
cake shops/bakeries	2	
Charity shops	5	
Chinese takeaways	1	
Chip shop / kebab	2	
clothes	6	
Donuts	1	
DVD/CD	1	
Eateries / eating places	2	
Fast food	5	
Food	2	
Fruit & veg	1	
Greengrocers	1	
Hot food outlets	3	
Household/Toiletries	1	
Ice cream vans	2	
Material stalls	1	
Mini markets	1	
Mobile phones	2	
Off licences	7	
Pound shops / Cheap shops	2	
Pubs	1	
Takeaways	6	
Tesco	1	
Those available in supermarkets	1	
Travel agents	1	

Q5. Are there any trades you would particularly like to see?

Yes – 51 (49.5%)		No – 21 (20.4%)	
Responses:			
Any retail	1	Ice cream	2
Bakery/Bread/Cakes	3	Jewellery	3
Books	2	Kitchenware	1
Bric-a-Brac	1	Knife sharpeners	1
Butcher	4	Local products	3
Café/Coffee Shop	5	Mens outfitters	3
Cards/Gifts	4	Model shop	1
Chemist	1	Music	1
Clothing	6	Off licence	1
Continental market	2	Organic / Healthy	2
Cosmetics	1	Pizzas	1
Crafts / Arts	8	Post office	1
		Quality produce /	
Crepes	1	retail	3
Delicatessen	3	Roasted Chestnuts	1
DIY	2	Shoes & bags	5
Doughnuts	2	Something different	1
		Speciality	
Electrical	1	foods/goods	3
Ethnic craft	1	Stationery	1
ethnic cuisine	2	Sunglasses	1
Farmers market	4	Sweets	3
Flowers & Plants	4	Toy Shop	1
Fresh fish	4	Umbrellas	1
Fresh food	2	Wine bar / Bistro	1
Fruit & Veg	7		
Gadgets & novelties	3		
Gloves	1		
Grocery shop	2		
Haberdashery inc			
Wool & Sewing	5		
Halal fast food	1		
Hardware	1		
Home made eg preserves	1		
Hot potatoes	2		
Household	1		

Q6. Would you like to see more seasonal trading, children's amusement rides, exhibitions, street theatre and other street events in your area?

Yes – 62 (60.2%)		No – 33 (32%)	
Which type?		Where?	
Art	2	Aldridge High Street	3
Bakery / Bread	1	Aldridge Precinct	2
Books	1	Alumwell	1
Bouncy Castles	1	Bloxwich High Street	2
Children's Entertainment	1	Brownhills canal waterfront	2
Christmas fayre	1	Brownhills High Street	1
Christmas market / activities	8	Brownhills Ravenscourt	4
Continental market	3	Chuckery Green/Park Hall	1
Craft	3	Darlaston - All	2
Delicatessen	1	Darlaston King Street	2
Entertainments	2	Darlaston town centre	1
Events	12	Parkview Centre	1
Exhibitions	13	Pelsall Common	2
Farmer's market	1	Pelsall High Street	2
Juggling	1	Pleck Park	1
Local / Home made	1	Shopping areas	1
Musicians / Musical Evenings	2	Walsall - Bradford St	1
Punch & Judy	1	Walsall - Gallery Sq	2
Quality retail	1	Walsall - George St	1
Quality rides / amusements	19	Walsall - Goodall St	1
Seasonal trading	15	Walsall - Leicester St	2
Street Theatre	18	Walsall - Park St	3
Street traders	2	Walsall - St Pauls Sq	1
Summer Activities	1	Walsall - Station St	1
Various	1	Walsall - The Bridge/Civic Sq	9
		Walsall - Town centre	3
		Where practical and safe	1
		Willenhall	2
		Willenhall market place	4
		Willenhall New Invention The Square	2
		Willenhall Wolverhampton St	2

Q7. Are there any streets/areas in which you would like to see more street trading?

Yes – 42 (40.1%)		No – 47 (45.6%)
Responses:		
Aldridge Anchor Rd	1	
Aldridge High Street	1	
Alumwell	1	
Any open areas	1	
Blakenall Heath	1	
Bloxwich	1	
Bloxwich High St	1	
Bloxwich market	2	
Brownhills along canal	1	
Brownhills High St	1	
Brownhills market	1	
Brownhills Pier St	1	
Brownhills Ravenscourt	2	
Darlaston anywhere	1	
Darlaston King St	2	
Darlaston Pinfold St	1	
Main areas	1	
Pelsall High St	2	
Walsall Bradford St/Place	2	
Walsall Darwall St	4	
Walsall Gallery Sq	3	
Walsall George St	1	
Walsall Goodall St	1	
Walsall High St	2	
Walsall Leicester St	1	
Walsall Main Sq	1	
Walsall Park St	8	
Walsall St Pauls Sq	1	
Walsall Station St	1	
Walsall The Bridge	4	
Walsall town centre	2	
Walsall Town Hall	1	
Walsall Wood along canal	1	
Willenhall market place	1	
Willenhall Short Heath (High Road)	1	
Willenhall Stafford Street & Cross Street	1	
Willenhall town centre	1	
Willenhall Wolverhampton St	1	

Q8. Are there any streets/areas in which you would like to see less street trading?

Yes -24 (23.3%)	No – 65 (63.1%)																						
<p>Responses:</p> <table> <tr><td>Bloxwich High St</td><td>1</td></tr> <tr><td>Brownhills Ravenscourt</td><td>1</td></tr> <tr><td>Caldmore Green</td><td>1</td></tr> <tr><td>Streetly Blackwood Rd</td><td>1</td></tr> <tr><td>The Bridge/Civic Quarter</td><td>2</td></tr> <tr><td>Town Centre</td><td>1</td></tr> <tr><td>Walsall Park St</td><td>7</td></tr> <tr><td>Walsall Skip Lane</td><td>2</td></tr> <tr><td>Walsall Sutton Rd (layby)</td><td>1</td></tr> <tr><td>Willenhall Dale Road</td><td>1</td></tr> <tr><td>Willenhall Wton St & Stafford St</td><td>1</td></tr> </table>	Bloxwich High St	1	Brownhills Ravenscourt	1	Caldmore Green	1	Streetly Blackwood Rd	1	The Bridge/Civic Quarter	2	Town Centre	1	Walsall Park St	7	Walsall Skip Lane	2	Walsall Sutton Rd (layby)	1	Willenhall Dale Road	1	Willenhall Wton St & Stafford St	1	
Bloxwich High St	1																						
Brownhills Ravenscourt	1																						
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Walsall Skip Lane	2																						
Walsall Sutton Rd (layby)	1																						
Willenhall Dale Road	1																						
Willenhall Wton St & Stafford St	1																						

Q9. Would you like to see more licensed shop displays in your area?

Yes – 42 (40.1%)	No – 50 (48.5%)																																								
<p>Responses:</p> <table> <tr><td>Aldridge - all</td><td>1</td></tr> <tr><td>Aldridge Anchor Rd</td><td>1</td></tr> <tr><td>Aldridge High St</td><td>1</td></tr> <tr><td>Aldridge Precinct</td><td>1</td></tr> <tr><td>All centres</td><td>2</td></tr> <tr><td>Bloxwich High St</td><td>1</td></tr> <tr><td>Brownhills High St</td><td>2</td></tr> <tr><td>Brownhills Ravenscourt</td><td>1</td></tr> <tr><td>Darlaston - all</td><td>1</td></tr> <tr><td>Darlaston King St</td><td>2</td></tr> <tr><td>Darlaston Pinfold St</td><td>1</td></tr> <tr><td>Darlaston town centre</td><td>1</td></tr> <tr><td>Walsall - all</td><td>3</td></tr> <tr><td>Walsall market area</td><td>1</td></tr> <tr><td>Walsall town centre / ped. Areas</td><td>2</td></tr> <tr><td>Where pavement is wide enough</td><td>2</td></tr> <tr><td>Willenhall - all</td><td>1</td></tr> <tr><td>Willenhall market place</td><td>4</td></tr> <tr><td>Willenhall New Invention - The Square</td><td>2</td></tr> <tr><td>Willenhall town</td><td>4</td></tr> </table>	Aldridge - all	1	Aldridge Anchor Rd	1	Aldridge High St	1	Aldridge Precinct	1	All centres	2	Bloxwich High St	1	Brownhills High St	2	Brownhills Ravenscourt	1	Darlaston - all	1	Darlaston King St	2	Darlaston Pinfold St	1	Darlaston town centre	1	Walsall - all	3	Walsall market area	1	Walsall town centre / ped. Areas	2	Where pavement is wide enough	2	Willenhall - all	1	Willenhall market place	4	Willenhall New Invention - The Square	2	Willenhall town	4	
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Willenhall town	4																																								

Q10. Would you like to see more approved advertisements in your area?

Yes – 32 (31.1%)	No – 57 (55.3%)																																		
<p>Responses:</p> <table> <tr><td>Aldridge</td><td>2</td></tr> <tr><td>All areas</td><td>4</td></tr> <tr><td>Black Country Route</td><td>1</td></tr> <tr><td>Brownhills High St</td><td>2</td></tr> <tr><td>Brownhills Ravenscourt</td><td>2</td></tr> <tr><td>Darlaston - all</td><td>2</td></tr> <tr><td>Dentists</td><td>1</td></tr> <tr><td>Doctors</td><td>1</td></tr> <tr><td>Libraries</td><td>1</td></tr> <tr><td>M6 Motorway</td><td>1</td></tr> <tr><td>Tesco</td><td>1</td></tr> <tr><td>Walsall - all</td><td>1</td></tr> <tr><td>Where pavement is wide enough</td><td>1</td></tr> <tr><td>Willenhall Lane Head</td><td>1</td></tr> <tr><td>Willenhall New Invention, The Square</td><td>1</td></tr> <tr><td>Willenhall Short Heath (High Rd)</td><td>1</td></tr> <tr><td>Willenhall town</td><td>3</td></tr> </table>	Aldridge	2	All areas	4	Black Country Route	1	Brownhills High St	2	Brownhills Ravenscourt	2	Darlaston - all	2	Dentists	1	Doctors	1	Libraries	1	M6 Motorway	1	Tesco	1	Walsall - all	1	Where pavement is wide enough	1	Willenhall Lane Head	1	Willenhall New Invention, The Square	1	Willenhall Short Heath (High Rd)	1	Willenhall town	3	
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Willenhall town	3																																		

Appendix 6

Proposed regulations

Trade displays

- All displays must be stable, must not extend further than 0.5 metres from the shop frontage (unless the Highway Authority grants an exception) and must not be more than 1 metre high. Additionally, in all cases, at least 1.8 metres of clear pedestrian passageway is to be maintained.
- Any trade display must consist of goods and materials which are not liable to be moved by external forces, such as the effects of the wind or from being lightly knocked
- Trade displays must not be erected before 7.00am and must be removed by 8.00pm
- In all cases, displays are the sole responsibility of the individual business and the Council insists that third party public liability insurance be taken out to a minimum indemnity of £5,000,000 (preferred £10,000,000)
- In no cases must displays lead to excavations or damage of any kind to be made to the highway
- In no circumstances should any trade display interfere with required vision lines for traffic and pedestrians
- In no circumstances should trade displays involve furniture, rolls of carpets or other flooring material, hardware / tools, electrical items or equipment / domestic appliances, or rails of clothes., building materials, bags / sacks containing vegetables or crates and trolleys.
- Goods on the highway are for display purposes only and items must not be sold from the highway
- Applications for Walsall Town Centre would not be accepted under any circumstances.

A-Boards.

- Each shop or business should only display one A-board and all advertisements should be professionally presented and relate to the normal business carried out on the premises
- Boards used must be of sound construction and, when extended, must not be higher than 1 metre and must not be wider than 600mm
- The content of any text or images on any board should not be considered by Walsall Council to be offensive, indecent or defamatory
- All boards must be located immediately adjacent to the building line and must not form an impediment to the public, especially those who may be blind or partially sighted
- Under no circumstances should boards be located closer than 450mm to the main carriageway and, in all cases, at least 1.8 metres of clear pedestrian passageway is to be maintained

- Boards must not be placed out before 7.00am and must be removed by 8.00pm
- In all cases, boards are the sole responsibility of the individual business and the Council insist that Third Party public liability insurance be taken out to a minimum indemnity of £10,000,000
- In no cases must boards lead to excavations or damage of any kind to be made to the highway
- In no circumstances should any trade display interfere with required vision lines for traffic and pedestrians