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| Title of Report: | REVIEW OF STREET TRADING AT LAMMAS FAIR 2019 |
| Committee Report Submitted To: | ENVIRONMENTAL SERVICES COMMITTEE |
| Date of Meeting: | 4th February 2020 |
| For Decision or For Information | FOR DECISION |

| Linkage to Council Strategy (2019-23) | |
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| Strategic Theme | Accelerating Our Economy and contributing to Prosperity |
| Outcome | Compliance with statutory duty |
| Lead Officer | Head of Health & Built Environment |

| Budgetary Considerations | |
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| Cost of Proposal | Estimated saving of £13,500 |
| Included in Current Year Estimates | YES/NO |
| Capital/Revenue | Revenue |
| Code | N/A |
| Staffing Costs | Included in saving |

| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. | | |
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| Section 75 Screening | Screening Completed: | Yes/No N/A | Date: |
| | EQIA Required and Completed: | Yes/No N/A | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | Yes/No N/A | Date: |
| | RNA Required and Completed: | Yes/No N/A | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed: | Yes/No N/A | Date: |
| | DPIA Required and Completed: | Yes/No N/A | Date: |

1.0 Purpose of Report

- 1.1 The purpose of this report is provide members with a review of the Street Trading element of the 2019 Lammas Fair and to consider recommendations for future events.

2.0 Background

- 2.1 The introduction of the Street Trading Act (NI) 2001 saw the legacy Moyle District Council designate streets in the Ballycastle town centre and subsequently identify 12' x 6' street pitches where stationary street trading could occur on the two days of the Lammas Fair.

- 2.2 It is considered that the approach adopted by Moyle District Council to designate pitches was taken to regularise trading at the event. By instigating this approach rather than issuing temporary trading licence the then Moyle District Council was ensuring a “safe event” by allocating stalls to specific locations. It is considered that the advantages to this approach are:

- A safe passageway can be created to allow ease of negotiation by the many patrons who attend (estimate 150,000) through the streets of Ballycastle.
- Access to those residing in the town centre or operating premises can be maintained.
- Emergency Services can continue to provide an expedient service in the event of an emergency without having to negotiate a haphazard arrangement of stalls.
- Stalls can be allocated, sited and conditioned to ensure that crushing of pedestrians does not occur during peak visitor times which is especially important for those who may be considered vulnerable in the event of an emergency situation.

- 2.3 In addition to these Council stationary trading pitches trading by stalls also occurs on private land and in residential gardens. This activity is unregulated by Council as it occurs on private land and may cause issues primarily to the overall safety of the event.

- 2.4 The Street Trading Act also provides an exemption to allow trading to be carried out at or adjoining premises used as a shop. The premises owners in Ballycastle either trade on the street during the fair or on occasion allow traders to trade outside their premises. These traders must obtain a temporary street trading licence. (This causes an enforcement issue to Council as it is often unplanned and only comes to Enforcement Officers attention on the days of the Fair).

3.0 Changes made to the 2019 Event

- 3.1 At the Environmental Services Committee held in February 2019, Committee and subsequently Council agreed to the following measures to assist in “animating” the Event.
1. The street trading designate allowing street trading by stationary traders on Clare Street was removed.
 2. Two street trading pitches were removed from The Diamond, Ballycastle to facilitate a Dais.
 3. Three pitches were removed from Quay Road, Ballycastle to facilitate access to the War Memorial.
 4. Applicants for a street trading licence to trade at the Lammas Fair were required to produce a Criminal Disclosure Certificate or its regional equivalent valid to within 1 year of the date of the Event.

4.0 Lammas Fair 2019 Trading

- 4.1 In total Council issued 168 Applications to individual traders to attend the Lammas Fair. This resulted in the issue of 147 Street Trading Licences.
- 4.2 198 Council stationary pitches were available (20 stationary pitches were removed as a consequence of Environmental Services Council decision February 2019). The removal of these 20 stalls equates to the loss of a street trading income to Council of £3,500.
- 4.3 In total 171 Council stationary trading pitches were let during the two days of the 2019 Lammas Fair and a total income of £32,991.18 was achieved. This included temporary pitches and payments received in EURO's. 19 stationary trading pitches were unlet. These were:
- 14 Stationary pitches at Beechwood Avenue (a side street to Quay Road).
 - 5 Stationary pitches at Leyland Road

The potential loss revenue to street trading income as a consequence was £3,325.

- 4.4 Street trading income to Council generated at the 2018 Lammas Fair was £37,863.13. This represents a difference of £4,871.95 or approximately 27 street trading licences. When the removal of twenty pitches are taken into consideration this represents a loss of 7 street trading licences.
- 4.5 It is therefore suggested that the introduction of Criminal Record Checks has had a negligible effect on street trading at the Lammas Fair.

5.0 Temporary Street Trading Licences

- 5.1 15 temporary street trading licences were allocated on the two days of the Lammas Fair. These were allocated to traders who did not trade on a Council designated pitch but traded on the street or traders who traded outside shops but were not the owner of the premises.

6.0 Enforcement Action

- 6.1 One written warning was issued by the Licensing Section to a licensed trader subsequent to The Lammas Fair. A number of verbal warnings were issued to street traders during the Event by Enforcement Officers in relation to breaches of their street trading licence conditions. Council Enforcement Officers took no monitoring of traders trading on private land although it is understood such traders caused issue to Councils overall delivery of a safe Event.

7.0 Complaints

- 7.1 The Health and Built Environment Department have received no complaints from traders or public with respect to street trading at 2019 Lammas Fair.

8.0 Considerations as to further improvements to Lammas Fair Event:

- 8.1 Safety considerations and enforcement costs are reduced by issuing street trading licences prior to the Event rather than on the day. This is advantageous in allowing Council sufficient time to effectively communicate with traders in relation to issues such as trading times, Road Closure Restrictions and licensing conditions.
- 8.2 It is proposed that a stationary licence fee to trade at the Lammas Fair should be less than a temporary licence. This will facilitate continued regularisation of street trading at the Fair, allow for planning and assist in ensuring a safe Event can be delivered.
- 8.3 There is a long history of traders coming on the day of the Fair and being issued a street trading licence. Such an approach is incompatible with ensuring a safe Event and obtaining Criminal Record Checks.
- 8.4 In 2015 57% of traders attending the event had received a licence prior to attending. In 2018 and 2019 79% and 78% respectively of traders had obtained a licence prior to attending the Event.

9.0 **Proposals**

- 9.1 It is proposed that the issue of “mobile street trading” licences on the days of the Lammas Fair are discontinued. The Street Trading Act (NI) 2001 defines a mobile licence as *“a person authorised by street trading licence to trade from a vehicle which goes place to place, stopping for a time for the purpose of trading”*.
- 9.2 Whilst traditionally mobile licences (cost £90) have been issued to those traders trading without a stall, no mobile trading at the Lammas Fair meets this definition and these traders should be classified as “Temporary traders” and changed accordingly.
- 9.3 Whilst it is considered that the introduction of Criminal Record Checks to Lammas Fair 2019 was an important step in regularising street trading throughout the Causeway Coast and Glens Borough Council area, its introduction significantly added to Councils administration costs in 2019. The cost of an Access NI Check is £22. It is proposed that if street trading licence fees are increased for 2020 then Council should relax its requirement for an annual Criminal Record Check to it being necessary every three years. As such all traders at the 2019 Lammas Fair need not require a further Criminal Record Check until the 2022 Event.
- 9.4 It is proposed that Causeway Coast and Glens Borough Council review conditions attached to street designations for street trading purposes. In certain streets these conditions limit hot food and ice cream traders and consequently limit the type of stalls that may be let on Council stationary pitches. This restriction is often at odds with those trading on private locations on the same streets. Any review of these restrictions will require consultation with NIFRS.
- 9.5 It is proposed that Causeway Coast and Glens Borough Council should consider how to best encourage a variety of new/different traders to attend the Lammas Fair. The current process is dependent on traders contacting Councils Licensing Section to request a licence. Council should consider a more proactive approach whereby Council contacts traders to further animate the Event and provide variety.
- 9.6 It is proposed that prior communication be made with shopkeepers who wish to have trading outside their premises but may require a temporary licence. Council as event organiser’s should also liaise in advance with private landowners who facilitate a large number of traders outside of street trading licensing regime but have received no conditions and are unaware of Road Closure Restrictions, etc. This lack of knowledge can cause subsequent issues in ensuring a safe Event.
- 9.7 It is proposed that Council remove free street trading licences for charities unless that charity demonstrate that it is a Registered Charity.

10.0 Recommendation

It is recommended that the Environmental Services Committee recommends to Council the adoption of the above proposals 9.1 to 9.7 inclusive.