

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built
Environment

REPORT NUMBER: **H150**

TO: OVERVIEW AND SCRUTINY
(COMMUNITY SERVICES) COMMITTEE

DATE OF MEETING: 25 November 2008

**REVIEW OF STREET TRADING IN BABERGH, AS CONTROLLED BY THE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

1. PURPOSE OF REPORT

- 1.1 This report outlines an informal review of street trading controls in Babergh, predominantly in the areas of Sudbury and Long Melford. The review was requested by Members in October 2007 and incorporated into the Committee's workplan for reporting in November 2008.
- 1.2 The areas looked at are where trading has previously been designated by the Council as subject to relevant controls under the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)Act 1982). While the original request by Members was to look at just the Market Hill designation, it was felt that this could not be looked at in isolation from the other designated areas. As these areas are quite limited, they have been included in the review as well.
- 1.3 The informal review is intended to assist Members in deciding whether to pursue a formal process for changes to the designated areas. As this step would be both expensive and time consuming, a case for change needs to be established first to justify proceeding.
- 1.4 This report evaluates whether such change is necessary to meet current business and community expectations.
- 1.5 Having undertaken the review, an opportunity to develop an enforcement policy in relation to street trading has been taken and this is presented in Appendix B.

2. RECOMMENDATIONS

- 2.1 That no change be made to existing street trading controls.
- 2.2 That the enforcement policy for Street Trading, attached as Appendix B, be endorsed by the Committee.

The Committee is able to resolve the above matters.

- 2.3 That Strategy Committee be recommended to adopt the attached enforcement policy for Street Trading.

3. **FINANCIAL IMPLICATIONS**

- 3.1 In the event of 'no change' being agreed, limited officer time only.
- 3.2 Should change be proposed, a council resolution of intent is required along with public advertisement, formal consultation with relevant bodies, public consultation, a council meeting to consider representations, a further resolution passed and public advertisement of that resolution. There may also be a need to amend parking restrictions and highway signage. Costs are likely to be at least £10,000 and could readily be significantly more, dependent on consultation outcome.

4. **RISK MANAGEMENT**

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 7 - Financial, performance and risk management. Key risks are set out below:

| Risk Description | Likelihood | Seriousness or Impact | Mitigation Measures |
|---|-------------------|------------------------------|---|
| Opportunity for assistance to a small number of businesses (fewer than 5) | Low | Marginal | Significant cost entailed to assist businesses. |

- 4.2 This Report supports the Strategic Plan theme "A Strong and Sustainable Babergh Economy".

5. **KEY INFORMATION**

- 5.1 In the early 1990s, food vendors were trading from vehicles parked on the Market Hill at Sudbury. These sales were unconnected with the town market and took place outside normal market times. This resulted in complaints about competition with existing traders along with allegations of breaches of parking orders. There were also concerns that the character of this key public area in Babergh was being adversely affected, reinforced by complaints from tourists.
- 5.2 In 1992 Babergh District Council brought in measures to restrict this kind of trading on the Market Hill, along with less extensive controls in Hall Street, Long Melford in 1994. These allowed some trade to continue while preventing it causing the problems that had led to the measures being imposed in the first place. Licensing could control both the trading times and the siting of vehicles. Adoption also allowed the Council to justify prohibition of trading in streets surrounding the town centre.

- 5.3 The restrictions and licensing scheme used powers contained in the Local Government (Miscellaneous Provisions) Act 1982. This Act is intended to control trading in public open street spaces and to maintain a balance of facilities that reflect the needs of consumers while offering some protection to established competing businesses. The Act results in the designation of three types of streets:

1. Prohibited streets

No street trading is allowed in these areas.

2. Consent streets

Stallholders apply for a consent to trade for which there is a fee. The issue or refusal of consents is at the complete discretion of the Council. The street may be subject to limited trading hours. Part of Hall Street, Long Melford is a Consent Street.

2. Licence streets

Trade is permitted subject to a licence fee but trading hours can be restricted. Other restrictions in Licence Streets are not straightforward, though and numbers of traders may only be limited by the available space. The Council can restrict to some extent numbers of the same type of business.

- 5.4 Market Hill was designated a Licence street. The surrounding streets were designated as Prohibited streets, to prevent problems being shifted to adjacent areas, and part of Hall Street in Long Melford is a Consent street. Bourne Bridge at Wherstead was later made a Licence street to legalise aspects of a Millennium Street fair but is not subject to any subsequent trading there. A full list of affected streets is given in Appendix B.
- 5.5 The controls affect all kinds of mobile vendors, not just those selling food, but there are a large number of exemptions. These include ancillary trading by businesses that border the designated streets, which can permit the operation of many street cafes, and the provision of chartered markets.
- 5.6 The process of both obtaining and varying the Act's powers is complex and costly, taking months to implement, so it is not a process to be entered into lightly. This applies not only to designation of streets but also any variation of permitted trading times. However, it is now more than sixteen years since the controls were brought in. This alone would have been sufficient to justify their review. However, the matter was brought to the fore in 2006/7 when concerns arose over a street café operating without a licence on Market Hill and as to whether the restrictions were still appropriate.
- 5.7 The Overview and Scrutiny (Community Services) Committee agreed that the street trading review outlined in Appendix 1 to Paper G90 at that meeting be undertaken with the aim of reporting back to the Committee in late 2008. The review was incorporated into the Committee's workplan.

- 5.8 In June 2008, a detailed informal consultation letter was sent to Sudbury Town Council, Long Melford Parish Council, Sudbury Chamber of Commerce, Suffolk Constabulary and Suffolk County Council. (Appendix A).The letter outlined current legal controls, how changes could be made and their likely impact. It sought the views of those consulted as to what, if any, changes should be made.
- 5.9 Responses to the informal consultation showed no great case for change Suffolk County Council gave only a telephoned response with no particular views expressed and Long Melford Parish Council did not respond. Sudbury Town Council have requested no change. Both Suffolk Police and Sudbury Chamber of Commerce are happy for any decision to be left to Babergh.
- 5.10 It became apparent during the review process that the café mentioned in 5.6 above presented a special case. In general, street café operation outside existing shops in all areas of Babergh apart from the central area of Market Hill and the Old Market Place, Sudbury are not affected by the current street trading controls of the LG(MP)Act 1982. However, the café in question was not exempt and was benefiting from a lucrative trading position that was not available to legitimate traders.
- 5.11 Unless Members consider it essential that a street café operate on the central area of Market Hill or the Old Market Place, Sudbury outside market days, the cost of changing the current system to allow regular daytime trading and benefit perhaps one or two business operations could be seen as disproportionate, especially in the absence of any demand for change from interested organisations.
- 5.12 Street café operation may still require the permission or license agreement of the landowner, usually Suffolk County Council as the Highways Authority, and there may be Planning considerations as well. The Council currently has arrangements in place to liaise with Suffolk County Council on applications for pavement use to ensure a consistent approach. Planning consent matters are dealt with on a case by case basis.
- 5.13 In light of the responses received and the observations in 5.11 and 5.12 above, it is considered that no changes are required to designated street trading areas.

6. **APPENDICES**

Appendix A: Consultation letter on changes to street trading
Appendix B: Street Trading Enforcement Policy

7. **BACKGROUND PAPERS REFERRED TO:**

None.

CONTACT: John Rainer

EMAIL: john.rainer@babergh.gov.uk



Malcolm Firth B.Sc. MCIEH
Head of Natural and Built
Environment
Babergh District Council
 Corks Lane, Hadleigh, Ipswich IP7 6SJ

DX NO: 85055 Exchange: Babergh
 Main Switchboard: **01473 822801**
 Website: www.babergh.gov.uk

See recipient list, page 3

Your Ref:
 My Ref: FSR/JR/66549

Please ask for: John Rainer
 Phone Direct Line: **01473 825884** ☎
 Fax: 01473 825738
 Email: john.rainer@babergh.gov.uk

26 June 2008

Dear Sirs,

Review of Street Trading Controls in Babergh
Local Government (Miscellaneous Provisions) Act 1982

I am writing to seek your views on some specific street trading controls in Babergh as part of a review process currently being undertaken by Babergh District Council. This letter attempts to summarise the key issues for you to assist in formulating a response. I apologise in advance for it being somewhat lengthy but although this is a simple subject, the legal aspects around it are complex. Even so, I have had to make some simplifications for the sake of clarity.

The review is exclusively concerned with street trading subject to the above Act. Street trading in the context of this review is the operation of vehicles, stalls and other mobile trading in public street areas. It does not include trade from fixed premises except in some very limited cases.

The Local Government (Miscellaneous Provisions) Act 1982 allows a local authority to adopt law that can control some types of street trading. In 1992 Babergh used these powers to address a problem with burger vans and other mobile stalls operating in Sudbury Town Centre and Hall Street, Long Melford. The need for their use arose from widespread concern about the character of key public areas being affected by this kind of trade.

It is now 16 years since the adoption of these controls, during which time public and business expectations of how trade should be restricted have moved on. It is time they were reviewed to see if they are still relevant and appropriate to our community.

At present, this consultation is limited to consultees in the areas of the existing scheme, mainly because there is currently no evidence to support the use of additional street trading controls elsewhere in Babergh. This approach can be re-considered if necessary.

A report on this review will go to Members at Babergh later this year. In the meantime I would be grateful for your views as to whether the existing trading controls are adequate, whether there should be changes and what those changes could be.

I have outlined below some information to help explain this issue.

Background

The street trading law under review is implemented through a complex and lengthy process using powers in the Local Government (Miscellaneous Provisions) Act 1982. It is intended to control trading in public open street spaces and to maintain a balance of facilities that reflect the needs of consumers while offering some protection to established competing businesses.

All types of trade from food to Christmas wrapping paper sellers are covered by this legislation but there are a number of exemptions which will be discussed later.

For the controls to work, streets covered by this law are given three types of designation. The currently designated streets in Babergh are set out at the end of this letter and the street types are:

1. Prohibited streets

No street trading is allowed in these areas.

2. Consent streets

Stallholders apply for a consent to trade for which there is a fee. The issue or refusal of consents is at the complete discretion of the Council. The street may be subject to limited trading hours. Part of Hall Street, Long Melford is a Consent Street.

2. Licence streets.

Trade is permitted subject to a licence fee but trading hours can be restricted. Other restrictions in Licence Streets are not straightforward, though and numbers of traders may only be limited by the available space. The Council can restrict to some extent numbers of the same type of business.

Trade not covered by Street Trading Controls

1. Pavement cafes, tables and stalls

In general, pavement cafes operating in the street at the front of shops are not covered by the controls under review. There are usually no restrictions on pavement cafes outside existing shops in street trading law. However, there will be always be a need to get the permission of the landowner (normally Suffolk County Council Highways) and there may be a need for planning permission in some cases.

No changes in Babergh street trading controls are needed to permit the operation of pavement cafes. The exceptions to this general rule are where proprietors want to place tables away from their business frontage in another street or area.

2. Markets established by law.

A chartered market such as Sudbury's is exempt from control.

3. Street closures

Where streets are closed to permit events to take place within them then the controls do not apply. If North Street, for example, is closed for a French Market or charity day, street trading is allowed.

4. Various other exemptions

These include newsvendors, pedlars, roundsmen and some other minor uses.

Specific issues relating to Sudbury Market Hill

The central area of Sudbury Market Hill is a Licence Street with restricted evening and Sunday afternoon trading hours. The surrounding streets are Prohibited Streets to prevent excluded trade being pushed into adjacent areas.

At present, the evening trading hours limit the numbers of businesses wanting to use the Market Hill. This will not be the case if weekday daytime trading is allowed.

Sudbury Market Hill has frequently been the subject of requests to trade by a range of mobile business types. These include burger bars and traders in general consumer items, such as clothes and leather goods. It is clear that if the Market Hill hours are relaxed to permit daytime trade during the week, there will be many traders of all types requesting licences and for which we may not have grounds for refusal. The outcome would be certain to affect the character of the Market Hill.

You may be aware of recent issues over the use of the Market Hill for café use by one particular business. Street trading controls do not apply to Market Hill businesses using pavements around the perimeter but they do apply to its central area. Current restrictions do not permit this part to be used during the day on weekdays or for any one trader to have sole use of this location.

Re-designating the Market Hill as a Consent Street would give Babergh much more discretion and control over its use, but there would still be some issues of natural justice and human rights to address in considering any competing applications. There would not be a guarantee of trade at the outset for any one operator but the types and appearance of stalls could be controlled.

General issues for Consent Street re-designation

Consent Streets could be seen as one answer to issues with the Market Hill. However, carrying out re-designation is complex and very costly. It requires advertisement of a council resolution of intention to implement proposals, formal consultation with the police and relevant highways authorities, consent of the latter, invitation for public consultation, a council meeting to consider all representations, a further resolution passed and further advertisement of that resolution. In addition, there may be a need to amend parking restrictions and other highway matters before a resolution can become effective. Unfortunately, the same cumbersome procedure applies for a simple variation of hours. Experience shows that the whole process can take several months.

APPENDIX A

This means that if Babergh is to revise its trading controls as the result of this review it must be satisfied that the expense and use of resources is based on sound evaluation of changes in public expectation of the kinds of services that should be available. There also needs to be a business demand that extends further than the needs of any single operator to justify the considerable cost to the taxpayer.

Your views

I would be grateful for your views by 31st July 2008 to help Babergh decide whether change is necessary. In particular, I would appreciate observations on:

- whether there should be variation in trading hours for the central area of Sudbury Market Hill.
- whether there should be re-designation of existing streets to permit or restrict trading there.
- in the case of any proposed Consent Streets, the nature and number of traders envisaged.
- whether there should be any extension of the scheme to other streets in the neighbourhood of Sudbury and Long Melford.
- whether it is considered that existing controls are adequate.

All other views will be considered, of course, but please note that this is an informal consultation. If any changes are proposed and the statutory process started, then formal consultation with relevant bodies will follow.

What superficially seems a straightforward issue to resolve is in fact rather complex to administer because of the legal procedures involved. If you have any queries, please contact me.

Yours faithfully,

John Rainer
Food & Safety Regulation Manager

Consultees:

Sudbury Town Council, Council Offices, Town Hall, Sudbury, Suffolk CO10 1TL

Sudbury Chamber of Commerce and Industry, PO Box 8073, Bures, Suffolk, CO8 5BW

Suffolk County Council Highways (fao John Boutcher), Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX

Suffolk Constabulary, Police Headquarters, Martlesham Heath, Ipswich, Suffolk, IP5 3QS

Long Melford Parish Council, c/o Brinkleys, Hall Street, Long Melford, Sudbury, CO10 9JR

Associated information on street trading issues**Council Resolutions:**

Initial adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 - Environmental and General Services Committee 11th May 1992.

Variation of trading hours for licensed street(s) in Sudbury to permit (Remembrance Sunday excepted) trading on Sundays from 12 noon to 6pm - Environmental and General Services Committee 13th January 1997.

In 1999, part of Bourne Bridge, Wherstead, was designated as a Consent Street to assist a Millennium funding bid.

Part of Hall Street Long Melford has been designated as a Consent Street as of 1st August 1994 - Environmental and General Services Committee 4th July 1994

Current Permitted Hours of Trading:**Licensed Street (Central Area, Market Hill, Sudbury)**

Monday to Saturday: 6pm to midnight.
 Sunday: 12 noon to 11pm (except Remembrance Sunday).

Consent Street (Hall Street, Long Melford)

9am to 10pm

Prohibited Streets in Sudbury

Acton Green.
 Bank Buildings.
 Burkitts Lane.
 Christopher Lane.
 Croft Road – between Acton Green and Inkerman Row.
 East Street.
 Friars Street – up to its junction with Quay Lane.
 Gainsborough Street – up to its junction with Gregory Street.
 Gaol Lane.
 Great Eastern Road.
 Hamilton Road.
 Inkerman Row.
 King Street.
 Market Hill – north and south sides.
 North Street.
 Old Market Place.
 Siam Place.
 Station Road.
 Weavers Lane.

Consent Streets in Babergh

Hall Street, Long Melford - between St. Catherines Road and the bridge. No more than ten consents to be issued in any twelve month period. Consents subject to standard conditions.

Bourne Bridge, Wherstead - the Babergh half of the Bridge forming the boundary between Ipswich Borough Council and Babergh District Council at Wherstead Road Ipswich (maximum two occasions per year as part of an organised community street fair).

Outside the above designated areas, street trading restrictions as part of schedule 4 above do not apply.

K:\DOCS\Committee\REPORTS\Overview&Scrutiny\Community\2008\251108-ReviewofStreetTradingAppA.doc

BABERGH DISTRICT COUNCIL

STREET TRADING ENFORCEMENT POLICY

1. Objectives

- 1.1 It is the policy of Babergh District Council to ensure that the enforcement of street trading restrictions within its area is carried out in an equitable manner and in a way that respects the rights of businesses at fixed premises and established markets while preserving amenity as necessary.
- 1.2 Street trading restrictions were adopted as per Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on June 1st, 1992 and subsequently amended. They came into force on 1st July 1992. Current restrictions are specified in Appendix A.

2. Implementation of Policy

- 2.1 The policy will be implemented in accordance with enforcement techniques and practices which are:-
- (a) consistent with current statutory and professional guidance;
 - (b) fair;
 - (c) in accordance with sound principles of common sense;
 - (d) consistent within the area of the Council;
 - (e) consistent with the principles of the Council's corporate Enforcement Policy and the Environmental Services General Enforcement Policy.
- 2.2 Enforcement will be carried out by appropriately qualified and competent officers given suitable authorisation and delegation appropriate to their designation and duties.
- 2.3 All authorised officers are to make themselves fully acquainted with the requirements of this policy, and will abide by its terms when making enforcement decisions. Any departure from the policy is permitted only in exceptional circumstances capable of justification, and authorised by the relevant departmental manager.
- 2.4 Appropriate training for familiarisation with this policy and with supporting documents will be given as necessary to enforcement officers.
- 2.5 The designated officers for the implementation of this policy are:-
- (a) Head of the Natural and Built Environment
 - (b) Food and Safety Regulation Manager
 - (c) Environmental Protection Manager
 - (d) Environmental Protection Team Officers
 - (e) Licensing Officers

2.6 This policy and the Council's General Enforcement Policy should be read together. In the event of any conflict between the two the principles of the General Enforcement Policy will take precedence.

3. **Monitoring etc**

3.1 This policy will be monitored by the Head of Natural and Built Environment, the Food and Safety Regulation Manager and the Environmental Protection Manager in the course of their line management supervision. Monitoring checks of inspections by officers will be undertaken by the Environmental Protection Manager, together with a review of records and correspondence. Any non-compliance with the policy will be discussed first with the inspecting officer to determine the reasons. Persistent non-compliance with the policy may be a disciplinary matter.

3.2 Any street trader who feels aggrieved about the implementation of this policy may seek in writing to have the matter investigated in accordance with 3.1 above and the Council's formal complaints procedure.

3.3 Where there appear to be differences in enforcement policy between Babergh and other Suffolk local authorities that could materially affect action that might be taken against a street trader then the matter may be referred to the Suffolk Licensing Group to ensure a consistent approach.

4. **Responsibilities and Duties under the Policy**

4.1. The Head of Natural and Built Environment will:-

- Seek any necessary delegated authority from the Council to secure the implementation of this policy.
- Appoint officers to carry out the Council's statutory functions in relation to street trading who are qualified, experienced and competent.
- Authorise such officers to perform their enforcement duties.
- Authorise the taking of prosecutions and administration of simple cautions when appropriate.

4.2 The Environmental Protection Manager will:-

- Carry out the duties of the Head of Natural and Built Environment in his absence.
- Organise or undertake the investigation of street trading complaints in accordance with the division's approved operating procedures.
- Decide what enforcement action is appropriate, and with consultation with the Council's Solicitor where necessary.
- Receive and submit recommendations for prosecution or simple cautions to the Head of Natural and Built Environment for formal approval.

- Administer and record simple cautions.
- Obtain authorisation from the Head of Natural and Built Environment for officers employed as Environmental Protection Team Officers to carry out their enforcement duties.
- Ensure that officers carrying out street trading enforcement duties receive adequate training and are suitably qualified commensurate with those duties.
- Assist with review of this policy as necessary in the light of changes in legislation, statutory or professional guidance or experience, in consultation with the Food and Safety Regulation Manager and the Head of the Natural and Built Environment Division.
- Undertake the monitoring function of the policy detailed in 3.1

4.3 The Food and Safety Regulation Manager will:-

- Ensure adequate co-ordination exists between the Licensing Officers for administration and issue of licences and Environmental Protection Officers for enforcement matters.
- Ensure that appropriate arrangements are in place to ensure that applicants for street trading licences are made aware of the Council's Enforcement Policies.
- Agree with the Environmental Protection Manager any revisions to this Enforcement Policy.

4.4 Environmental Protection Officers will:-

- Be authorised by the Head of Natural and Built Environment to carry out Street Trading enforcement duties.
- At all times work under the general supervision and guidance of the Environmental Protection Manager.
- Undertake the investigation of street trading complaints and maintain detailed and accurate records.
- Undertake all enforcement action (described later in this policy) when circumstances demand, referring matters requiring formal action to the Environmental Protection Manager.
- Except for verbal advice, seek endorsement of the enforcement action decided upon before commencement.

4.5 Licensing Officers will:

- Make all applicants aware of this policy and of the terms and conditions that apply to all areas of Babergh District Council where street trading is restricted or prohibited.
- Refer all complaints of illegal street trading to the Environmental Protection Manager for investigation.

5. **Enforcement actions**

5.1 The decision to use enforcement actions will depend on the severity of the non-compliance. Factors that will be taken into consideration include:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals.
- Evidence that suggests that there was pre-meditation in the commission of an offence.
- The alleged offence involves a failure to comply in full or in part with the requirements of an unequivocal trading restriction.
- There is a history of previous warnings or the commission of similar offences.
- Aggravated circumstances such as obstruction of an officer or aggressive/violent behaviour.
- Non payment of licence fees.
- The likelihood of the offender being able to establish a defence.
- The advice contained in the Code for Crown Prosecutors.

5.2 Enforcement decisions and actions will be made with due regard to the provisions of human rights and anti-discrimination legislation.

5.3 In the public interest, matters concerning non-compliance will be shared, where appropriate, with other enforcement agencies and with due regard to the provisions of the Data Protection Act.

6. **Enforcement Options**

6.1 Enforcement options are:

- No Action
- Verbal Warnings
- Written Warnings
- Licence Revocation

- Prosecutions
- Simple Cautions

6.2 **No action**

6.2.1 This will be appropriate for very minor offences or technical breaches that are immediately remedied.

6.3 **Verbal warnings**

6.3.1 Verbal warnings are appropriate for advising licensed and unlicensed traders about more serious contraventions that are easily remedied. The Officer will usually give the trader suitable advice and set an appropriate timescale for remedial action. Examples might be the selling of non-permitted goods or an existing trader exceeding trading times by minor amounts. They might also be appropriate where in the investigating officer's opinion, a trading contravention has been genuinely inadvertent and the breach remedied at short notice.

6.4 **Written warnings**

6.4.1 Written warnings shall be issued for more serious contraventions and those that have not been remedied by the licensed trader within a requested time period. Examples might be trading in a prohibited street or significantly exceeding permitted hours where the trader is known to be aware of restrictions or has failed to remedy them promptly. They should also be used where licence fees are in arrears for more than six weeks.

6.4.2 Written warnings will state:

- The requirements contravened.
- What remedial action is required.
- The consequences of non-compliance.

6.4.3 Only one written warning will be permitted before repeat offences proceed to formal action.

6.5 **Revocation**

6.5.1 Officers shall consider revocation where a serious contravention of licence conditions, particularly those leading to a conviction, or persistent non-compliance has taken place.

6.5.2 Officers shall also consider revocation where a trader is more than 12 weeks in arrears with their licence fees.

6.6 **Prosecutions**

- 6.6.1 The decision to prosecute is related to the seriousness of the offence and the public interest in so doing. For street trading, it is reserved for those persons who blatantly or repeatedly disregard the law in full knowledge of its requirements.
- 6.6.2 The factors that are considered when initiating legal proceedings are detailed in the Council's enforcement policies.
- 6.6.3 In the event of a prosecution being authorised the papers will be forwarded by the Environmental Protection Manager to the Council's Solicitor with a request to initiate court action.

6.7. **Simple Cautions**

- 6.7.1 If the offence is a first offence, or is of a technical nature, or is not sufficiently serious to proceed to Court, but could nevertheless be proved, a simple caution may be recommended by the inspecting officer, in conjunction with the Environmental Protection Manager.
- 6.7.2 The Environmental Protection Manager will consider the report, any representations and other information concerning the proposed legal action, and will recommend the Head of Natural and Built Environment to authorise or administer and record the simple caution.
- 6.7.3 Simple cautions will be administered according to Home Office and other relevant guidance.
- 6.7.4 In the event of a simple caution being offered and declined by the offender (or a failure on his or her part to make a clear and reliable admission of the offence, the Environmental Protection Manager will recommend prosecution in accordance with this policy, and within powers delegated to the Head of Natural and Built Environment.
- 6.7.5 The outcome of all Court proceedings and formal cautions will be notified by the Head of Natural and Built Environment to all interested parties.

Associated information on street trading issues

Council Resolutions:

Initial adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 - Environmental and General Services Committee 11th May 1992.

Variation of trading hours for licensed street(s) in Sudbury to permit (Remembrance Sunday excepted) trading on Sundays from 12 noon to 6pm - Environmental and General Services Committee 13th January 1997.

In 1999, the part of Bourne Bridge, Wherstead, was designated as a consent street to assist a Millennium funding bid.

Part of Hall Street Long Melford has been designated as a Consent Street as of 1st August 1994 - Environmental and General Services Committee 4th July 1994

Current Permitted Hours of Trading:

Licensed Street (Central Area, Market Hill, Sudbury)

Monday to Saturday: 6pm to midnight.

Sunday: 12 noon to 11pm (except Remembrance Sunday).

Consent Street (Hall Street, Long Melford)

9am to 10pm

Prohibited Streets in Sudbury

Acton Green.

Bank Buildings.

Burkitts Lane.

Christopher Lane.

Croft Road – between Acton Green and Inkerman Row.

East Street.

Friars Street – up to its junction with Quay Lane.

Gainsborough Street – up to its junction with Gregory Street.

Gaol Lane.

Great Eastern Road.

Hamilton Road.

Inkerman Row.

King Street.

Market Hill – north and south sides.

North Street.

Old Market Place.

Siam Place.

Station Road.

Weavers Lane.

Consent Streets in Babergh

Hall Street, Long Melford - between St Catherines Road and the bridge. No more than ten consents to be issued in any twelve month period. Consents subject to standard conditions.

Bourne Bridge, Wherstead - the Babergh half of the Bridge forming the boundary between Ipswich Borough Council and Babergh District Council at Wherstead Road Ipswich (maximum two occasions per year as part of an organised community street fair).

Outside the above designated areas, street trading restrictions as part of schedule 4 above do not apply.

Markets

Sudbury Market

The Sudbury Market charter takes precedence over street trading legislation and is not subject to restriction.

Other Street Markets

Markets where street closures are obtained through the provisions of the Town Police Clauses Act 1847 are not covered by street trading legislation. In most cases, Sudbury Town Council will obtain closure orders so that occasional markets, typically in North Street which is otherwise a prohibited street, are permitted.

Pavement cafes

Trading which is carried on in a street adjoining a premises used as a shop is exempt from street trading legislation. The street must adjoin the premises so trading in another street is not exempt. 'Shop' is not defined but street trading relates to the sale of any article, so food and refreshments would be covered.

Other exemptions

Roundsmans' sales, news vendors, petrol filling stations (it is assumed this was for the times when fuel was sold from pavement pumps).