

**Draft Street Trading Policy 2020**

**Consultation Analysis and Response**

**INTRODUCTION**

**The consultation**

0.1 Birmingham City Council (BCC) conducted a public consultation exercise about its proposals for a new street trading policy for a period of 10 weeks between 16 December 2019 and 23 February 2020. The proposals represented a significant change of policy from the previous arrangements, the aim of which was to “completely reshape its approach to street trading” in order to

“...create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder and nuisance.”

0.2 In total 170 respondents responded to the 16 questions included in the BeHeard questionnaire, furthermore responses were received via the mechanisms shown in 0.2,2 to 0.2.5 below. Respondents included current and prospective traders, representative trade organisations, elected members, members of the public, and other departments of BCC. Responses were received via the:

0.2.1 the BeHeard process,

0.2.2 Licensing and Public Protection Committee

0.2.3 Coordinating Overview and Scrutiny Committee

0.2.4 discussions at a briefing session and

0.2.5 a written submission on behalf of the Birmingham Street Traders Association (BSTA).

0.3 In this document, we analyse the main issues raised by respondents during the consultation and set out BCC’s considered response to them, in terms of taking the policy proposals forward and, where appropriate, inviting further responses.

**ISSUES RAISED BY RESPONDENTS**

**1.0 Prohibited Streets**

**1.1 BCC proposed to introduce the prohibited streets designation for all current red routes and metro routes (and approved extensions) within Birmingham. This would have the effect of removing some current street trading locations.**

**1.2 Some respondents said that current street traders should be permitted to continue trading on prohibited streets (to prevent loss of livelihoods) and, in general, street trading should be permitted if no obstruction would be caused. Introducing prohibited streets would restrict choice for pedestrians.**

**1.3 Response:**

1.3.1 The objectives of red and metro routes include the free flow of traffic by preventing (and where prevention is not possible, minimising) unauthorised obstructions such as parking.

1.3.2 There is currently only one street trader trading from a proposed prohibited street. This street trader currently holds multiple consents and hence the impact of losing this location will be less than if he/she held only one consent. Furthermore, under the proposed policy the trader will be able to apply for a consent anywhere in the city.

1.3.3 We believe that allowing street trading generally on such routes would operate as an incentive for other vehicles to stop illegally.

1.3.4 In addition, in Birmingham, the routes in question are always busy, and BCC considers that consenting to street trading on them will introduce public safety risks to pedestrians (e.g. through distraction) that can and should be avoided by prohibiting street trading, especially given the extremely limited interference with current trading arrangements that will be caused.

**2.0 No financial security if maximum consent is 12 months**

**2.0.1 Some respondents commented that an annual consent which may or may not be renewed after 12 months does not give sufficient financial security to encourage traders to invest significantly in their businesses, including by purchasing a mobile trading unit or securing a mortgage etc.**

**2.1 Response:**

2.1.1 The Local Government Miscellaneous Provisions Act 1982 does not allow a consent to be granted for a period longer than 12 months. Although, in October 2014, central government indicated an intention to change this position by legislation,<sup>1</sup> no such change has yet been made. There is therefore no option but to require traders to renew their consents at the end of a period that cannot exceed 12 months.

2.1.2 It is also a requirement of the EU Services Directive 2006 (the "Directive"), and the Provision of Services Regulations 2009 ("PSR 2009") that any consent regime is not dissuasive of new street traders seeking to enter the market.

2.1.3 BCC has, nonetheless, considered the comments made by respondents and thinks that there is some merit in the point set out above, and some appropriate action that it can and should take within the statutory framework.

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<sup>1</sup> See *Government response to the consultation to repeal the Pedlars Acts and make changes to street trading legislation in England and Wales*, Department for Business Innovation and Skills, October 2014.

2.1.4 BCC's new policy aims to support and facilitate a high-quality street trading offer, as has been set out in the draft policy, and BCC therefore agrees in principle that it is appropriate to support traders to invest in their businesses, so far as is lawful and proportionate. BCC must, however, balance its support for traders successful at initial application under any new policy with a recognition of the need to allow new traders into the market, given that the supply of street trading locations within the city centre and other desirable locations is limited and likely to be exceeded by the demand from new and existing traders.

2.1.5 BCC has therefore considered carefully how to strike an appropriate balance between supporting for traders by allowing a longer period during which they may establish their businesses without closing off opportunities for new traders.

2.1.6. We therefore propose to amend BCC's draft policy by adopting an assessment framework which supports a limited presumption that consents will be renewed, subject to conditions, for a second 12 month period. This second period will run from March to April, and will commence in the year following that in which the original consent was granted. For a trader to be able to take advantage of this presumption, they will need to show that, during the period of the first 12 month consent (up to the date of renewal), there has been full compliance with the consent conditions.

2.1.7 After any renewed consent has expired (*i.e.* after a maximum of 24-months from the grant of the original consent) a full competitive reappraisal will take place on any application for a further renewal.

2.1.8 If the new policy is introduced at some point in 2020/21, then the presumption of renewal will apply to the renewal processes for both 21/22 and 22/23 supporting a period longer than 24 months but not exceeding 28 months. This is a one-off concession to ensure implementation of the new policy is not overly burdensome and to enable traders to make decisions on a basis of greater financial security.

2.1.9 Subject to the concession referred to at para.2.1.8, however, BCC does not consider it appropriate to renew any consents granted under its new policy without a full competitive reappraisal for longer than the maximum 24 month period referred to above, given the obviously dissuasive effect that this would inevitably have on the ability of new traders to trade, and the undesirable stagnating of the market that would arise if new traders stopped applying for, or were unable to obtain, a consent.

2.1.10 It must also be emphasised that what is proposed is only a presumption of renewal and not a guarantee. There may be circumstances in which a renewal is not granted. Aside from failures to comply with consent conditions, examples include where changes to the locality since the original consent was granted mean that a first consent would not, at the time of renewal, have been granted for trading in that location, or otherwise where BCC's criteria for granting a consent are no longer met.

### **3.0 The position of current traders under the new process**

**3.0.1 Some Respondents felt that current street traders should not have to apply for a consent or renewal under the proposed policy, or should be given**

preference for consents. They felt that the proposed policy/key considerations are unfair to current traders who should be able to continue to trade without hindrance. They argued that current street traders should not have to apply for trading locations where they are already working and have worked for many years, having built up a clientele. They were, in effect, arguing for “grandfather” rights or to be allowed to apply first, so that the only basis for opening a pitch up to a new trader would be if the current trader had broken the rules or no longer wanted it. Some Respondents stated that the livelihoods of current traders are at risk from the policy and new traders.

**3.0.2 The Birmingham Street Traders Association (BSTA), in a written response that was drafted by counsel, argued that**

**(i) they had a legitimate expectation of being able to continue to trade from their current locations,**

**(ii) the proposed new policy interfered with their human rights under Article 1 of Protocol 1 and**

**(iii) the policy also interfered with their Article 6 rights in that the draft policy did not include any right to appeal against adverse consent decisions.**

### **3.1 Response:**

3.1.1 We recognise that the new policy proposals reflect a significant change of policy from the previous arrangements under which existing street traders had been permitted to continue to trade without interruption, in some cases for many years.

3.1.2 This approach had, however, given rise to a number of problems, including breaches of licence conditions in relation to which effective enforcement was extremely difficult, leading to a deterioration of the street trading offer within the city. BCC requires its policy and authorisation arrangements to be rigorously compliant with all requirements of domestic and EU law such as the EU Services Directive, under which authorisation procedures must not be dissuasive of new entrants seeking to enter the market, and considers that the existing arrangements need be updated to provide the necessary high degree of assurance in that regard, due to the restricted availability of locations within the city centre and other prime street trading locations.

3.1.3 As stated above, the Local Government Miscellaneous Provisions Act 1982 (the Act) does not allow a consent to be granted for a period longer than 12 months. BCC does not accept that any legitimate expectation has been given to current traders, but we have considered carefully whether, if these representations received are correct, BCC should nonetheless depart from the previous position.

3.1.4 We do not think that existing traders have a legitimate expectation of the continuation of the previous policy arrangements, but we have concluded that, even if

to do so would involve frustrating legitimate expectations, it is right and proportionate to depart from the previous policy and introduce a new policy.

3.1.5 There are significant drivers for a change to the previous arrangements, and a need to put in place new arrangements.

a. Birmingham's infrastructure has changed enormously since 1984 when consent streets were originally designated. These changes mean that the current street trading offer is not compliant with BCC's objectives. This is further exacerbated by the current application and enforcement process that restricts the ability of BCC to change the location and size of current trading units and to consider the quality of the trading unit or retail offer made. The current locations and sizes of trading units are not always compatible with the current infrastructure leading to issues with obstruction of the highway, obstruction of the visibility of, and entrance to, shops, and public safety in terms of clear passage through highly pedestrianised areas.

b. The nature of the current application and renewal process has resulted in very little change over decades in terms of the consent holders or product offer across the city thereby limiting innovation and quality of both the trading units and the goods sold on them.

c. In particular, the scope for consent applications for the city centre or for match day/football club trading has been extremely limited for many years as renewals of existing consents have tended to be automatic if there have been no issues. As stated above, at para.3.1.2, BCC considers that its policy and authorisation procedures need to be updated to provide the high degree of assurance required by the Council in terms of legal compliance.

d. There is an overriding need to have a policy that places fundamental public protection and public realm considerations at the heart of its authorisation scheme.

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- An enhanced retail offer

e. Events in Birmingham, such as the annual Frankfurt Christmas Market and the Commonwealth Games in 2022, together with changes such as the expansion of Business Improvement Districts, accentuate the need for street trading arrangements to be updated and properly enforceable.

3.1.6 Therefore, as the previous policy requires updating for the reasons set out above, it is necessary for changes to be implemented. It is proportionate to introduce a new policy that properly reflects the expectations of current traders, those who seek the opportunity to trade and the people who live and work, have businesses in, and visit, Birmingham and who require street trading to take place in safe and

convenient locations. It would not have been appropriate to continue with the existing arrangements, and the new policy, together with the amendments suggested in this document, seeks to strike a fair balance between the interests of all the different stakeholders.

3.1.7 The proposed key considerations in the new policy will ensure that fairness to existing and prospective traders, public safety, the prevention of crime, disorder and public nuisance, and an enhanced retail offer are at the heart of the process to approve, revoke and vary a consent.

3.1.8 Within the new policy all current traders (and potential new traders) can apply to trade from all consent streets within Birmingham and hence they have opportunities to trade beyond the locations to which they have become accustomed. Furthermore, BCC will seek to support all current street traders who may potentially not be successful in obtaining a street trading consent in relocating to another location or a location or unit within the Bullring Retail Markets.

3.1.9 Furthermore, some respondents seemed to imply that the current locations must be treated as suitable under the new policy. This may not be the case and hence it may be that in a given current location, no consent is granted under the new policy.

3.1.10 Likewise, BCC does not accept that the proposed new policy breaches existing traders' Article 1 of Protocol 1 (A1P1) rights. Even if A1P1 rights are engaged, those rights are qualified in nature and we consider that the replacement of the previous arrangements with the proposed new policy amended in the manner described in this document is necessary and is a lawful and a proportionate means of achieving a legitimate aim.

3.1.11 We have considered the issue raised that the proposed policy contravenes existing traders' Article 6 rights in that no right of appeal was proposed. BCC does not agree that Art.6 requires a right of appeal to be provided, but we have reflected on whether it would be appropriate to provide some opportunity to request a reconsideration of an adverse decision, at least in relation to first consent applications under the new policy once it is introduced. We have decided that this would be appropriate and so we shall include such a right in the policy when it is amended for consideration by senior officers.

3.1.12 Whether such a right should be available on each subsequent occasion that a consent is sought will be considered during the first 12 months of the operation of the new policy, as part of our ongoing review of its operation.

#### **4.0 Less commitment by occasional traders**

**Some respondents suggested that occasional traders would have a negative impact on long term traders and the economy, and that they would not get regular custom or attract people to the area.**

**4.1 Response:** There are currently match day street traders and other street traders who have to apply for an annual consent to work for less than 30 days a year. This

proposal would merely regularise the consent process. Occasional street traders could also enhance the retail offer of an area for limited times of the year such as summer or Christmas.

## **5.0 No change required**

**Some respondents said that there is no need to introduce a new policy as things are working well as they are.**

### **5.1 Response:**

5.1.1 The reasons for introducing a new policy have been set out in the consultation process and are repeated above. In particular, BCC considers that it is necessary to have a policy that is robust in its compliance with the Directive and PSR 2009, as well as UK law requirements including equality and diversity legislation.

5.1.2 The policy drivers for change are set out above in various places, but include: current infrastructure, public realm considerations, events such as the Commonwealth Games and the Frankfurt Market, the need to ensure continued legal compliance and the emergence of business groups such as Business Improvement Districts.

5.1.3 BCC has concluded that change is therefore needed for a number of different reasons, including the unsuitability of some current locations and street trading units, public safety; prevention of crime and disorder; prevention of public nuisance and the enhancement of the retail offer in Birmingham.

## **6.0 All food businesses should be treated the same**

**Some respondents said that street traders should not have to provide a higher (4 or 5) food hygiene rating than other food premises (who can trade with a score from 0-5)**

### **6.1 Response:**

6.1.1 All food businesses in Birmingham need to be registered with BCC but only some require a licence/consent. We have considered whether it would be appropriate to relax the food hygiene standards for street traders in line with the position for fixed premises, but we do not think that we should do so.

6.1.2 The necessity for a consent for street trading enables BCC to ensure that a good food hygiene and safety standard has been achieved, which promotes street trading as a high quality retail offer and supports protecting public health. There are also particular challenges to food safety and hygiene in relation to street trading units that are not present in other types of premises. Moreover, the fact that BCC does not have these powers in relation to all premises does not mean that the council should not use the powers that it does have for the protection of public health and safety.

## **7.0 Prefer no street trading**

**We received representations from respondents who felt that street trading does not enhance the retail offer and can have detrimental effect on neighbouring businesses. In addition, there was view that pedestrian flow and open spaces should not be hindered.**

### **7.1 Response:**

7.1.1 BCC believes that street trading supports the following BCC priorities:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live in.

7.1.2 Street trading encourages a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

7.1.3 Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, specialist goods and other goods for local communities, those travelling to work, and the visitors to Birmingham.

7.1.4 We therefore do not agree that street trading should be prohibited, although, for reasons expressed in the draft policy and elsewhere in this document, we do think that the current arrangements require updating in order to continue to provide a fair, legally compliant regime which is more closely aligned to BCC priorities and supportive of a higher quality street trading offer.

## **8.0 More/appropriate enforcement required**

**Some respondents said that street trading needs more enforcement to ensure traders do not “spread” or use their consent to park their cars adjacent to their street trading unit. There was also a comment referring to BCC’s ability to control this sector to restore pride in the city and to ensure visitors return.**

### **8.1 Response:**

8.1.1 BCC agrees with this representation. Compliance with street trading consents and illegal street trading will be enforced against by Street Trading Enforcement Officers in line with BCC’s Regulation and Enforcement Department’s Enforcement Policy.

## **9.0 Units should be allowed to remain in situ after trading**

**This argument was put forward by some respondents.**



## **9.1 Response:**

9.1.1 BCC has considered whether or not there is merit in this argument. The draft policy is based on the use of mobile units for street trading, which will have to be removed after the end of trading each day.

9.1.2 We remain of the view that removal each day is necessary. Street trading units are not designed to form part of the permanent street scene/public realm. In the past, some street traders have failed to remove their units as required and this has caused problems. Many areas of Birmingham now have a thriving night-time economy which is detrimentally affected by the presence of closed up mobile units. These closed units also attract potential criminal damage and anti-social behaviour through graffiti etc, which has a further negative impact on the street scene.

9.1.3 Units that remain in situ may also attract the need for planning permission and/or be rateable hereditaments attracting liability for business rates. The cost of street trading is significantly less than that of having a shop or other permanent structure in the vicinity and reasons for this include reduced costs from not paying for leases or business rates because the trading unit is mobile. In addition, where a traffic regulation order etc. is in place then it is expected that the street trader will comply with any requirements. If they are unable to comply then their street trading consent application may not be considered suitable.

## **10.0 Request for the exemption of BCC Parks from Street Trading Policy**

**The Partnership Manager for BCC Parks Services requested an exemption on the basis that there were already alternative processes in place for the regulation of catering within parks.**

## **10.1 Response:**

10.1.1 Given that the Parks Service has Byelaws in place that prevent the display, sale etc. of goods without the agreement of the Council and the means of enforcement of the same, it is considered appropriate to exclude specific parks from designation as consent or prohibited streets within the 1982 Act.

## **11.0 The need for current street traders to be made fully aware of the proposals.**

## **11.1 Response:**

11.1.1 The City Council agrees with this representation. Traders have been written to about the consultation, have had the proposed policy delivered personally to them by hand and have been invited to a briefing about the proposed policy if they wished to attend. This briefing was attended by approximately 40 traders. The Chair of the Birmingham Street Traders Association was present, and the traders were also represented by a Field Officer from the National Federation of Market Traders. Furthermore, the Birmingham Street Traders Association have made a submission to the consultation through their appointed Counsel.

## **12.0 Design brief too restrictive**

**Some Respondents argued that the design brief under the new policy is too restrictive and allow more flexibility.**

### **12.1 Response:**

12.1.1 BCC's City Design Team have reviewed the design brief and have made some amendments to increase flexibility and that will be included in the final version of the policy.

## **13.0 All elected members should be made aware of the consultation**

### **13.1 Response:**

13.1.1 All BCC members were contacted by email making them aware of the consultation and how they could send in their responses.

## **14.0 Traders Associations should be informed of the consultation**

### **14.1 Response:**

14.1.1 All Business Improvement Districts have been informed of the consultation. The Birmingham Street Traders Association has participated, and the consultation was available to all traders' associations via the BeHeard online consultation which was accessible to all.

## **15.0 Participation in decisions by existing traders**

**We received representations to the effect that that traders are entitled to full participation in the consent process which the new policy proposals would deny them.**

### **15.1 Response**

15.1.1 It is not appropriate or necessary for traders (current or new) to be involved in the decision-making process on consent applications. BCC will ensure that the application process is fair by identifying both the consent criteria with which all street traders would be expected to comply and by including a framework for decision making (when considering application and renewals) within the policy. All potential traders will be able to put their case why they should be granted a consent under the new policy, in the full knowledge of the criteria the authority intend to apply.

15.1.2 Additionally, as set out above, BCC will introduce an internal appeals process to senior officers against an adverse decision on a consent application, at least in relation to first applications under the new policy when implemented. The appeal mechanism will be outlined in the final policy document.

## **16.0 The Directive, PSR 2009 and the BIS consultation response 2014.**

**The BSTA Representation argued that BCC's new policy needed to address the issues referred to in the government consultation response referred to at para.2.1.1 (and footnote 1) above – "Street Trading and Pedlary Legislation: Compliance with the EU Services Directive" (BIS, October 2014) which related to a consultation exercise issued on 23 November 2012 "Consultation to repeal the Pedlars Act and make changes to street trading legislation in England and Wales"**

### **16.1 Response**

16.1.1 We agree that our policy needs to be compliant with the relevant current legislation. We have referred to the BIS consultation response above, at para.2.1.1. Where BCC has a discretion, we have taken account of the views expressed by central government in that document, but which government has never implemented.

16.1.2 In taking account of those views, we have also recognised that we are not bound by the government's approach as set out in that document or by its views on the law, and that the views set out in that document must now be considered in the current context some 5 ½ years later. Moreover, the majority of the views expressed in that document relate to street trading licences and not consents. It cannot be assumed that the approach to licences set out in that document should necessarily or automatically be imported into the consent regime at this time.

16.1.3 Nonetheless, we agree that the contents of the document are relevant to the issues involved in developing the new policy and we therefore agree with the representation that it should be taken into account, even with the caveats we have set out above. The revised version of the policy will set out BCC's proposals in relation to the issues raised in that document more specifically, though it must be said that as originally drafted and consulted on, we think our proposals are clear.

16.1.4 In particular, when considering the policy proposals again in the light of the responses to consultation, and when putting those proposals to members, we shall have such regard as we consider appropriate to the government's views as expressed in the October 2014 BIS document.

16.1.5 The Street Trading Policy 2020 will seek to be compliant with both the Directive, the PSR 2009 domestic law, including human rights and equality legislation, and those aspects of government's views as set out in the BIS consultation response that BCC considers appropriate and has power to implement under the current legislation. The Services Directive distinguishes between two categories of service provider – those that are exercising the freedom of establishment (an established trader) and those that are exercising the right to provide cross-border services in a Member State other than the one in which he or she is established (a temporary trader). Article 9 of the Services Directive sets out the requirements for an authorisation scheme for established traders and Article 16 sets out the requirements for temporary ones.

16.1.6 The following bullet points summarise BCC's approach to compliance with the above legislation and the aspects of the BIS document that we consider appropriate. In summary, this will be achieved, amongst other things, by:

- Charging a fee that is proportionate to the cost of operating the scheme and dealing with the applications;
- Permitting payment of this annual fee in four quarterly instalments;
- Enabling electronic applications for a consent;
- Adhering to the mandatory requirement under the LGMPA to refuse a licence for applicants under the age of 17 years, but also ensuring proper regard is given to the Children and Young Persons Act 1933 and to ensure that the BCC will refuse to grant a licence if granting a licence would be a contravention of this Act.
- Stating a specific time frame in which applications will be processed.
- Adopting a new assessment framework for consent applications within which (for the avoidance of doubt) account will not be taken of matters such as whether in the location sought by the applicant "enough" traders already trade in the goods in which the applicant also desires to trade" (as this is not considered to comply with the Directive).
- Applying a flexible approach to trading days.
  - BCC does not intend to specify through any resolution a specific number of days that a trader must trade, but it does expect that traders operate on the dates and times as specified within their consent.
  - The grant of a consent will be made through an assessment framework which may include considering trading days applied for where there is demand from other would-be traders to trade from that street but will not be driven solely by this aspect.
  - In this way, the assessment framework will not be "dissuasive" to either temporary or established traders.
  - Where there is demand from other would-be traders in a street where an established trader has not availed him/herself to a reasonable extent of a previous street trading consent then this matter may be considered a discretionary ground for not supporting an application (including renewal) for a consent by an established trader. This discretionary ground will not be used with respect to a temporary trader.
- BCC recognises that LGMPA Schedule 4 para.7 restricts trading from a van, cart, barrow, other vehicle or portable stall in a consent street unless allowed within the consent permission (section 8). BCC considers that this prohibition will not hinder its ability to implement the Street Trading Policy.
- BCC will adopt an assessment framework with a limited presumption of renewal for a maximum of one 12-month period running from March to April the following the year the consent was granted, if there has been full compliance with the consent conditions in the first year or part of. On any renewal application after this maximum 24-month period, a full competitive reappraisal will take place. Time incurred in a consent granted in 2020/21 after the implementation of the new policy will not contribute to this 24-month period and the limited presumption of renewal will also be applied (as a one off) for the transition from March 2020/21 to April 2021/22.

## **17.0 Policy development with existing traders**

**Some traders and the BSTA argued that they were willing to work with BCC to develop a new policy that better reflected their views as to an appropriate policy and assessment framework.**

### **17.1 Response**

17.1.1 BCC does not consider it appropriate to develop policy in conjunction with one group of stakeholders, especially where the interests of that group are likely to be in opposition to the interests of other groups equally entitled to the fair representation of those interests and to a proper and independent decision-making process.

17.1.2 BCC does, however, intend to invite further responses to one question which is set out below before making its final decisions as to the new policy.

## **18.0 Redaction, addition or amendment to the policy following consultation**

18.1 Our main proposals to amend the draft policy on which we consulted are set out below.

**18.1.1** Amendments have been made to the design brief to make it more flexible.

**18.1.2** Removal of the proposal for the introduction of a “mobile consent”

**18.1.3** Specific Birmingham City Council Parks will be excluded, and will neither be consent streets or prohibited streets.

**18.1.4** A limited presumption of renewal will be introduced

**18.1.5** Clarification of how applications will be considered for streets where there are more applications for annual consents than availability of suitable locations will be introduced.

**18.1.6** Clarification of the assessment framework for consent applications.

**18.1.7** Quarterly payment of consents will be introduced with initial monthly payments during the first 6 months of the policy to support traders in relation to the impact of coronavirus.

**18.1.8** Reduction of the proposed 6-week window for initial applications to a 4 week period.

**18.1.9** Introduction of the following impact mitigations for traders during the implementation phase of the new policy:

- An internal appeal process for traders not successful in gaining a consent during the implementation of the new policy;
- Support to relocate to the Bullring Retail Markets if unsuccessful in gaining a consent during the implementation of the new policy;

- Detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location;
- Face to face discussion with unsuccessful traders to try and identify other suitable locations provided all other criteria are satisfied;
- Allowing current traders successful under the new policy a three-month period to obtain the approved trading unit (providing their proposed temporary trading unit is of a suitable size and construction for the agreed location).

## **NEXT STEPS – FURTHER QUESTION**

**18.1.10 The policy proposals we have developed seek to strike a fair balance between**

- (a) the need to ensure that its authorisation scheme is not dissuasive to new entrants to the market, and to make proportionate changes to the previous arrangements under which many traders have operated from the same location for many years, and**
- (b) the needs of current traders.**

**18.1.11 Respondents are invited to respond by Sunday 26 July with any alternative proposals that they may wish BCC to consider, which would allow for new entrants to enter the market for city centre and match-day street trading while making fewer or less significant changes to circumstances of current traders.**

**Any representations should be sent to [marketstalls@birmingham.gov.uk](mailto:marketstalls@birmingham.gov.uk)**

**In writing to:**

**Head of Licensing and Markets Service (inc. Street Trading)  
Birmingham City Council  
Neighbourhoods Directorate  
Regulation and Enforcement  
Manor House  
40 Moat Lane  
Birmingham  
B5 5BD**