



# Position paper - centre:mk Milton Keynes street trading regulations

## Executive summary

You have only recently been made aware of regulations that prohibit street trading in the Milton Keynes area.

Milton Keynes Council (MKC) has (possibly unintentionally) resolved that *street trading* is prohibited in the malls, the footways under the colonnades and in City Square.

## Glossary

The interpretation of the legislation relating to local street trading hangs on the meaning of terms used in the statute. We have therefore set out a glossary to assist you.

**Street Trading** - the selling, exposing or offering for sale of any article in a *Street*. Trade carried on in a *shop* or in a *street* adjoining a *shop* and used as part of the business of the *shop* is exempt from the definition of *Street Trading*.

**Street** - for these purposes, is any road, footway, ...or other area to which the public have access without payment ...The Act does not refer to a *Street* being a highway maintainable at the public expense (i.e. adopted highway) and so a *street* can be privately owned land.

**Prohibited streets** - are *streets* where *Street Trading* is prohibited.

**Consent streets** - are *streets* where *Street Trading* is permitted, with the consent of the MKC.

## Controls on street trading in Milton Keynes

The Local Government (Miscellaneous Provisions) Act 1982 (**Act**) gives local authorities power to control street trading in their area. They may designate streets as prohibited streets and consent streets. MKC has been regulating *Street Trading* since 1988. The most recent controls on *Street Trading* are set out in its Street Trading Policy 2017-2020 (Policy) which was adopted earlier this year. The most recent list of prohibited streets in Milton Keynes is dated 1 April 2014. We assume that was attached to the previous edition of the Policy, but we have not been able to confirm that by obtaining a copy.

MKC have made all *streets* bounded by Portway H5, Marlborough Street V8, Childs Way H6 and the A5 trunk road *Prohibited Streets*. The streets are not individually listed but Silbury Boulevard, Midsummer Boulevard and Saxon Gate are in that area.

MKC's list of *prohibited streets* include the following statement "...all roads, footways, forecourts or other area adjacent to the streets for a distance of 60 metres from the centre line of each street are designated as *Prohibited Streets*". MKC have labelled this their "60 metre rule".

We have been unable to identify the statutory authority for the *60 metre rule*. Certainly the Act is confined to *street trading on streets* and does not extend to street trading on adjoining land. There is separate legislation which governs street trading in London, and that does have a seven metre rule.

### **How does this affect centre:mk?**

centre:mk is bordered by Silbury Boulevard, Midsummer Boulevard and Saxon Gate, and Secklow Gate traverses it. All of these are *prohibited streets*.

Putting the *60 metre rule* aside for the moment, our view is that the areas covered by the Walkways Agreement and City Square have been designated *prohibited streets* because they are *streets* within the grid designated as such.

What is the basis for that interpretation? Walkways (by definition) are areas to which the public are permitted access, albeit on terms set out in the relevant walkways agreement. The Walkways Agreement affecting centre:mk designates most of the malls and the external footways under the colonnades as walkways.

### **Intu**

There will be other areas in the vicinity that will fall into that category – for example, a walkways agreement affecting Intu. When this was mentioned to them they expressed concern that the regulations may affect Midsummer Boulevard, East Walk, West Walk and Oak Court.

### **Remedy**

Rectify the Policy to make it clear that it was not the intention to

- designate City Square and the malls/walkways in either shopping centre *prohibited streets*.
- apply the 60 metre rule to the same areas.

**Cripps**  
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