



Council

Thursday, 5 December 2024

Street Trading Policy 2025-2030

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

- 1.1. In 2019 the Council approved the adoption of a new Street Trading Policy across the Borough. This Policy expires in January 2025 and is now due for review.
- 1.2. The Licensing Committee considered the revised draft Policy at its meeting on 14 October 2024 and it was resolved that:
 - 1.2.1. The draft Street Trading Policy be endorsed, subject to the inclusion of additional wording in sections related to ice cream traders to include “traders with the primary objective of selling to children”;
 - 1.2.2. It be recommended to Council that the Street Trading policy be adopted; and
 - 1.2.3. that a framework detailing the assessment of convictions and suitability of applicants process be drafted and submitted to a future meeting of Council for approval.

2. Recommendation

It is RECOMMENDED that Council approves the revised Street Trading Policy attached at Appendix 1 to the report.

3. Reasons for Recommendation

The existing Street Trading Policy expires on 31 January 2025 and provides the Council with a means to control street trading across the Borough.

4. Supporting Information

- 4.1. In accordance with the Local Government (Miscellaneous Provisions Act) 1982, all of the streets in the Borough are proposed to be designated as either “Consent Streets” or “Prohibited Streets”. This will effectively mean that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader, on prohibited streets no street trading can take place.

- 4.2. The revised draft Street Trading Policy was put out to public consultation on 21 July 2024, seeking comments by 6 September 2024. A total of two consultation comments were received and a summary is provided in Appendix H.
- 4.3. The Council's Licensing Committee considered the draft Policy on 14 October 2024. In accordance with the request by the Licensing Committee the draft policy has been amended to refer to "ice cream vendors **and traders with the primary objective of selling to children**" (amendments in bold).
- 4.4. Licensing Committee also requested a framework be submitted to Council detailing the assessment of convictions and suitability of applicants. Officers have reviewed the Policy and provided a revised framework in Appendix C.

5. Alternative options considered and reasons for rejection

No alternative is provided. Whilst discretionary, the adoption of a Street Trading Policy provides the Council with a means of controlling street trading, which is particularly needed owing to the high-profile sporting and other events located within the Borough.

6. Risks and Uncertainties

Prior to the adoption of the Street Trading Policy 2020-2025, in 2019 by Full Council, Street Trading was confined to the area around the Nottingham Forest Football Club, at the City Ground, with traders outside of this area being unregulated and able to trade wherever they pleased. It was identified that a number of roadside traders had taken advantage of this as they fell out of scope for enforcement. After adoption of the Policy traders were brought into the regulatory umbrella. If the Policy is not again adopted by Council this will give an open door to traders to roam at will across the Borough without enforcement of food standards, trading location and protection of vulnerable sectors of the public.

7. Implications

7.1. Financial Implications

Fees for Street Trading Consents are reviewed on an annual basis and are set on a cost recovery basis. Where a prosecution is undertaken costs would be reclaimed from the defendant where the prosecution is successful.

7.2. Legal Implications

The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') to regulate street trading through the designation of streets in its area under one of three statutory designations. Through the designation of streets for trading, the Council is able to authorise trading on those streets in accordance with the Policy and is able to regulate unauthorised trading.

7.3. Equalities Implications

An Equality Impact Assessment has been undertaken (Appendix G), which identified no major or adverse impacts.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

This Policy provides protections to children and vulnerable adults across the Borough who come into contact with street traders.

7.5. Biodiversity Net Gain Implications

There were no implications arising from this report.

8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

9. Recommendation

It is RECOMMENDED that Council approves the revised Street Trading Policy attached at Appendix 1 to the report.

For more information contact:	Geoff Carpenter Head of Public Protection Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Licensing Committee 14 October 2024
List of appendices:	<u>Appendix 1 Neighbourhood Services Street Trading Policy 2025-30</u> Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford

	Appendix B Proof Of Eligibility To Work In The UK
	Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions
	Appendix D Street Trading Consent Conditions
	Appendix E Data Protection Privacy Notice
	Appendix F Summary of Changes
	Appendix G Equality Impact Assessment
	Appendix H Consultation responses