



Licensing Committee

Wednesday, 13 November 2019

Adoption of a new Street Trading Policy

Report of the Executive Manager – Neighbourhoods

1. Purpose of report

- 1.1. This report seeks the approval of the committee of a new Street Trading Policy across the Borough.
- 1.2. Should the Licensing Committee approve the draft policy, members are requested to recommend adoption of the policy to Council.
- 1.3. The report also seeks to advise the committee of the responses to the consultation on the policy.

2. Recommendation

It is RECOMMENDED that the Licensing Committee:

- a) Approves the draft Street Trading Policy, and;
- b) recommends adoption of the Street Trading Policy to Council

3. Reasons for Recommendation

- 3.1. The Street Trading Policy will support the Council with greater control of street trading within the Borough. The policy will also provide greater clarity to the trade on when and where street trading can take place.

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 20 September 2019, seeking comments by 21 October 2019. A total of 5 consultation comments were received and a summary is provided in Appendix B. The most significant comments related to the potential negative impact of the policy on locally run markets which have been developed to drive growth and support the retail economy in our town and village centres. This has been noted and as a result the policy has been amended to specifically exempt markets and events accordingly.

- 4.3. The Council currently permits street trading on certain “consented streets” which are mostly situated around Trent Bridge. The new policy will enable the Council to control all street trading anywhere in the Borough rather than just on the consented streets. It is important to note that the policy does not enable street trading to take place anywhere, the landowner’s permission will be required. It will also enable the Council to take action against unlicensed pedlars. Officers’ will be able to refuse any application that cannot meet the requirements of the policy; for example, improved hygiene and environmental standards including the use of single use plastics.
- 4.4. The policy introduces a requirement for operators to have a DBS (Disclosure, Barring Service) check to ensure that those approved are appropriate to hold a licence.

5. Alternative options considered and reasons for rejection

- 5.1. It is considered that this new policy provides an improvement to the status quo; however, the alternative may be to continue with the current policy to enable the control street trading within the designated consented streets within Trent Bridge only.

6. Risks and Uncertainties

- 6.1. None.

7. Implications

7.1. Financial Implications

- 7.1.1. It is possible that the policy will result in a modest increase of no more than 10-15 additional street trading licences which given the current fees and charges would bring in something in the region of £5K additional income.

7.2 Legal Implications

- 7.2.1. 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

- 7.3.1. An Equalities Impact Assessment has been undertaken which identified no major or adverse impacts.

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

- 7.4.1 This policy seeks to extend greater protections to children and vulnerable adults across the Borough.

8 Link to Corporate Priorities

- 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.
- The Environment – Ensuring traders use best practice to minimise their impact on the environment.

9 Recommendations

It is RECOMMENDED that the Licensing Committee:

- a) Approves the draft Street Trading Policy, and;
- b) recommends adoption of the Street Trading Policy to Council

For more information contact:	Geoff Carpenter Environmental Health Manager Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix A - Street Trading Policy 2019-2024 Appendix B – Summary of consultation responses Appendix C – Equality Impact Assessment

