



Council

Thursday, 5 March 2020

Adoption of a new Street Trading Policy 2019 - 2024

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety Councillor Rob Inglis

1. Purpose of report

- 1.1. This report seeks Council approval for a new Street Trading Policy which would apply across the Borough.
- 1.2. The report also seeks to advise the Council of the responses to the consultation on the policy.

2. Recommendation

It is RECOMMENDED that Council approves and adopts the draft Street Trading Policy 2019 – 2024.

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. The draft street trading policy was endorsed by the licensing committee at its meeting on 13 November 2019.
- 4.2. 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.
- 4.3. 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 five 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.

- 4.4. 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 street trading anywhere in the Borough. 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 does not meet the requirements of the policy; for example, improved hygiene and environmental standards including the use of single use plastics given the Council’s new environment priority.
- 4.5. 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.
- 4.6. In accordance with legal requirements a public notice has been advertised setting out the policy. No responses have been received.

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 would be to continue with the current policy which controls street trading on the designated consented streets within Trent Bridge only.

6. Risks and Uncertainties

- 6.1. None.

7. Implications

7.1. Financial Implications

The amendments to the policy could result in a small increase in street trading licenses however the additional income generated is not expected to be material.

7.2. Legal Implications

The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 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 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

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 positively impact on our residents.
Efficient Services	None
Sustainable Growth	This draft policy helps to ensure a clear and level playing field for responsible street trading to thrive
The Environment	Ensuring traders use best practice to minimise their impact on the environment.

9. Recommendations

It is RECOMMENDED that Council approves and adopts the draft Street Trading Policy 2019 - 2024.

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