


Agenda Item No:	4	
Committee:	Licensing Committee	
Date:	30 June 2014	
Report Title:	Street Trading Policy	

## 1 Purpose / Summary

- To present the Licensing Committee with a report to consider the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which governs street trading and consider a draft street trading policy for public consultation.

## 2 Key issues

- Street Trading Policy development has been undertaken in response to the district experiencing problems with street trading activity. In seeking to redress those problems to the satisfaction of the community the regulatory partners have found it difficult through utilising existing enforcement options available to them.
- The policy is written in a way that will allow flexibility to enable Street Trading activity that supports the economy and tourism but enables effective powers to stop trade that is a nuisance to the community.
- Adoption of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982
- Consideration of a draft Street Trading Policy for public consultation over a 12 week period
- Committee members to discuss and agree designated street areas across the district.

## 3 Recommendations

- The Committee is recommended to:
  - Adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which governs Street Trading.
  - Agree the draft street trading policy for public consultation; and
  - The streets to be designated across the district

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	Not applicable
<b>Portfolio Holder(s)</b>	Cllr. David Oliver, Cabinet Member with responsibilities for Licensing

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<b>Background Paper(s)</b>	None

## **4 Background / introduction**

- 4.1 Local Authorities may regulate street trading in their area when they have adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. A Local Authority may then exercise their discretion by applying controls across the whole of their administrative boundary or just parts of it.
- 4.2 The draft Street Trading Policy is intended to create a street trading environment which is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of the environment.
- 4.3 The draft policy is intended to provide a framework for the Council's approach to the licensing of street trading throughout the district.
- 4.4 The policy aims to regulate the location and number of street traders, with a view to prevent obstruction of the public highway by regulating Street Trading activities.
- 4.5 Street trading is defined as the selling, exposing or offering for sale of any article in the street. This includes food items, vehicles or other things such as household items.
- 4.6 Named streets within the district may be designated as 'Consent Streets'. This means that any person who wishes to sell items in a street must first obtain a Street Trading Consent from the Council. To trade without consent would be a criminal offence.
- 4.7 The policy includes legally exempt activities however it also takes into consideration activities that are non-commercial, community and charitable events.

## **5 Considerations**

- 5.1 In accordance with best practice, the council will consult for a period of 12 weeks to ensure that all interested parties have the opportunity to engage with and respond to the draft policy. The consultation papers will be posted on the council website. Comments will be sought from:
  - Cambridgeshire Constabulary
  - Cambridge Fire and Rescue Service
  - Cambridgeshire County Council Highways
  - Cambridgeshire County Council Trading Standards
  - Parish and Town Councils
  - Current street traders
  - Local business organisations
- 5.2 In addition the council's regulatory and enforcement services will be consulted and will include:
  - Planning
  - Environmental Health
  - Economic Development
  - Leisure and Open Spaces
- 5.3 After the consultation period, officers will report all comments received back to a further meeting of the Licensing Committee, for a recommendation to the Council on a final policy.

- 5.4 It is proposed that new applicants would pay a non-refundable application fee to cover the cost of processing the application and undertaking the consultation including a site visit.
- 5.5 All fees for application and administration will be based on full cost recovery of service provision. The calculation for full cost recovery is currently being assessed and officers expect that the information will be available for Licensing Committee as additional information.
- 5.6 The policy has been drafted to reflect current legislative requirements. All applications for consents under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, would have to be made and determined in accordance with the council's Street Trading Policy.
- 5.7 Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in a policy for street trading could result in the council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

## **6 Conclusions**

- 6.1 The committee is recommended to:
- Adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which governs street trading.
  - Agree the draft street trading policy for public consultation for a period of 12 weeks.
  - Agree the streets to be designated across the district.

Street Trading Policy

