


Agenda Item No:	4	
Committee:	Licensing Committee	
Date:	16 March 2015	
Report Title:	Street Trading Policy - Consultation Responses	

## 1 Purpose / Summary

- To report to Committee on the responses to the public consultation on the proposed Street Trading Policy. To seek Committee's agreement to the Street Trading Policy and to recommend the Policy to Council.

## 2 Key issues

- Adoption of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982
- Licensing Committee met on 30 June 2014 to discuss proposals for a Street Trading Policy. Committee agreed to consult Town and Parish Councils on the draft Street Trading Policy.
- Licensing Committee met on 14 October 2014 to review Town and Parish Council responses. Committee decided that a Street Trading Policy for the Fenland District would go to public consultation for a period of 12 weeks.
- Consultation took place between 12 December 2014 and 6 March 2015.

## 3 Recommendations

- The Committee is recommended to:
  - Consider responses to the consultation process with regard to the Street Trading Policy and consider any additional amendments to the policy.
  - Discuss and agree the proposed Street Trading Policy and General Conditions with a view to make recommendation to Council.

<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 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 Background**

5.1 Licensing Committee met on 30 June 2014 and It was AGREED that the draft policy would go to Town and Parish Councils in order for streets to be identified prior to being sent out for consultation. The Licensing Committee would meet again after the draft policy had been seen by Town and Parish Council but before the document was then sent for public consultation, in order to decide what should be included. A meeting date was set for Tuesday 14 October 2014 at 10:30am.

5.2 Licensing Committee met on 14 October 2014 and it was AGREED that Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which governs Street Trading be ADOPTED;

- The draft Street Trading Policy for public consultation be AGREED;
- The designated area be the whole of the District;
- That the public consultation be for 12 weeks starting immediately.

5.3 The Council has completed a twelve week consultation on the proposed Street Trading Policy and General Conditions in line with the prescribed format of the Local Government (Miscellaneous Provisions) Act 1982 and have ensured the following:-

- published a notice in a local newspaper circulating in the area of the proposed Street Trading Policy and consultation details.

- placed the Notice and consultation detail on the Council's Website
- placed the Notice and consultation detail at each of the Council's shops
- placed the Notice and consultation detail in business reception at Fenland Hall

Served Notice on:

- the Chief of Police, Cambridgeshire Constabulary
- Cambridgeshire County Council Highways
- Informed relevant services within Fenland District Council and;
- Consulted Town and Parish Councils

5.4 At the time of writing this report there have been no responses to the public consultation for this proposed policy. However, should any comments be submitted after the deadline for this report and before the consultation closes on 6 March 2015, they will be presented at licensing committee on 16 March 2015.

5.5 A copy of the draft Street Trading Policy and conditions is provided in Appendix A of this report should Members wish to consider any additional amendments to the policy.

## **6 Legal Implications**

6.1 There is no legal requirement for a district council to set any policy on Street Trading. However, authorities may if they wish to decide to set policies in order to guide applicants and assist in consistent decision making.

6.2 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.

6.3 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.

## **7 Conclusions**

7.1 The committee is recommended to:

- Consider responses to the consultation process with regard to the Street Trading Policy and consider any additional amendments to the policy.
- Discuss and agree the proposed Street Trading Policy and General Conditions with a view to make recommendation to Council.