

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

6th December 2010

**STREET TRADING CONSENT POLICY – SCRUTINY BOARD REVIEW
FEEDBACK**

Relevant Portfolio Holder	Councillor P. Whittaker
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to provide Members with an update on the review undertaken by the Scrutiny Board on the new Street Trading Consent Policy after it had been in operation for 6 months.

2. RECOMMENDATIONS

- 2.1 That the Licensing Committee:
- (a) note the Scrutiny Board's consideration of the matter as detailed in section 4 of this report; and
 - (b) note there were no specific recommendations from the Scrutiny Board.

3. BACKGROUND

- 3.1 At the meeting of the Scrutiny Board held on 24th November 2009, Members agreed that the Street Trading Consent Policy be included as a future item in the Board's work programme. Subsequently, at the meeting of the Council on 20th January 2010 the proposed fee structure for the Street Trading Consent Policy was adopted along with a recommendation from the Chairman of the Licensing Committee that after six months, officers report to the Scrutiny Board on the operation of the Street Trading Consent Policy.
- 3.2 In preparation for this review Members of the Scrutiny Board submitted questions with regard to the Street Trading Consent Policy to the Head of Regulatory Services. These questions were then considered at the Licensing Committee meeting held on 11th October 2010.

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3.3 The Portfolio Holder for Regulatory Services, the Licensing Committee Chairman, the Council's Senior Solicitor and the Licensing Manager attended the meeting of the Scrutiny Board held on 26th October 2010. The Council's Senior Solicitor and the Licensing Manager responded to questions from Members with regard to 'tatters' (mobile scrap metal dealers), telephone canvassers and buskers.

4. KEY ISSUES

4.1 Members are asked to note the contents of Minute No. 32/10 of the Scrutiny Board meeting held on 26th October 2010 as reproduced below.

REVIEW OF STREET TRADING POLICY

The Board considered a report which reminded Members of the previous decision to review the operation of the Street Trading Policy after it had been in operation for 6 months. Reference was made to the preliminary questions which had been put to the Licensing Manager and her answers, as set out at Appendix 1 of the report. Officers advised Members that all Councillors had been given the opportunity to put forward any concerns they had about the Policy, or particular issues within their Ward. An issue had been raised in respect of a farm shop and Officers confirmed that this was being investigated.

Members discussed the following areas in more detail:

- Whether "tatters" (mobile scrap metal dealers) came under the jurisdiction of the Street Trading Policy. Officers felt it was unlikely that they would need Street Trading Consent, but agreed to investigate the issue further.*
- Members were concerned that Mobile Hot Food Takeaway vehicles which were parked in lay-bys did not meet food hygiene regulations or disposed of waste appropriately. Officers confirmed that checks were made, prior to the issue of a Street Trading Consent, to ensure that all necessary regulations would be met. Officers also confirmed that the enforcement of the Street Trading Consents would be delivered by officers from the Worcestershire Regulatory Services (WRS).*
- Members asked if the fee structure was in line with other areas. Officers advised that this had been calculated by taking an average of the fees charged by all districts throughout Worcestershire.*

The Board discussed any legislative powers that would restrict Ice Creams vehicles from parking outside schools, as they were aware that Hillingdon Borough Council had recently banned ice cream vendors from certain areas. The Senior Solicitor confirmed that the legislation that Hillingdon Borough Council had relied on was unique to London and therefore not applicable within the

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Bromsgrove District. However, it may be possible to give consideration to such a restriction when the new Core Strategy was in place.

Officers confirmed that the Street Trading Policy did not cover telephone canvassers or buskers.

Members thanked Officers for a comprehensive report and after further discussion it was

RESOLVED that the Review of the Street Trading Policy be noted.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications directly relating to this report.

6. LEGAL IMPLICATIONS

6.1 The Street Trading Consent Policy is governed by the Local Government (Miscellaneous Provisions) Act 1982.

7. POLICY IMPLICATIONS

7.1 There are no policy implications directly relating to this report.

8. COUNCIL OBJECTIVES

8.1 C02 – Improvement

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with the details included in this report.

10. CUSTOMER IMPLICATIONS

10.1 .N/a

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 N/a.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 N/a.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 N/a.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 N/a

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No

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Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None

24. KEY

None

AUTHOR OF REPORT

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