

BROMSGROVE DISTRICT COUNCIL

**LICENSING
COMMITTEE**

Date 6th June 2011

STREET TRADING POLICY - REVIEW.

Relevant Portfolio Holder	Councillor C. B. Taylor
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To receive a report on the Street Trading Policy for the District.

2. RECOMMENDATIONS

- 2.1 That Members consider and approve the contents of the draft Street Trading Policy Statement, the draft Customer Information Pack and the draft Standard Conditions attached at Appendices 1 to 3 of this report. (Members will note that Appendix 3 sets out the new proposed fee structure for Street Trading Consents).
- 2.2 That Members agree that the approved draft versions of the documents at Appendices 1 to 3 will be subject to public consultation such consultation to take place over a 12 week period with the responses being reported back to the Licensing Committee.

3. BACKGROUND

- 3.1 Bromsgrove District Council (The Council) pursuant to Section 3 of The Local Government (Miscellaneous Provisions) Act 1982 has resolved to adopt Schedule 4 of the Act to control Street Trading in the District.
- 3.2 The Council has resolved that every street within the area of the district of Bromsgrove should be designated as a Consent Street, under the Act, (LGMPA) (except those shown at Appendix 1 and nominated as Prohibited Streets).

4. KEY ISSUES

- 4.1 At the Licensing Committee held on the 10th January 2011, it was agreed that Officers would review the current Street Trading Policy with results to be presented to the Licensing Committee meeting to be held on the 6th June 2011.

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- 4.2 The review of the policy has now been completed and the proposed policy statement is attached at Appendix 1. For Members information, the proposed policy statement is based on the version currently being used in two other Local Authorities within the County. Feedback from those authorities is that the proposed policy statement has operated effectively with no significant issues being reported.
- 4.3 Members have been advised previously that Worcestershire Regulatory Services is working towards introducing common policies across the County. There are plans in place for the draft documents at Appendices 1 to 3 to be introduced in two other authorities in the near future. The introduction of this proposed policy will enable customers to benefit from a transparent, objective and consistent approach to Street Trading on a countywide basis, whilst still allowing for any local differences to be incorporated.
- 4.4 Members will recall that Officers were requested to look specifically at the current fee structure. The proposed fees are shown in the Information Pack at Appendix 2. As previously discussed at Committee the proposed fees will be consistent with the adjoining Local Authorities and set on a recovery of costs basis.
- 4.5 Standard Conditions to be attached to Street Trading Consents is shown as Appendix 3.
- 4.6 In terms of moving the process forward, the purpose of this report is to inform Members and to obtain Member approval to the draft documents. The draft documents will then go out to consultation. Officers propose a 12 week public consultation which will be circulated to interested parties and published on Bromsgrove District Council's web site. Officers will report back to the Licensing Committee with the responses to the consultation and to seek formal approval of the final version of the policy at the end of the consultation.

5. FINANCIAL IMPLICATIONS

- 5.1 Estimated costs of the service have been included within the WRS budget and are reflected as non-profit making.

6. LEGAL IMPLICATIONS

- 6 For legal implications please see paragraphs 3.1 and 3.2.

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7. POLICY IMPLICATIONS

7.1 The Council currently has a Street Trading Policy, any changes to that Policy should be consulted on through a 12 week consultation process.

7.2 Policies have several advantages, ensuring transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.

8. COUNCIL OBJECTIVES

8.1 This proposal contributes to the Council's objective "One Community"

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 None

10. CUSTOMER IMPLICATIONS

10.1 There are no adverse implications to consent holders through the proposed changes to this Policy.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 The draft revised Policy will go through a 12 week consultation and will be circulated and published on Bromsgrove District Council's web site as part of the formal consultation process, prior to coming back before this Committee.

11.2 An Equality Impact Assessment will be done as part of the consultation process and will be available as background papers.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

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14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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

16.1 The Council has a duty to have due regard to the effect of its functions on, and the need to do all that is reasonably can, to prevent crime and disorder in its area by virtue of Section 17 of the Crime and Disorder Act 1998.

16.2 By designating all, or most, streets as Consent Streets within the district, the Council can encourage commercial activity throughout the district and control it by giving or withholding consent as appropriate.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

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
Executive Director – Planning & Regeneration,	Yes

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Regulatory and Housing Services	
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 will be affected by the contents of the report

22. APPENDICES

Appendix 1	Street Trading Policy Statement
Appendix 2	Customer Information Pack
Appendix 3	Standard Conditions attached to consents.

23. BACKGROUND PAPERS

Street Trading Policy amended May 2010
Local Government (Miscellaneous Provisions) Act 1982 Section 3, Schedule 4.

AUTHOR OF REPORT

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