

**LICENSING  
COMMITTEE**

**31st October 2011**

**STREET TRADING POLICY - REVIEW**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	
Key Decision / Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To receive a report on the Street Trading Policy for the District following a consultation exercise undertaken during the period 10th June 2011 to 13th September 2011.

**2. RECOMMENDATIONS**

- 2.1 **That Members approve the wording of the Street Trading Policy Statement (Appendix 1), Information Pack (Appendix 2) and Street Trading Standard Conditions (Appendix 3), and agree that these three documents be adopted to form the Council's Street Trading Policy; and**
- 2.2 **that Members recommend to Full Council that the fees and charges as set out at Part 5 and Part 7 of the Information Pack (Appendix 2) be approved by Full Council.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 Estimated costs of the service have been included within the Worcestershire Regulatory Services (WRS) budget and are reflected as non-profit making.

**Legal Implications**

- 3.2 The law relating to Street Trading is set out in the Local Government (Miscellaneous Provisions) Act 1982. Bromsgrove District Council (The Council) pursuant to Section 3 of the 1982 act has resolved to adopt Schedule 4 of the Act to control Street Trading in the District. Further, the Council has resolved that every street within the area of the district of Bromsgrove should be designated as a Consent

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Street, under the Act, (LGMPA) (except those shown at Appendix 1 and nominated as Prohibited Streets).

- 3.3 By adopting the new Policy Members are not being asked to make any changes to the Prohibited Streets. In relation to fees, Members are reminded that there is case law which establishes the principle that fees can only be charged on a costs recovery basis. In other words the fees must reflect that actual cost to the authority of the officer time involved in administering the issuing of Consents for street trading. The Council would be open to challenge if the fees were set at a higher level.

### **Service / Operational Implications**

- 3.4 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.
- 3.5 At the Licensing Committee on 6th June 2011, Officers presented Members with a revised Policy for Street Trading and an application information pack.
- 3.6 Consultation took place between 10th June 2011 and 13th September 2011 with all relevant agencies and all consent holders. No representations/objections were received.
- 3.7 The wording of the proposed Policy statement (Appendix 1) is based on the same policy that has already been established in two other Local Authorities within the County; where it has been adopted the policy has shown to be effective. This policy is also to be introduced in two Local Authorities in the near future.
- 3.8 The introduction of this proposed policy will enable a transparent, objective and consistent approach to Street Trading on a countywide basis. This will be of benefit to customers who trade in different parts of the County.
- 3.9 Members requested Officers to look at fees in particular; the proposed fees (shown in Appendix 2 – Information Pack) are consistent with the adjoining Local Authority and set on a recovery of costs basis.
- 3.10 The Standard Conditions to be attached to Street Trading Consents are included at Appendix 3.

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## **Customer / Equalities and Diversity Implications**

- 3.11 The Council currently has a Street Trading Policy. The changes to that Policy were consulted on through a 12 week consultation process. Current consent holders will not be adversely affected by this Policy change.
- 3.12 The draft revised Policy has gone through a 12 week consultation and has been be circulated and published on Bromsgrove District Council's web site as part of the formal consultation process.
- 3.13 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.

## **4. RISK MANAGEMENT**

- 4.1 None

## **5. APPENDICES**

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

## **6. 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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