

**LICENSING
COMMITTEE**

11th June 2012

STREET TRADING – AMENDMENT

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To receive a report on the amendment of the Street Trading Policy for the District and the application process.

2. RECOMMENDATIONS

It is recommended that Members consider removing an unnecessary burden on applicants for Street Trading Consents by having to undertake a Standard/Basic Criminal Records Bureau Check (CRB).

3. KEY ISSUES

Financial Implications

- 3.1 Removes an extra financial burden upon the applicant as the fee for a Standard/Basic Criminal Records Bureau check is £31.00.

Legal Implications

- 3.2 For legal implications please see paragraphs 3.3 and 3.4

Service / Operational Implications

- 3.3 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.
- 3.4 The Council has resolved that every street within the area of the district of Bromsgrove should be designated as Consent Street, under the Act, (LGMPA) (except those shown at **Appendix 1** and nominated as Prohibited Streets).

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- 3.5 The Application process for a Street Trading Consent currently requires the applicant to provide the officers with a CRB, as per the application process agreed by this committee on 6th June 2011 **Appendix 2**.
- 3.6 This is also stated in the FAQ's (Frequently asked Questions) form **Appendix 3** and also on the checklist of the Application form **Appendix 4**.
- 3.7 Although currently a CRB is required, the question that has been asked is, what do we do with it? And is there any justifiable reason for requesting it? Significantly, there is no standard set or guidance given to identify if an offence/caution/conviction justifies review or refusal of a Consent.
- 3.8 An applicant would not have periods of time with unattended children or vulnerable adults and it must therefore raise the question as to whether the Licensing Authority has justification in requesting a CRB check.
- 3.9 An analogy would be that no other shopkeeper is required to undertake a CRB check and it is therefore arguable that there is no difference in a child purchasing an ice cream from an ice cream van or from a corner shop.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1	Policy Statement - List of Prohibited Streets
Appendix 2	Application Process
Appendix 3	FAQ's – frequently asked questions
Appendix 4	Application Form

AUTHOR OF REPORT

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