

DRAFT REVISED STREET TRADING POLICY
RESULTS OF CONSULTATION

Relevant Portfolio Holder	Councillor P. J. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee has previously approved consultation on a draft revised street trading policy. This consultation has now taken place and the results of the consultation are reported back to the Licensing Committee for consideration.

2. RECOMMENDATIONS

That Members note the responses received during the consultation exercise and RESOLVE to approve the revised street trading policy at Appendix 3 to take effect on 1st December 2017.

3. KEY ISSUES

Financial Implications

- 3.1 The costs associated with carrying out the consultation on the draft policy were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act.

- 3.3 However it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practise to review any such policy adopted from time to time.

Service / Operational Implications

- 3.4 Council's usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.5 The control of street trading can also be of benefit to traders who can obtain greater security over their "pitch" if they are the only person who has the Council's consent to trade there.
- 3.6 Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopts a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining applications made for street trading consents. It is also believed that such a policy should be reviewed from time to time to ensure it is still appropriate and in line with the Council's aims and objectives in controlling street trading.
- 3.7 The Council's current street trading policy and standard conditions have been in place since July 2011. Therefore officers believed the policy and conditions should now be subject to review. On 13th March 2017 the Licensing Committee approved a draft revised street trading policy for the purpose of consultation with relevant parties.
- 3.8 The draft revised policy is based on a template policy that officers are hoping to be able to implement across Worcestershire as part of the on-going effort to try harmonise as many licensing policies and procedures as possible across the county.
- 3.9 Consultation on the draft revised policy took place between 5th April 2017 and 31st July 2017. A consultation document was produced and a copy of this can be seen at **Appendix 1**. The consultation document and a copy of the draft revised policy were sent to:
- Existing holders of street trading consents
 - West Mercia Police
 - West Mercia Safer Roads Partnership
 - Bromsgrove District Council Planning Department

- Worcestershire Trading Standards
- North Worcestershire Economic Development and Regeneration
- Worcestershire County Council (Highways)
- Chamber of Commerce
- Worcestershire Local Enterprise Partnership (WLEP)
- Federation of Small Businesses
- Bromsgrove District Council
- Safer Bromsgrove
- All District Councillors
- All Parish Councils
- Environmental Health – Worcestershire Regulatory Services
- Highways England

3.10 The following organisations responded to the consultation to express support for the draft revised policy document or to indicate that they did not have any comments to make on it:

- West Mercia Safer Roads Partnership
- Highways England
- Dodford with Grafton Parish Council
- Wythall Parish Council.

3.11 The only substantive response to the consultation came from Worcestershire Trading Standards. This response can be seen at **Appendix 2**.

3.12 Following consideration of the points raised by Worcestershire Trading Standards a number of small amendments have been made to the draft revised policy. These have been highlighted in bold and italicised text in the draft revised policy shown at **Appendix 3**.

3.13 Furthermore section 2 of the draft revised policy has been amended by officers to reflect the anticipated decision of the Council to resolve to designate all streets as consent streets with effect from 1st December 2017. If such a resolution is not passed, then the policy will need to include details of those streets which have been designated as prohibited streets in section 2.

3.14 Members are asked to note the responses received during the consultation exercise and to resolve to approve the revised street trading policy shown at **Appendix 3**, to take effect on 1st December 2017.

4. RISK MANAGEMENT

- 4.1 In order to minimise the risk of legal challenge to any policy subsequently adopted, proper and effective consultation on the draft revised street trading policy is being recommended.

5. APPENDICES

Appendix 1 – Consultation Document

Appendix 2 – Response from Worcestershire Trading Standards

Appendix 3 – Draft Revised Street Trading Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799