

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

AMENDMENT TO STREET TRADING CONSENT POLICY

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 This report requests the Committee to consider making a minor amendment to the Street Trading Consent Policy.

2. RECOMMENDATIONS

- 2.1 That the Committee revises the Street Trading Consent Policy by deleting paragraph 14 of the Policy.**

3. BACKGROUND

- 3.1 In September 2009 the Committee considered a report which reviewed the Council's policy including the fee structure, in respect of street trading consent. The report also referred to the possibility of extending the designated area to cover the entire district, with the exception of Bromsgrove High Street and its immediate environs. It was proposed that the whole district (other than the High Street and surrounding streets) as detailed in Appendix 2 of the report be designated as a Consent Street and that the High Street and the surrounding area as detailed in Appendix 1 of the report be designated as a Prohibited Street. It was resolved that the extension of the designated consent streets area to cover the whole of Bromsgrove district, with the exception of the High Street area be approved and that the streets in the High Street area be designated as prohibited streets.
- 3.2 Council approved the new fee structure in January 2010 with the proviso that after six months officers report to the Scrutiny Board on the operation of the Street Trading Consent Policy.

4. KEY ISSUES

- 4.1 The policy has now been implemented and applications are being received by Licensing. Paragraph 14 of the policy has given rise to some unexpected difficulties and Members are asked to review this paragraph.

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- 4.2 The issue has arisen because traders who have occupied sites in lay-bys for many years without any concerns about traffic or highway obstruction being raised by the Highway Authority or Police, now find that they do not meet the very prescriptive provisions of paragraph 14 of the policy, notwithstanding that no obstruction is being caused. Unless the policy is modified, there is the potential for a significant and disproportionate number of objections from the Highway Authority, notwithstanding the lack of traffic obstruction, and the likelihood of a very considerable number of hearings.
- 4.3 Officers therefore suggest that paragraph 14 is deleted in its entirety. If the Committee agrees to do so, highway safety will not be compromised as the policy requires the effect on road safety caused by the siting of the Street Trading Unit or by customers visiting or leaving the Unit, and any potential obstruction of pedestrian or vehicular access to be taken into account. The Highways Authority will continue to be consulted in accordance with paragraph 7.5.
- 4.4 If Members are uncomfortable with deleting paragraph 14 in its entirety, an alternative might be to reword it along the lines of:

“Each application for trading from lay-bys will be considered on a case-by-case basis on its own merits.”

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications associated with this report. However, deletion of paragraph 14 will result in fewer hearings before the Licensing (Miscellaneous Hearings) Sub-Committee.

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 These are specified in the report.

8. COUNCIL OBJECTIVES

- 8.1 CO2 – Improvement, CP3 Value for Money, KD Efficiencies

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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 N/a

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 None

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

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

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18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
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

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22. APPENDICES

None

23. BACKGROUND PAPERS

None.

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