

**BROMSGROVE DISTRICT COUNCIL**

**SCRUTINY BOARD**

**26th October 2010**

**REVIEW OF STREET TRADING POLICY**

Relevant Portfolio Holder	Councillor P. Whittaker, Portfolio Holder for Regulation
Relevant Head of Service	Steve Jordan, Head of Regulatory Services
Head of Service for the purpose of this report	Claire Felton, Head of Legal, Equalities and Democratic Services
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The purpose of this report is to provide Members with an update and 6 month review of the new Street Trading Consent Policy.

**2. RECOMMENDATIONS**

- 2.1 That the Scrutiny Board:
- (a) note the answers to key questions (attached at Appendix 1),
  - (b) review the Street Trading Consent Policy (attached at Appendix 2),
  - (c) make any comments and recommendations on the policy.

**3. BACKGROUND**

- 3.1 At the Scrutiny Board meeting held on 27th October 2009, Members asked officers to provide further information on the licensing of mobile hot food outlets in the District and how the regulation of these might be affected by the introduction of the new policy on Street Trading.
- 3.2 At the Scrutiny Board meeting held on 24th November 2009, Members considered a report on the street trading policy and in light of a number of concerns raised, Members agreed to review the new policy after it had been in place for 6 months. The full meeting of the Council on 20<sup>th</sup> January 2010 also resolved that the Scrutiny Board review the policy after 6 months operation. The Street Trading Consent Policy was formally adopted in January 2010 and revised with a modification in May 2010.
- 3.3 Members of the Scrutiny Board have submitted advance questions to Regulatory Services. Answers to these are attached at Appendix 1.
- 3.4 The Street Trading Consent Policy is attached at Appendix 2.

**4. KEY ISSUES**

4.1 Review of the Council's Street Trading Consent Policy.

**5. FINANCIAL IMPLICATIONS**

5.1 There are no direct financial implications arising out of this report.

**6. LEGAL IMPLICATIONS**

6.1 There are no direct legal implications arising out of this report.

**7. POLICY IMPLICATIONS**

7.1 None for the purpose of this report.

**8. COUNCIL OBJECTIVES**

8.1 The Street Trading Consent Policy relates to Council Objective Four: Environment.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 None for the purpose of this report.

**10. CUSTOMER IMPLICATIONS**

10.1 None for the purpose of this report.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None for the purpose of this report.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None for the purpose of this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None for the purpose of this report.

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**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None for the purpose of this report.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None for the purpose of this report.

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

16.1 None for the purpose of this report.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None for the purpose of this report.

**18. LESSONS LEARNT**

18.1 None for the purpose of this report.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None for the purpose of this report.

**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

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Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

Appendix 1 – Answers to Key Questions on Street Trading Policy  
Appendix 2 – Street Trading Consent Policy.

**23. BACKGROUND PAPERS**

Street Trading Policy.

**24. KEY**

N/A

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## APPENDIX 1 – Answers to Key Questions on Street Trading Policy

### 1. Service Area

*Q What areas does street trading consent cover?*

The whole of the district has been designated as consent streets. This was a change that was introduced under the current policy; under the previous policy the consent streets were limited to a small area of the town centre. The effect of this change has been to expand the area for which street trading consents are required. This change was supported by members at the time who wanted to be able to regulate the activities occurring on the various roads around the district and outlying areas.

*Q What activities are included?*

In terms of activities which require a street trading consent the following are included:

- Flower sellers/food vendors parked on the highway or located in lay bys
- In relation to sellers stationed on privately owned land these are included where sales take place directly onto the highway. This is a question of fact that has to be considered depending on the lay out of each individual application/ location.

The following are not included:

- Telephone canvassers
- Big issue sellers
- Collectors with notice displays for Wildlife /dog homes /LACS etc
- Buskers
- Boot sales

### 2. Business Aims and Objectives

*Q What are the business aims and objectives for Street Trading enforcement in Bromsgrove?*

As referred to above one of the considerations for the new policy was to extend it to cover a wider area and therefore include all the traders operating in the district. Other than this, the main drivers behind the policy were those that would be usually associated with street trading policies namely promoting public safety and preventing public nuisance.

*Q How do these link with the Council's Vision and Objectives?*

As a matter of good practice it is recommended that Local authorities should operate a policy for street trading consent and regulate this type of activity. There is no specific link in the BDC policy to the visions and

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objectives. As referred to above the main drivers are public safety and preventing public nuisance.

### **3. Performance**

*Q What are the performance indicators for the Street Trading enforcement service?*

There are no specific performance indicators for Street Trading. However, consideration is being given by WRS that all street trading applications should be resolved within a certain time frame. E.g. 12 weeks.

Since the new policy has been in operation approx 14 applications have been received of which 7 were granted by officers as no objections were made during the consultation period. 4 applications have since been granted by the Licensing (Miscellaneous) Sub – Committees following hearings. There are currently 6 applications being processed/ consulted upon on which decision are pending.

*Q How does the Street Trading enforcement service perform against these performance indicators?*

Not applicable (See above).

*Q How does policy and performance compare to other councils inc, Redditch Borough Council, Statistical Neighbours, Bromsgrove District Council over past 2 years?*

There is no comparative data available at this time as regards neighboring authorities. It is also not clear that any of the other relevant authorities would be suitable comparators as our policy operates over the whole district and others are limited to town centres. Anecdotally the trainer who recently provided licensing training at Bromsgrove was of the opinion that the policy is well drafted and better than others he has seen.

*Q What are the reasons for poor / high performance?*

It is too early to draw any conclusions about performance.

### **4. Case Enquiries**

*Q Please can you provide an update on the following case:  
There's a farmer illegally selling plants on the roadside of the A38 most Sundays opposite the old Mount's School near Bromsgrove North junction. The police are aware and he says he doesn't need a licence*

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*to trade as he is a farm shop although there is no shop and traffic is being blocked on the busy road.*

This matter is currently being investigated by officers who will need to establish whether the policy applies depending on the lay out of the site. It would appear that the actual trading is taking place on private land. There needs to be further investigation to establish whether the land adjacent to the site is public land.

## **5. Customer Feedback**

*Customer feedback – inc The Place Survey, Focus Groups, Customer Complaints etc*

There is a limited amount of information available by way of feedback forms from the 2 hearings – copies attached.

## **6. Organisation**

Q *What is the organisational structure for delivering the Street Trading enforcement service?*

Street Trading administration and will sit within the core licensing team within WRS.

Enforcement of Street Trading maybe carried out by a range of enforcement Officers within WRS.

## **7. Budget**

Q *What is the budget for the Street Trading enforcement service? Total. Capital. Revenue.*

Q *What were the budget and out-turn figures for the Street Trading enforcement service over the past 2 years?*

Q *How does budget compare to other councils eg, Redditch Borough Council, Statistical Neighbours, Bromsgrove District Council over past 2 years?*

There is no separate budget for Street Trading; it is currently incorporated within existing Licensing budgets.

The revised Policy came into effect in January 2010 and a further minor amendment was incorporated in June 2010, following a review of Street Trading in the District in 2009. Previous to this the Street Trading Consent Policy only applied to a few streets within the centre of Bromsgrove. The revised policy extended the boundary, to include the entire district following concerns over public safety and public nuisance associated with unregulated Street Trading. Fees were increased from a initial £10 charge to the current figure of £552.00 per year.

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It is felt that not enough time has elapsed since the policy has been implemented to compare against previous and district wide figures.

## **8. Future Plans**

Q *What are the future plans for the development of the Street Trading enforcement service (inc new statutory requirements etc).*

Street Trading Consent sits within the scope of Worcestershire Regulatory Services which is currently undergoing formal restructuring and further transformation. Street Trading will be included within this, with a view to achieving a consistent policy.

It is anticipated that Members will be consulted on this through the joint committee.

### Additional comments

At the Licensing Committee meeting on 11<sup>th</sup> October an item was included on the agenda to enable the committee members to put forward any comments/observations they have on the policy based on their experience of using the policy to decide applications. The following matters were raised:-

- Fees – whether these need to be reviewed to ensure that BDC is charging similar amounts to other authorities.
- That some of the snack bars can look a bit garish and not fit in with their surroundings.
- That tables and chairs on the pavement outside can look scruffy and cause an obstruction; alternatively that they should be permitted as they provide areas for sitting and stop people wandering away and spreading litter.
- Is the policy easily understandable? Comments that it could be written in clearer language.
- Whether once the system is better established there is going to be an ability for it to be enforced.
- Whether the policy amounts to over regulation? On the other hand that it is best practice to have a policy and that through use of the model conditions the Council does have an ability to regulate issues affecting public safety and prevent nuisance.