

# LICENSING COMMITTEE

14th July 2011

## STREET TRADING POLICY - REVIEW

Relevant Portfolio Holder	Councillor Juliet Brunner – Community Safety & Regulatory Services
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Key Decision / Non-Key Decision	

### 1. SUMMARY OF PROPOSALS

To report on a review of the current Street Trading Policy, carried out by Officers with a view to resolving to designate all streets within the District to be Consent Streets for the purposes of the Street Trading under Local Government (Miscellaneous Provisions) Act 1982; with the exception of those streets currently designated as prohibited streets.

### 2. RECOMMENDATIONS

The Committee is asked to **RESOLVE** that

- 1) **the contents of the draft Street Trading Policy Statement, the draft Customer Information Pack and the draft Standard Conditions attached at Appendices 1 to 3 of this report be approved. (Members will note that Appendix 3 sets out the new proposed fee structure for Street Trading Consents); and**
- 2) **the approved draft versions of the documents at Appendices 1 to 3 be subject to public consultation, such consultation to take place over a 12 week period with the responses being reported back to the Licensing Committee.**

### 3. KEY ISSUES

#### Financial Implications

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

#### Legal Implications

- 3.2 Redditch Borough Council (The Council) pursuant to Section 3 of The Local Government (miscellaneous Provisions) Act 1982 has previously

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resolved to adopt Schedule 4 of the Act to control Street Trading in the Town Centre only.

- 3.3 The draft proposal within this report changes that resolution to incorporate the whole of the district and would need to be advertised and be subject to a 12 week consultation.
- 3.4 The proposal is that the Council should resolve that every street within the area of the district of Redditch should be designated as a Consent Street, under the Act, (LGMPA) (except those shown at Appendix 1 and nominated at Prohibited Streets).
- 3.5 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.

### **Service/Operational Implications**

- 3.6 The current Street Trading Policy has not been reviewed since it was introduced in August 1989.
- 3.7 Officers have now completed a review of the current Redditch policy and the proposed policy statement is attached at Appendix 1. For Members information, the proposed policy statement is based on the version currently being used in two other Local Authorities within the County. Feedback from those authorities is that the proposed policy statement has operated effectively with no significant issues being reported.
- 3.8 Members have been advised previously that Worcestershire Regulatory Services is working towards introducing common policies across the County. There are plans in place for the draft documents at Appendices 1 - 3 to be introduced in two other authorities in the near future, and is currently out to consultation within Bromsgrove District. The introduction of this proposed policy will enable customers to benefit from a transparent, objective and consistent approach to Street Trading on a countywide basis, whilst still allowing for any local differences to be incorporated.
- 3.9 Officers looked specifically at the current fee structure. The proposed fees are shown in the Information Pack at Appendix 2. As previously discussed at other Local Authorities the proposed fees will be consistent with the adjoining local Authorities and set on a recovery of costs basis.

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- 3.10 Standard Conditions to be attached to Street Trading Consents are shown at Appendix 3.
- 3.11 In terms of moving the process forward, the purpose of this report is to inform Members and to obtain Member approval to the draft documents. The draft documents will then go out to consultation. Officers propose a 12 week public consultation which will be circulated to interested parties and published on Redditch Borough Council's website. Officers will report back to the Licensing Committee with the responses to the consultation and to seek formal approval of the final version of the policy at the end of the consultation.
- 3.12 By designating all, or most, streets as Consents Streets within the district, the Council can encourage commercial activity throughout the District and control it by giving or withholding consent as appropriate.
- 3.13 Street trading currently takes place in streets which have no designation (i.e. streets out of the town centre area). These streets could be designated as consent streets and thereby bring traders under street trading consent control. Currently designated streets are those detailed in Appendix 1.
- 3.14 Prohibited streets; Streets which are currently designated as prohibited streets are designated as such for a variety of reasons. The main reason being that they are unsuitable places such as, a highway or to prevent late night nuisance in the streets around the town centre. These are also shown at Appendix 1.
- 3.15 Designation of the majority of streets as consent streets within the District would mean that mobile trades such as ice cream vendors would also be required to apply for street trading consent.

**Customer / Equalities and Diversity Implications**

- 3.16 The draft revised policy will go through a 12 week consultation and will be circulated and published on our web pages as part of the formal consultation process, prior to coming back before this Committee
- 3.17 There are no adverse implications to consent holders through the proposed changes to this Policy.

**4. RISK MANAGEMENT**

None.

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**5. APPENDICES**

Appendix 1 - Proposed Policy Statement  
Appendix 2 - Proposed Information Pack (inclusive of fees)  
Appendix 3 - Proposed Standard Conditions.

**6. BACKGROUND PAPERS**

Street Trading Policy August 1989  
Local Government (Miscellaneous Provisions) Act 1982 Section 3,  
Schedule 4.

**AUTHOR OF REPORT**

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