

LICENSING COMMITTEE

9th January 2012

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
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To receive a report on the Street Trading Policy for the Borough following a consultation exercise undertaken during the period 3rd September 2011 to 30th November 2011.

2. RECOMMENDATIONS

Members are asked to **RESOLVE** that

- 1) **the wording of the Street Trading Policy Statement (Appendix 1), Information Pack (Appendix 2) and Street Trading Standards Conditions (Appendix 3) be approved, and that these three documents be adopted to form the Council's Street Trading Policy;**
- 2) **a Public Notice be placed in a local newspaper for a period of two weeks to advertise the making of a resolution to designate Consent Streets and Prohibited Streets for the purpose of Street Trading within the district; and**

to **RECOMMEND** that

- 3) **the fees and charges as set out at Part 5 and Part 7 of the Information Pack (Appendix 2) be approved by full Council.**

3. KEY ISSUES

Financial Implications

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

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Legal Implications

- 3.2 Redditch Borough 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.
- 3.3 The Council has resolved 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 as Prohibited Streets).
- 3.4 Following consultation and by adopting the new Policy Members are being asked to make two additions to the Prohibited Streets, namely Moons Moat Drive and Headless Cross Drive.
- 3.5 In relation to fees, Members are reminded that there is case law which establishes the principle that fees can only be charged on a costs recovery basis. In other words the fees must reflect that actual cost to the authority of the Officer time involved in administering the issuing of Consents for street trading. The Council would be open to challenge if the fees were set at a higher level.

Service / Operational Implications

- 3.6 At the Licensing Committee on 14th July 2011, Officers presented Members with a revised Policy for Street Trading and an application information pack.
- 3.7 Consultation took place between 3rd September 2011 and 30th November 2011 with all relevant agencies and all consent holders.
- 3.8 Two representations were received, requesting two roads to be incorporated into the Prohibited Streets List (see appendix 4).
- 3.9 Any changes to the Policy will need to be advertised in a local newspaper giving a period of notice when the new Policy comes into force. Officers suggest this should be one month following advertisement.
- 3.10 The wording of the proposed Policy statement (Appendix 1) is based on the same policy that has already been established in three other Local Authorities within the County; where it has been adopted the policy has shown to be effective. This policy is also to be introduced in two Local Authorities in the near future.

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- 3.11 The introduction of this proposed policy will enable a transparent, objective and consistent approach to Street Trading on a countywide basis. This will be of benefit to customers who trade in different parts of the County.
- 3.12 Officers have looked at fees in particular; the proposed fees (shown in appendix 2 – Information Pack) are consistent with the adjoining Local Authority and set on a recovery of costs basis.
- 3.13 The Standard Conditions to be attached to Street Trading Consents is shown as appendix 3.

Customer / Equalities and Diversity Implications

- 3.14 There are no adverse implications to consent holders through the proposed changes to this Policy.
- 3.15 The draft revised Policy has gone through a 12 week consultation and has been circulated and published on Redditch District Council's web site as part of the formal consultation process.

4. RISK MANAGEMENT

None.

5. APPENDICES

- Appendix 1 - Street Trading Policy Statement.
- Appendix 2 - Customer Information Pack.
- Appendix 3 - Standard Conditions attached to consents.
- Appendix 4 - Consultation response table.

6. BACKGROUND PAPERS

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

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