

General Licensing Committee Report

Report of Head of Legal and Democratic Services

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Wards affected: All

To: General Licensing Committee

DATE: 7 July 2014

Street Trading Policy

Recommendations

That the committee:

- 1) recommends Council to adopt the proposed street trading policy.
- 2) subject to Council adopting the policy in (1) above:
 - a. appoints sub-committees comprising any three members, or their appointed substitutes, of the General Licensing Committee
 - b. agrees that the sub-committees be known as street trading panels
 - c. appoints each member or substitute of the General Licensing Committee to serve on any street trading panel which is convened so as to include them in its membership
 - d. authorises each street trading panel to discharge all functions relating to matters referred to the panel by the council's licensing officer under the street trading policy
 - e. agrees that, wherever possible, applications should be heard by a panel comprising the chairman or vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members or their substitutes of the committee will constitute a properly appointed panel
 - f. authorises the Head of Legal and Democratic Services to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.
- 3) authorises the Head of Legal and Democratic Services to make any further minor editorial changes to the policy.

Purpose of Report

1. To present the General Licensing Committee with a revised street trading policy following public consultation.

Strategic Objectives

2. A revised street trading policy will promote economic development through consistent standards. In addition, it will improve the efficiency of the council licensing team by ensuring that processes and procedures are consistent.

Background

3. Vale of White Horse District Council adopted its current Street Trading Guidance in 1996 with a minor revision in 2009. The guidance is partly based on a system of prohibited streets and areas in addition to consent streets. Large areas of the district have no formal designation; furthermore new roads and streets have been constructed since 1996 when the original guidance was written. The guidance has become unfit for purpose and requires replacement with a new policy.

Proposed policy

4. The key changes that are proposed are summarised in Appendix 1 to this report and reflected in the draft policy in Appendix 2.
5. In accordance with best practice, the council consulted for a period of 12 weeks from 27 January to 19 April 2014 to ensure that all interested parties had the opportunity to engage with and respond to the draft policy. The consultation papers were posted on the council website. Comments were sought from:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current street traders
 - Local business organisations
 - Residents
6. In addition the council's regulatory and enforcement services were consulted. These included:
 - Planning
 - Environmental health
 - Economic development
 - Parks and leisure
 - Car parks

Consultation responses

7. There were nine comments on the proposed policy across both councils as shown in Appendix 3. Overall the comments were positive and supportive of the policy. The only change to the policy resulting from the consultation is an amendment to
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the wording of paragraph 5.6 (h) as requested by the council's Food and Safety team.

- 7.1 An additional condition has been added to paragraph 7.4 requiring peripatetic food traders to hold a food hygiene certificate in line with the requirements for static traders.

Financial Implications

8. Currently there are 12 known street traders within the district. None of these has a valid street trading consent because they are not located in the currently designated consent areas. The proposed consent fee level is £400 per annum per location. This would generate an income of £4,800. The setting of street trading consent fees must reflect the costs of administering the scheme and the fees will therefore recover the council's costs. It is proposed that new applicants for street trading consents will pay a non-refundable application fee of £300 per location. This fee covers the cost of undertaking the consultation including a site visit. If the location is approved then the £400 annual consent fee is payable for the issuing of the consent and subsequent enforcement inspections. The total cost for a new street trading consent will be £700. The cost of an annual renewal would be £400.

In accordance with the scheme of delegation, the fees will be agreed by the Head of Legal and Democratic Services in consultation with the relevant Cabinet member and the chairman of the Scrutiny Committee.

Legal Implications

9. The policy has been drafted to reflect current legislative requirements. All applications for consents under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, have to be made and determined in accordance with the council's street trading policy.

Risks

10. Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in the policy for street trading could result in the council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

Conclusion

11. The committee is asked to:
 - 1) recommends council to adopt the proposed street trading policy
 - 2) to appoint sub-committees as set out in the recommendations, 2a-2f.
 - 3) authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the policy.

Background Papers

None
