

Report of	Meeting	Date
Director of Early Intervention	Licensing and Public Safety Committee	20 July 2016

INTRODUCTION AND CONSULTATION ON A STREET TRADING POLICY AND REVIEW OF CONDITIONS

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the introduction of a Street Trading Policy, including the proposed reviewed conditions and recommend amendments to the Council's Constitution Scheme of Delegation as agreed.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee agree the consultation of the Street Trading Policy and the reviewed Street Trading Consent conditions subject to the following:
 - a) On the expiration of the consultation period the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.
 - b) On the expiration of the consultation period any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.
3. That the Licensing and Public Safety Committee agree that there is a review of the fees and charges for the scheme as part of the consultation.
4. That the Licensing and Public Safety Committee are asked to recommend approval to Full Council for any amendments to the Council's Constitution and Scheme of Delegation.
5. That the Licensing and Public Safety Committee determine one of the following options in relation to the scheme of delegation:

Option 1- implement the report as written, where all decisions for grant are delegated to officers, with only the refusal of consent applications and revocation delegated to the Director and Chair of the Licensing and Public Safety Committee and a referral mechanism to General Licensing Sub-Committee for cases of particular complexity or unresolved dispute between traders

Option 2- amend the report so that the grant of consents is delegated to officers, revocation with immediate effect is delegated to the Director and Chair of the Licensing and Public Safety Committee and all decisions to refuse are made by the General Licencing Sub-Committee

Option 3- implement as the report is written, where all decisions for grant are delegated to officers, with only the refusal of consent applications and revocation delegated to the Director and Chair of the Licensing and Public Safety Committee and a referral mechanism to General Licensing Sub-Committee for cases of particular complexity or unresolved dispute between traders, also include the implementation of an internal appeal procedure, where applicants

refused a consent or subject to revocation can appeal to the General Licensing Sub-Committee.

EXECUTIVE SUMMARY OF REPORT

5. The local authority is responsible for ensuring that street traders are properly regulated under the Local Government (Miscellaneous Provisions) Act 1982, Part III and Schedule 4. Chorley Council operates a consent scheme which means that in accordance with the Act Chorley Council has designated streets across the borough 'Consent Streets' and a Street Trading Consent is required from the Council in order to trade in a such a street.
6. There has not previously been a policy to support the scheme, and this report aims to address this by proposing a policy to ensure that there are suitable and sufficient conditions for the Street Trading Consents.
7. The Street Trading Policy introduces a requirement for the applicant to complete a basic Disclosure and Barring Services (DBS) check, this may be by electronic update service. The cost of the DBS will be borne by the applicant.
8. The Street Trading Policy (**Appendix 1**) also introduces some additional conditions which relate to food safety requirements and conduct of traders (Conditions j, k, l, m and n on page 5 of the policy and repeated in the application form and consent appended to the policy).
9. The Street Trading Policy also provides guidance on the delegation of decisions taking a light touch approach providing for officers decisions.
10. The scheme of delegation will need to be amended to include delegation to officers to revoke consents with immediate effect where breaches of conditions are found, where offences may have been committed or in other circumstances set out in the policy. The scheme will also need to reflect the decisions made by the Licensing and Public Safety Committee in relation to options 1-3 above.
11. There is no provision with the legislation to appeal decision made by the Council to the Magistrate's Court, the only course of redress would be judicial review or a complaint to the ombudsman. Therefore, option 3 provides for an internal appeal procedure to the General Licensing Sub-committee.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

13. Chorley Council is responsible for administering the Street Trading Consent Scheme under the Local Government (Miscellaneous Provisions) Act 1982, Part III.
14. Street trading means the selling, exposing or offering for sale any article, including a living thing, in a street. This includes the sale of food and ice cream from mobile units, but does not include news vendors, any trading done in a market, acting as a pedlar under a pedlar's certificate or the delivery of goods as a roundsman, such as a milkman.
15. The Council does not have an existing Street Trading Policy to guide decision making.
16. The current Street Trading Consent conditions have not been reviewed for a number of years and lack clarity with regard to conduct, food safety standards and safeguarding of the public.

17. There are currently no checks made for street traders with regard to criminal charges, convictions, complaints, investigations or the revocation of licences or consents by other local authorities.
18. There have been a number of issues in recent months in relation to the conduct of traders and also the eventual revocation of a street trading consent on the basis of the trader awaiting trial for a serious criminal offence.
19. However, due to the lack of policy, which would provide a mechanism to take action with regard to the information passed on by the police, there was a resultant delay in enforcement while legal advice had to be sought.
20. This highlighted the need for the Council to adopt a robust policy which ensures the protection of public safety as a fundamental priority for the Council.
21. Following the approval and adoption of Safeguarding, Suitability and Convictions Policy for Taxi Licensing, a General Licensing Safeguarding, Suitability and Convictions policy has been produced to cover all other licensing functions to ensure a consistent approach to all licensing matters in the future.

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

23. The review of the Street Trading Consent conditions are in accordance with the Council's powers under the Local Government (Miscellaneous Provisions) Act 1982 ('the Act'). The implementation of a Street Trading Policy will provide guidelines where legislation is silent on the grounds for the grant, refusal and revocation of a Street Trading Consent.
24. It is open to Committee to approve the implementation of a Street Trading Policy and the reviewed Street Trading Consent conditions based on all the relevant information and following consideration of the report.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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