

Report of	Meeting	Date
Director of Early Intervention and Support	Licensing and Public Safety Committee	1 February 2017

STREET TRADING POLICY

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the consultation responses to the draft Street Trading Policy and agree the timescale for review of the Policy.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee note the consultation response received on the proposed Draft Street Trading Policy.
3. That the Licensing and Public Safety Committee determine the implementation date of the Street Trading Policy as either with immediate effect or from 1st April 2017.
4. That the Licensing and Public Safety Committee determine the options for the timetable for a formal review and consultation of the Street Trading Policy as either 3 or 5 years.
5. That delegated power is granted to the Director of Early Intervention and Support to make amendments to the policy from time to time arising from changes to legislation or case law.
6. That delegated power is granted to the Director of Early Intervention and Support to review the fees for Street Trading Consents and apply the revised fees.

EXUCUTIVE SUMMARY

5. The Street Trading Policy is attached as **Appendix 1**. The policy refers to the General Safeguarding, Suitability and Convictions Policy which is also to be determined by the Committee to support the decision making process.
6. The Policy will be a living document, so where legislation changes occur or decisions that impact on the policy are made by the Licensing and Public Safety Committee over the life of the policy, the document will be updated to reflect this. However, the philosophy would be that the policy, which has been consulted upon, would be the basis for all decisions and in normal circumstances the policy would only be subject to revision at the regular, timetabled review dates, where the changes would be subject to consultation.
7. The draft policy was put out for consultation for a period of 12 weeks to the end of December 2016, each current consent holder was written to and provided a link to the council's website, where the document was published.
8. The Council received one brief consultation response from a consent holder providing support for the introduction of a policy and suggesting that the Council limit the numbers of consents, attached as **Appendix 2**. However, other authorities operating a licensing scheme rather than a consent scheme have greater scope to limit numbers as the licensing

provisions lend themselves to licensing pitches rather than providing a consent to operate within the wider borough limited only by prohibition on trading on certain streets and in specified areas.

9. The fees for Street Trading Consents have not been reviewed for a number of years. They should reflect the cost of the administration of the consent and therefore should be cost neutral, rather than profit or loss making.
10. The practice of charging a variance in fees between applicants that live within the borough and those that live outside should only be permitted where the cost of inspection of the vehicle is greater due to the additional distance travelled to carry out those checks. Currently, we require all applicants from outside the borough to bring the vehicle to Chorley for inspection.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

11. 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

12. 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.
13. 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.
14. Chorley Council is responsible for administering the Street Trading Consent Scheme under the Local Government (Miscellaneous Provisions) Act 1982, Part III.
15. 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.
16. The Council does not have an existing published Street Trading Policy to guide decision making, having simply required the compliance with the existing consent conditions.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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, and will be presented to committee for a decision, to cover all other licensing functions to ensure a consistent approach to all licensing matters in the future.
23. 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.
24. The fees for Street Trading Consents have not been reviewed for a number of years, finance have been asked to review the current fees in line with the requirement to ensure they reflect the cost of administering the consent and any additional enforcement or inspection costs associated with the consent.
25. Consents are issued for a period of 12 months only.
26. There are currently 23 issued consents, 17 of which are to applicants from within the Chorley Borough area, 6 from outside. Although, Street Trading is very seasonal and we often receive more applications in spring and requests to surrender and have the remaining months refunded as winter approaches.

IMPLICATIONS OF REPORT

27. 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

28. 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.
29. 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.
30. There is no statutory requirement to maintain a policy in relation to street trading consents.
31. The Council may charge such fees as it considers reasonable for the grant or renewal of a street trading consent.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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