

Review of Street Trading Policy

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Key Decision? YES NO (delete as appropriate)

Local Ward Members All Wards



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report give members feedback on the implementation of the Street Trading policy since it was agreed in September 2019. It also suggests some interim changes and sets out the scope for a more substantive review.
- 1.2 Also sets out the administrative procedures involved in obtaining a permit/licence.

2. Recommendations

- 2.1 That Members consider the proposed interim changes with a view to consultation on these changes and that if consultees support these changes then the Chair of Regulatory and Licensing Committee is authorised to agree these changes in consultation with the Head of Regulatory Services and Licensing so that the changes can be introduced from 1 September 2019.
- 2.2 That members note that a further review of the Street Trading Policy may be required, pending the outcome of the Events Management Review and the Economic Impact research commissioned from Bournemouth University.

3. Background

- 3.2 A Street Trading Policy was originally adopted by Full Council in April 2016. A member task group was set up in February 2017 to review implementation and identify improvements to the policy.
- 3.3 The Street Trading Policy provides a decision making framework for the consideration of applications for street trading consents. Street Trading is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4 The council's purpose in regulating street trading is to create a street trading environment which is sensitive to the needs of the public, consumer choice, ensures safety and contributes to the character and ambience of the local environment.
- 3.5 Since the introduction of the policy in 2016 there has been a significant increase in applications for street trading from 580 in 2016 to 1111 in 2018. This increase has been as a result of special events.
- 3.6 To support and stimulate Special Events it was agreed in 2016 that a subsidy of £12,000 would be made so that street trading fees could be waived but with the significant increase in consents in 2018 it was recognised that the subsidy no longer covered the costs to the council. A member task group was set up in February 2017 to review the policy.

- 3.7 The member task group also considered the effects of street trading in the district and a special event bidding process was agreed and a special event street trading (subsidised) fee was introduced at £21 for day 1 and £13 for any subsequent day of trading. A special event organiser deposit fee was also introduced to allow for any subsequent additional costs incurred by the council, including remedial street cleansing works. The revised policy also set out clear timescales for the receipt of applications and introduced penalties for late or incomplete applications.
- 3.8 The revised policy was agreed by this committee in July 2018 and came into effect on 1 September 2018. This coincided with the transfer of responsibility for street trading from Environmental Health to the licensing team who also have responsibility for licensing under the Licensing Act 2003, Taxi licensing, gambling, scrap metal, charity collections and animal licensing. The enforcement responsibility remains with Environmental Health. A copy of the current Street Trading Policy is attached at Appendix A.
- 3.9 The licensing team have been keen to be supportive in processing applications but the large number of late applications and changes to already issued consents has put the team under considerable pressure. With the exception of one special event organiser deadlines have not been met, which has put pressure on the licensing team and has meant that additional staff have had to be employed to process late applications. The proposed revised deadlines allow more time for organisers to get traders to apply but it is important for the management of the team's resources that these application deadlines are met. The use of on-line applications will also facilitate this.
- 3.10 In implementing the policy it has also been raised that the street trading fees should take account of a risk based approach because in reality the amount of work involved in processing and enforcing a street trading consent which doesn't include the sale of alcohol or food, is less than that required for other traders.
- 3.11 Having taken over responsibility for street trading in September 2018 a number of issues of interpretation and implementation of the policy have arisen. To take account of these issues some proposed changes are set out in Appendix B. It is also proposed that any fees are taken out of the policy and a link added to the council's website.
- 3.12 If members support these proposed changes then these would be consulted upon from the 5 July to 16 August which would give a 6 week consultation period. In the event that there are no objections to these changes it is proposed that delegated authority be given to the chair of this committee to agree these changes in consultation with the Head of Regulatory Services Housing & Wellbeing. This would enable the proposed changes to be introduced by 1 September 2019.
- 3.13 The above proposed changes would help resolve some of the immediate issues but a further revision of the policy may be required depending on the outcome of the Events Management review currently taking place and the research commissioned by Bournemouth University to better understand the economic impact of special events.

Alternative Options	1. The policy could not be changed or alternative changes made.
Consultation	1. The proposed changes take account of feedback from event organisers and they would be consulted with on the proposed changes.
Financial Implications	1. The proposed changes take account of the fact that the costs of administering street trading should be recovered in fees but they also allow for the fact that some street trading activities are lower risk and therefore require less checking, compliance and enforcement.
Contribution to the Delivery of the	1. Street Trading and Special Events make a positive contribution to a Vibrant & Prosperous economy.

Strategic Plan	
Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment was undertaken in 2018 and the proposed minor changes would not impact on this assessment.
Crime & Safety Issues	1. The adoption of the Street Trading Policy will impact positively on our duty to detect and prevent street trading crime within the District. (Section 17 of the Crime and Disorder Act, 1988).
GDPR/Privacy Impact Assessment	2. Data collected through the Street Trading application process is compliant with GDPR requirements.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

<p>Background documents</p> <p>Appendix A – Street Trading Policy</p> <p>Appendix B – Proposed interim changes</p> <p>Appendix C – Proposed review scope</p>
<p>Relevant web links</p> <p>None</p>