
TITLE: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 ("1982 Act") – STREET TRADING POLICY

COMMITTEE: LICENSING COMMITTEE

DATE: 9 MARCH 2016

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[Q212]

1.0 ISSUE

1.1 To approve the revised version of the Council's street trading policy.

2.0 RECOMMENDATION(S)

2.1 That Members consider the information contained in this report and resolve to:

- i) adopt the draft street trading policy, as consulted upon, to come into effect from 1 April 2016; or
- ii) resolve to adopt the draft street trading policy to include the suggested amendments shown as tracked changes in Appendix 1 in their entirety or in part to come into effect from 1 April 2016.

3.0 BACKGROUND

3.1 At its meeting of 18 November 2015 Members of the Licensing Committee considered a detailed report on street trading and resolved to publish a notice of intention to pass a resolution to designate and re-designate streets within the district for the purposes of street trading, and Members also resolved to publish a draft updated street trading policy, instructing officers to invite comments on this draft policy via a consultation exercise that was to run from 19 November 2015 to 15 February 2016.

3.2 Officers published the draft policy, and consulted as requested. During the consultation period a number of enquiries were made to Officers from parties such as Ely City Council, and the tourism and town centre manager seeking to understand the proposal better, but no formal comments were received for Members to consider.

3.3 On 20 January 2016 Members passed the resolution to designate and re-designate streets within the district for the purposes of street trading and this resolution is due to commence on 1 April 2016.

4.0 CONCLUSION

4.1 The new policy provides a framework for the Council to determine applications for street trading consent from a wide range of potential applicants who wish to take advantage of the new street designations.

- 4.2 The wording of the policy appears to have been well received, although the main topic of the conversations mentioned in paragraph 3.2 above centred on the definition in paragraph 6.3 regarding reduced fees, and specifically about when the licensing authority would consider an event to be non-commercial, or charitable in nature, and therefore, the promoter would be permitted to pay the lower fee.
- 4.3 As a result of these enquiries and discussions officers consider that the following amendments to paragraph 6.3 may help to avoid potential confusion on this point.

6.3 Reduced fees will be payable by organisers of:

- *Non-commercial fetes, carnivals or similar community based and run events¹*
- *Non-commercial, civic, or charitable events¹*
- *Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)*
- *Sales of articles by householders on land contiguous with their homes²*

¹*In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.*

²*For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.*

- 4.4 Whilst amending paragraph 6.3 and creating the new application form, Officers also noted a few typos and omissions in the policy. These amendments do not alter the document consulted upon so as to prejudice any party, they just help to form a more efficient and transparent document. A summary of the changes are below:

Paragraph	Summary of change
2.4	Incorrect reference number removed
2.5	Typo corrected
2.8	Insertion of right to work in the UK requirement
4.7 bullet 1	Removal of arbitrary plan scale, and requirement to indicate other traders. This last point would be impossible for an applicant to know with 100% certainty.
4.7 bullet 2	Removal of need to provide written proof of having a private land owner's permission. Obtaining a private land owner's permission is a matter for the trader and land owner to resolve.
4.10	Town Centre Manager added to consultee list

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The recommendation of this report will not have any financial implications to the Council.

5.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

6.0 APPENDICES

6.1 Appendix 1 – Draft policy for approval.

6.2 Appendix 2 - Equality Impact Assessment (EIA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Local Government (Miscellaneous Provisions) Act 1982	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477
The Law of Street Trading		