

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 October 2018
Subject:	Review of Street Trading Policy
Report of:	Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

At the Licensing Committee Meeting on 14 June 2018, it was agreed that the views of street traders would be sought with regards to the inclusion of a requirement to have an enhanced Disclosure and Barring Service (DBS) check carried out as a pre-requisite to being licensed as a street trader. Given that no significant objections were raised, it is recommended that the requirement to have enhanced DBS checks be included in the draft revised Street Trading Policy for public consultation.

Recommendation:

To APPROVE the draft revised Street Trading Policy for public consultation, which includes an amendment to require an enhanced Disclosure and Barring Service (DBS) check as a pre-requisite to obtaining a street trading licence, as set out at Appendix 3.

Reasons for Recommendation:

Following consultation with the licensed street traders within Tewkesbury Borough, no strong objection was received regarding inclusion of an enhanced DBS check as a requirement of obtaining a street traders licence.

Resource Implications:

There are no significant resource implications resulting from this report.

Legal Implications:

There are no significant legal implications resulting from this report

Risk Management Implications:

None.

Performance Management Follow-up:

The results of the wider public consultation will be brought back to the Licensing Committee on the 14 February 2019 for final approval.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1 At the Licensing Committee on 14 June 2018 it was agreed that street traders should be consulted on the inclusion of an enhanced Disclosure and Barring Services (DBS) check as a pre-requisite to obtaining a street traders licence.

2.0 STREET TRADING POLICY CONSULTATION

- 2.1 On 11 September 2018 a letter was sent to the 17 licensed street traders within the borough seeking their views on the proposed changes. A copy of the letter is attached at Appendix 1.

- 2.2 Of the 17 street traders consulted, only one response was received. This response was as follows:

"Returning our views as asked regarding having to have a DBS check for licence. A DBS check is to protect children and vulnerable people as your email pointed out. Being a breakfast van in a layby serving food we don't get children and vulnerable adults, as our customer base is to mainly men workers and lorry drivers and the odd lady I don't see the need for this check in our type of business. It seems irrelevant and it would be a waste of money to pay for this in our type of business. However, if the council are paying for DBS checks then I don't mind them being done.

I agree some business-like ice cream vans, face painters etc. should have one as they are specifically targeting children. I think if a business is trading with a lot of children yes it should be required. I think it depends on the type of business and where it is trading as to whether a DBS is required.

We are out of town in a quiet lay-by so we are not targeted by children, only people who have cars, lorries and vans come and any vulnerable adults are with their carers.

These are our views. Hope it helps."

- 2.3 The response received generally supports DBS checks; however, the responder draws a distinction between which street traders a check should apply to. Whilst it may be less likely that children are able to visit street traders in areas that are difficult to access without a vehicle, vulnerable adults may still be able to access such areas. As such, enhanced DBS checks should be applied to all street traders.

- 2.4 It is proposed that the enhanced DBS checks be carried out in a similar way as they are for taxi licensing. This would involve the applicant and any assistants obtaining a DBS form through the Council which they would complete and this would be sent off to the Disclosure and Barring Service. There would be an initial cost of £62; the applicant and the assistant would then have the choice of renewing after three years at a similar cost, or they could sign up to the Disclosure and Barring Service for £13 per year. Further details of DBS checks can be found at: www.gov.uk/db It would be the intention that all existing street traders would have to follow this revised policy when they next renew and that any new applications would need to comply with the revised policy before a licence is issued. The current fees for street trading licences are contained in Appendix 2.

- 2.5 A revised version of the Street Trading Policy is set out at Appendix 3 and includes the requirement that enhanced DBS checks be carried out as a pre-requisite to being licensed. Members are asked to approve the draft revised policy for public consultation.

3.0 OTHER OPTIONS CONSIDERED

3.1 N/A

4.0 CONSULTATION

4.1 Licensed street traders were consulted on the proposals in this report between 11 September and 1 October 2018.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Tewkesbury Borough Council, Street Trading Policy, March 2018

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Statement of Government Policy on Adult Safeguarding - 16 May 2011

Safeguarding Children and Young People - 14 July 2014

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 This change to policy seeks to extend greater protections to children and vulnerable adults across the borough.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 This change to policy seeks to extend greater protections to children and vulnerable adults across the borough.

10.1 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 This aligns with the Council's Safeguarding Policy

Background Papers: None

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Appendices: Appendix 1 - Consultation Letter
Appendix 2 - Street Trading Fees
Appendix 3 - Draft Revised Street Trading Policy