

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	8 February 2018
Subject:	Review of Street Trading Policy
Report of:	Chris Butler, Licensing Officer
Corporate Lead	Peter Tonge, Head of Community Services
Lead Member:	Councillor J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The Council's current Street Trading Policy has been in place since 2011. Given the length of time that has passed since the current policy was adopted, a review has been carried out. This report seeks approval from the Licensing Committee to approve the reviewed policy.

Recommendation:

To APPROVE the minor amendment to the Street Trading Policy.

Reasons for Recommendation:

To ensure that the Council's policy on street trading is up to date and provides clarity and transparency in the way that street trading is controlled in the Borough.

Resource Implications:

There are no significant resource implications

Legal Implications:

The Local Government (Miscellaneous Provisions) Act 1982 ("the Act") as amended allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading.

It is, however, considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its functions are carried out.

Risk Management Implications:

None

Performance Management Follow-up:

Ongoing monitoring of Policy and further review three years from acceptance of this report. .

Implications for Biodiversity:

None

1.0 INTRODUCTION/BACKGROUND

1.1 The Local Government (Miscellaneous Provisions) Act 1982 allows local authorities to adopt provisions to control street trading in their areas. Tewkesbury Borough Council has adopted provisions to designate a number of streets in the Borough as “prohibited streets”, where street trading cannot take place. All of the other streets in the Borough have been designated as “consent streets.” A number of “prime sites” have also been identified. The designation of streets took place over a number of years between 1985 and 1988.

2.0 STREET TRADING POLICY

2.1 The Council’s Street Trading Policy aims to provide guidance to applicants, officers, Members and the general public on the way in which the Council controls street trading in the Borough. It also aims to ensure consistency and fairness in the Council’s decision making processes.

2.2 The current Street Trading Policy was adopted in 2011. It is considered good practice for all policies to be subject to periodic review to ensure they remain relevant and appropriate to the purposes they seek to achieve. Given that it has been some time since the Council’s current policy was adopted, it is considered that a review is due.

2.3 It is desirable to adopt an approach where all of the relevant information that people need about street trading controls in the Borough are set out within a policy to ensure transparency and clarity. The only proposed change to the policy is the inclusion of the definition of Prime Sites. This definition has been taken from the Street Trading Consent Fees 2013 document and is included in the policy to clarify the definition of “Prime Sites”.

2.4 The draft revised Street Trading Policy is attached at Appendix 1 to this report. The proposed amendment is highlighted in bold type at Paragraph 2.3. Members are asked to approve the minor amendment to the policy.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 Not required as no major changes are being proposed.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Environmental Health Enforcement Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None

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

8.1 The policy seeks to balance the potential economic and environmental implications of

street trading activities.

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

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: None

Contact Officer: Chris Butler, Licensing Officer
01684 272167 licensing@teWKesbury.gov.uk

Appendices: Appendix 1 – Draft Revised Street Trading Policy