

LICENSING COMMITTEE
27 January 2022



Report sponsor: Samantha Dennis – Director of
Public Protection and Streetpride

Report author: Angela Rawson, Service Manager -
Licensing

ITEM 5

Street Trading Consent Policy

Purpose

- 1.1 To inform the Committee of the progress made in relation to the creation of a Street Trading Consent Policy.

Recommendations

- 2.1 To consider the content of the report and defer the matter for further consultation with internal partners and stakeholders.

Reason(s)

- 3.1 Following consultation with partners, stakeholders and the public, it has become clear that there are several points of concern which require further investigation and consideration before this Committee is asked to consider and approve an amended Street Trading Consent Policy.

Supporting information

- 4.1 Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 contains provisions in relation to the regulation of street trading. "Street trading" under this legislation means, subject to certain prescribed exemptions, "the selling or exposing or offering for sale of any article (including a living thing) in a street." When Schedule 4 is adopted by a Council, they then have the power to designate 'streets' within their area as 'consent streets,' or 'prohibited streets.' A 'consent street' is a street in which street trading is prohibited without the consent of the Council and, as the name suggests, a 'prohibited street' is a street in which street trading is prohibited.
- 4.2 On 16 September 2021, this Committee approved a Draft Street Trading Consent Policy for the purpose of consultation.

The public consultation opened on 29 September 2021 for a period of 12 weeks and was available on the Council's website where 35 responses were received.

- 4.3 Letters were also sent directly to the 26 existing consent holders advising them of the proposals and 2 responses have been received requesting their existing trading pitches are retained.
- 4.4 Prior to the public consultation, internal partners were contacted and responses to the draft proposals were received from:
- Leisure & Culture – Derby City Council
 - Traffic & Transport – Derby City Council
 - Environmental Protection – Derby City Council
 - Business Improvement Districts
- 4.5 It was initially envisaged that the approved Street Trading Consent Policy would come into force on 1 April 2022 following the resolution and final policy being approved by Full Council and the subsequent notices being published.
- 4.6 From the results of the consultation, what has become clear is that the proposed 'effective' date was ambitious and is now in fact impracticable. The content of the responses highlight that further discussions are required before a new final draft policy is considered. This further consideration is important to ensure that the new policy it is not in conflict with any existing policies, that it will not adversely affect the existing restrictions in the city and that it is also designed to take into consideration future developments in the City.
- 4.7 To ensure openness and fairness, it is proposed that approval of the Street Trading Consent Policy be delayed enabling inclusion of the outcome of further discussions with the relevant partners and stakeholders and then returned to this Committee for further consideration.
- 4.8 Existing consents expire on 1 April 2022 and are usually granted for the maximum period of 12 months. It is proposed that upon renewal, existing consents are renewed for a period of 6 months, at a pro rata fee. This will allow time for the new policy to be further developed and considered before being adopted and will also give a transitional period for existing consent holders to trade whilst preparing to meet the requirements of the new policy.

Public/stakeholder engagement

- 5.1 Please see information set out in 4.2 to 4.4 above.

Other options

- 6.1 None.

Financial and value for money issues

- 7.1 None arising from this report.

Legal implications

- 8.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the regulation of street trading.
- 8.2 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 empowers the Council to adopt Schedule 4, which relates to street trading. Where such a resolution is passed, it will come into force on such date as is specified in the resolution itself.
- 8.3 By virtue of paragraph 20 within Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the function of adopting the legislation is a non-executive function.

Climate implications

- 9.1 None arising from this report.

Other significant implications

- 10.1 None arising from this report.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	18/1/22
Finance	-	
Service Director(s)	-	
Report sponsor	Samantha Dennis	19/1/22
Other(s)	Michael Kay	17/1/22

Background papers:	Local Government (Miscellaneous Provisions) Act 1982 (the Act)
List of appendices:	Schedule 4