



**LICENSING COMMITTEE**  
**2 November 2023**

**ITEM 06**

Report sponsor: Samantha Dennis, Director of  
Public Protection & Streetpride  
Report author: Angela Rawson, Service  
Manager, Licensing

## **Street Trading Consent Policy Review**

### **Purpose**

- 1.1 The report asks members to consider the proposal to review of the existing Street Trading Consent Policy following its commencement in April 2023.

### **Recommendation(s)**

- 2.1 That the Committee approve the attached Proposed Street Trading Policy for release for a 12 week public consultation (Appendix 1).
- 2.2 That the Committee delegate authority to make minor changes to the policy, following any responses to the consultation to the Head of Community Safety and Localities and the Service Manager for Licensing in consultation with the Chair of Committee with any minor changes being provided as an update to members at the next available sitting.
- 2.3 Major changes to the Policy will remain the responsibility of this Committee.

### **Reason(s)**

- 3.1 The new Policy has been in operation now since April 2023. Since then there have been some operational points raised and it is felt the right time to carry out a review of the policy contents.
- 3.2 It is proposed that the outcome of the consultation process and any subsequent amendments made to the Policy as a result are reported back to the Committee in 2024.

### **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,' 'licence streets' or 'prohibited streets.' A 'consent street' is a street in which street trading is prohibited without the consent of the Council; a 'licence street' is a street in which street trading is prohibited without a licence granted by the Council; and, as the name suggests, a 'prohibited street' is a street in which street trading is prohibited.

- 4.2 By virtue of a resolution which had effect from the 3 January 2023, defining the whole of Derby City Council administrative area as Consent Streets in accordance with the provisions of paragraph 2 of the Act. A new policy was subsequently developed to provide advice and guidance as to the required application process and considerations and became effective as of 1 April 2023.
- 4.3 There is a need to encourage and welcome small businesses into the City however there has been some operational issues encountered with the new policy, particularly in relation to determining a new consent. It is therefore felt the appropriate time to carry out a review of the Policy.
- 4.4 To ensure full and open inclusivity it is proposed that the Street Trading Consent Policy undergoes a 12 week consultation period to enable comments to be received from the general public, stakeholders and partners for consideration as to any suggested changes which may enhance the existing process.
- 4.6 Should representations be received during the consultation period, it is proposed that they be considered by officers and that any minor changes to the Policy are approved after consultation with that Chair of this Committee. Any major changes will be brought back to this Committee for a final decision.

### **Public/stakeholder engagement**

- 5.1 12 week consultation with the relevant parties, including public, current consent holders, stakeholders and partners.

### **Other options**

- 6.1 None – statutory requirement.

### **Financial and value for money issues**

- 7.1 The fees levied for the regime are intended to include the cost of the review of the policy as well as delivering the service.

### **Legal implications**

- 8.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the regulation of street trading. As set out in 4.1 above.
- 8.2 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 empowers the Council to adopt Schedule 4, which relates to street trading.

### **Climate implications**

- 9.1 None directly arising from this report.

## Other significant implications

10.1 None.

This report has been approved by the following people:

| Role                | Name                              | Date of sign-off |
|---------------------|-----------------------------------|------------------|
| Legal               | Olu Idowu                         | 23/10/2023       |
| Finance             |                                   |                  |
| Service Director(s) |                                   |                  |
| Report sponsor      | Samantha Dennis, Service Director | 10/10/2023       |
| Other(s)            | Charles Edwards, Head of Service  | 11/10/2023       |

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| Background papers:  | Local Government (Miscellaneous Provisions) Act 1982 (the Act) |
| List of appendices: | Schedule 4<br>Appendix 1 – Proposed Street Trading Policy      |