



Derby City Council

Licensing Committee
Date 12 November 2015

ITEM 5

Report of Acting Strategic Director of
Communities and Place Directorate

Review of Street Trading

SUMMARY

- 1.1 Since the transfer of responsibility for Street Trading as part of the Markets portfolio, a number of concerns have been raised by existing and prospective Street Traders about how licensing policies have been applied.
- 1.2 Therefore, this report seeks the approval of Licencing Committee to undertake a fundamental review and updating of policies that relate to Street Trading activities across the city including the city centre.

RECOMMENDATION

- 2.1 To Approve the:
 1. Comprehensive review of current Street Trading Activities and the establishment of a Draft City-Wide Street Trading Policy for further member consideration, prior to the required consultation process take place.

REASONS FOR RECOMMENDATION

- 3.1 To put in place a city-wide policy that enables your officers to effectively and more cohesively manage street trading activities.

SUPPORTING INFORMATION

- 4.1 The framework that enables and empowers local authorities to manage Street Trading activities is drawn from Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, (Hereinafter referred to as "The 1982 Act").
- 4.2 In recent months it has become clear that some of the earlier management interpretations of how The 1982 Act has been applied, lacked formal approval, was inflexible and discouraged a more dynamic free market approach. In addition, certain established policies are also in need of updating to reflect the current situation.
- 4.3 Issues raised by existing and prospective traders have included the 'rule ' that requires a ½ mile between trading pitches, the lack of a formal published policy, specific restrictions on Pride Park and confusion about responsibility for city centre based street trading activities.

OTHER OPTIONS CONSIDERED

- 5.1 None

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu Mazer Hussain John Tomlinson – Communities ,Environment and Regulatory Services Claire Davenport - Culture & Leisure None
For more information contact: Background papers: List of appendices:	Gary Marshall Tel: 07812301635 gary.marshall@derby.gov.uk Report to the Planning and Technical Service Committee 17 June 1998 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 The establishment and implementation of a city-wide Street Trading Policy will require some revenue funding for the required consultation and publicity activities that will be managed within existing resources. The review will also look at the current schedule of charges and may make certain recommendations for implementation in 2016/17

Legal

- 2.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, gives the council the necessary powers to regulate all Street Trading activities. It operates by way of a designation of affected streets as consent streets or licence streets. A designation cannot take effect for at least one month after the date on which it is made. Prior to the designation being made, notice must be given to the chief constable of police and to the highway authority. Both the intention to make the designation as well as, post designation, the fact that a designation has been made, must be advertised in a newspaper circulating in the Council's area, at least or within 28 days of the event, as applicable.

Personnel

- 3.1 Currently the management of street trading is carried out by the Markets Section. It is recognised that the various licensing activities across the directorate would be more effectively discharged if they were brought together, including the licensing of city-centre street trading activities, which currently rests with Derby Live. It is therefore proposed that the review will inform the directorate restructure that is currently being carried out, in the light of recent corporate changes to the structure of the city council.

IT

- 4.1 No Implications

Equalities Impact

- 5.1 The establishment of a city-wide Street Trading Policy will be subjected to an EIA before implementation.

Health and Safety

6.1 No Implications

Environmental Sustainability

7.1 No Implications

Property and Asset Management

8.1 No Implications

Risk Management

9.1 No Implications

Corporate objectives and priorities for change

10.1 An effective means of managing street trading activities will contribute towards the corporate objective of a providing a thriving sustainable economy.