



**COUNCIL**

**16<sup>TH</sup> DECEMBER 2014**

**AGENDA ITEM (8)**

**REPORT FROM LICENSING COMMITTEE - STREET TRADING POLICY**

<b>Accountable Members</b>	Council
<b>Accountable Officer</b>	Kate Bishop Shared Head of Public Protection and Regulation Services 01285 623000 kate.bishop@cotswold.gov.uk

<b>Purpose of Report</b>	To recommend a Street Trading Policy for approval by the Council.
<b>LICENSING COMMITTEE Recommendation</b>	<b>That the Street Trading Policy be approved.</b>
<b>Reason(s) for Recommendation(s)</b>	The Policy provides a framework for the management of Street Trading Consents in the area of Cotswold District Council.

<b>Ward(s) Affected</b>	All
<b>Key Decision</b>	No
<b>Recommendation to Council</b>	Yes, from the Licensing Committee

<b>Financial Implications</b>	None
<b>Legal and Human Rights Implications</b>	Legal Services have been directly involved in the drafting of the Policy.  Consultation has been undertaken with existing traders and Town and Parish Councils to ensure that any issues raised can be appropriately considered.
<b>Environmental and Sustainability Implications</b>	None
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	None
<b>Equalities Analysis</b>	No effect on protected groups identified

<b>Related Decisions</b>	None
<b>Background Documents</b>	None
<b>Appendices</b>	<p><b>Appendix 'A'</b> - Draft Street Trading Policy (as commended by the Licensing Committee)</p> <p><b>Appendix 'B'</b> - Unconfirmed Minute from Meeting of the Licensing Committee held on 2<sup>nd</sup> December 2014</p>

<b>Performance Management Follow Up</b>	Implement Council decision
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## Background Information

### 1. Introduction

1.1 The powers to control street trading within the Council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which was adopted by the Council on 17<sup>th</sup> July 1984.

1.2 The Council does not currently have a Street Trading Policy.

1.3 The new Policy is designed to:

- Set out the licensing procedure and the three licensing objectives to be considered - public safety, public order and preventing nuisance or annoyance
- Set out the role and function of the Licensing Committee and the relevant Licensing Sub-Committee
- Ensure that where valid representations are made, the application is referred to the Licensing Sub-Committee for determination
- Exempt charities and community groups from the street trading application fee (the administration cost for processing those applications would have to be met by the Service)
- Update the current Street Trading Consent Standard Conditions (last revised in 2009)
- Simplify the procedure for renewals where no representations have been made or any relevant enforcement action has been taken.

1.4 This Policy sets out the framework for the management of street trading in the Cotswold District.

### 2. Consultation

2.1 The consultation period commenced on 17<sup>th</sup> September 2014 and ended on 15<sup>th</sup> October 2014 (28 days). All Street Trading Consent holders, relevant authorities, Town and Parish Councils and Ward Members within the Cotswold District were consulted. A copy of the draft policy document and consultation was also placed on the Council's website.

2.2 Responses were received and details of these were considered by the Licensing Committee, along with an Officer appraisal against each matter. The Policy document was amended in response to the comments received and the feedback from the Licensing Committee at an informal briefing session held on 7<sup>th</sup> October 2014.

3. Recommendation of the Licensing Committee

3.1 The Licensing Committee considered the amended Street Trading Policy at its Meeting on 2<sup>nd</sup> December 2014.

3.2 At that Meeting, the Committee was also requested to consider a request from two Town Councils to further amend the Policy to allow Town and Parish Councils to sub-let Street Trading Consent pitches or locations, subject to the Council's conditions. However, rather than grant a 'blanket' dispensation to all Town and Parish Councils, the Committee agreed that the draft Policy should be amended to allow Applicants for Street Trading Consent to seek the right to sub-let, subject to the Council's conditions.

3.3 As a result of that decision, a number of further amendments have incorporated in the draft document (showing 'tracked changes') now presented to the Council with the Committee's recommendation for approval (see **Appendix 'A'**).

3.4 For Members' information, a copy of the Unconfirmed Minute from the Meeting of the Licensing Committee held on 2<sup>nd</sup> December 2014 is also attached (see **Appendix 'B'**).

(END)