

CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 14th January 2013
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Draft Street Trading Policy

1.0 Report Summary

- 1.1 This report seeks Members' approval on a draft policy concerning the Council's Street Trading function.

2.0 Recommendation

- 2.1 That Members consider the content of the draft policy and authorise the Licensing Team Leader to undertake consultation

3.0 Reasons for Recommendations

- 3.1 The Council does not currently have a Borough wide Street Trading Policy. All applications are therefore processed in accordance with the policy or working practise applicable in each of the former Boroughs.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 There will be 'one-off' printing and postage costs associated with the consultation exercise with an estimated costs of £50.00.
- 7.2 Whilst it is acknowledged that this expenditure is necessary, it is noted that early projections indicate that the Service area may be in a net overspend position at year end.

- 7.3 The fees applicable may therefore need to be re-considered to ensure that the scheme runs on the basis of a nil costs to the Authority and is therefore self funding.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 grants a Local Authority the power to adopt legislation to control Street Trading within its area.

- 8.2 Schedule 4 of the 1982 Act sets out the powers available, including

- the designation of streets as prohibited, consent, or licence
- Exemptions
- Setting of fees
- Applying conditions
- Any offences

9.0 Risk Management

- 9.1 Full consideration of the policy and any objections received in response to the consultation would mitigate the risk of challenge to any decision taken.

10.0 Background and Options

- 10.1 On the 13th October 2011, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 was adopted in respect of the whole Borough.

- 10.2 A street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas. In brief terms, street trading is defined as anyone selling or exposing or offering for sale any article (including a living thing).

- 10.3 The purpose of controlling street trading is to ensure appropriate controls are in place to regulate and ensure that:

- An area is not saturated with street traders to the detriment of permanent businesses
- The highway is not obstructed
- The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents

- 10.4 There are approximately 20 street trading consents issued annually by the Licensing Team. The fee currently stands at £364.00 per consent.

- 10.5 It is intended that any consultation on the draft Policy would take the following format:

- i. Publication on the Council's website for a period of 12 weeks
- ii. Letters to be sent to existing consent holders directing them to the draft policy and asking for their comments

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Draft Street Trading Policy – Appendix A

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk