

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting: 16th July 2013
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Draft Street Trading Policy
Portfolio Holder: Cllr Les Gilbert - Communities and Regulatory Services
Portfolio Holder

1.0 Report Summary

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

2.0 Recommendation

- 2.1 That the Street Trading Policy attached at appendix A be adopted with immediate effect.

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.
- 3.2 In accordance with the Council's Constitution the Licensing Committee is authorised to determine such matters.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 None identified

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

- 7.1 The fees applicable may need to be re-considered to ensure that the administration of the regime 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

- 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 Following the decision of the Licensing Committee on the 14th January 2013 the Licensing Team consulted on the draft Policy. The consultation on the draft Policy was conducted by:

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

10.6 Despite the length of consultation and proactively writing to all current consent holders, no responses during the consultation period were received. Members may therefore need to consider whether any further consultation is appropriate prior to the adoption of the Policy.

10.7 Members may wish to note that, at the time of the consultation, there were 17 extant consents. Additionally, street trading is not a high profile issue and this may have influenced a lack of response during the consultation period.

11.0 Access to Information

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

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