

**Report to LICENSING COMMITTEE**

## **Street Trading- Amendments to Policy**

**Portfolio Holder:**

Councillor A. Chadderton - Cabinet Member for Neighbourhoods

**Officer Contact:** Director of Environment

**Report Author:** John Garforth – Trading Standards & Licensing Manager

**Ext.** 5026

**30 November 2021**

---

### **Reason for the Report**

The reason for this report is to ask members to consider adopting changes to the current street trading policy.

### **Recommendation**

Members are asked to approve the proposed changes to the Council's street trading policy.

## Street Trading Policy Review

### 1 Background

- 1.1 Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') enables a Local Authority to adopt a code for the regulation and control of street trading within its district.
- 1.2 Once Schedule 4 to the Act has been adopted by a Local Authority, the Act states that the Local Authority may, by way of a resolution, choose to designate any street within its area as a prohibited, licence or consent street. A public notice will have to be published in order to designate prohibited streets.
- 1.3 In terms of definitions, broadly speaking a prohibited street means no street trading can take place, a licence street is more suitable to streets where the strict control of trading is needed i.e., town centre / district centres and a consent street are applicable to more infrequent types of trading, such as ice cream vans.
- 1.4 The Council adopted the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and resolved to designate some of the streets within the borough as prohibited streets, licence streets and consent streets.
- 1.5 In relation to street trading 'licences', the 1982 Act permits a Council, on application, to ask for any such particulars as the Council reasonably require and may attach to the grant of a licence such conditions as appears to be reasonable.
- 1.6 In relation to street trading 'consents', the 1982 Act states the Council may grant a consent if they think fit and may attach to the grant of a consent such conditions as the deem reasonably necessary.

### 2 Current Position

- 2.1 Currently there are the following number of licences in force;
  - 44 Street Trading Consents
  - 8 Street Trading Licences, 5 of which relate to Uppermill market
  - 32 Street Trading Assistants
- 2.2 Officers are proposing the following additions to the street trading policy:
  - £5m Public liability insurance required to be submitted with application.
  - Applicant to submit a photograph of the vehicle/trailer
  - Applicant to submit trading name of the vehicle
  - Ice creams vans recommended to install CCTV which they have control of and the footage to be passed to an Authorised Council Officer or Police Officer upon request.
  - Addition of Crawley Street, Off Denton Lane, Chadderton to the prohibited streets list.
- 2.3 A copy of the policy including these changes is attached at Appendix 1.

### 3 Recommendations

- 3.1 Members are asked to note the report and feedback any comments on its content.

### 4 Preferred Option

- 4.1 N/A
-

---

## **5 Consultation**

- 5.1 In drafting this policy consultation took place with the current licence holders and due consideration has been given to comments made and, where felt appropriate to do so, amendments have been made. Only one response was received. As a consequence of the consultation the mandatory CCTV requirement has been replaced with an advisory recommendation at this stage with a view to this being made mandatory at a future date.

## **6 Financial Implications**

- 6.1 None

## **7 Legal Services Comments**

- 7.1 Under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may by resolution designate any street in their district as a prohibited street and the designation of the street shall take effect on the date specified in the resolution which must be at least one month after the day on which the resolution is passed. The Council shall not pass such a resolution unless they have published notice of their intention to pass such a resolution in a local newspaper circulating their area, they have served a copy of the notice on the chief officer of police and on the highway authority and they have obtained the consent of the highway authority.
- 7.2 The notice referred to above shall contain a draft of the resolution and shall state that representations relating to it may be made in writing to the Council within such period, not less than 28 days after publication of the notice, as may be specified in the notice. As soon as practicable after the expiry of the period for representations, the Council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period. After the Council have considered those representations, they may, if they think fit, pass such a resolution relating to the street and then they must publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 7.3 Under the provisions of Schedule 4, the Council may also require an applicant for a street trading licence to provide such other particulars as the Council may reasonably require with their application. When granting a street trading licence the Council may attach such conditions to the licence as appear to it to be reasonable and when granting a street trading consent the Council may attach such conditions to the consent as they consider reasonably necessary. The Council may grant a street trading consent if they think fit. There is a right of appeal to the Magistrates' court against a decision of the Council not to grant or renew or to vary or revoke a street trading licence, but there is no right of appeal against a decision not to issue a street trading consent. (A. Evans)

## **8. Co-operative Agenda**

- 8.1 Not applicable

## **9 Human Resources Comments**

- 9.1 Not applicable

## **10 Risk Assessments**

- 10.1 Not applicable
-

- 
- 11 IT Implications**
- 11.1 None
- 12 Property Implications**
- 12.1 None
- 13 Procurement Implications**
- 13.1 None
- 14 Environmental and Health & Safety Implications**
- 14.1 None
- 15 Equality, community cohesion and crime implications**
- 15.1 None
- 16 Equality Impact Assessment Completed?**
- 16.1 Yes
- 17 Key Decision**
- 17.1 No
- 18 Key Decision Reference**
- 18.1 N/A
- 19 Background Papers**
- 19.1 None
- 20 Appendices**
- 20.1 Appendix 1 – Street Trading Policy (draft) November 2021
-