

Cabinet Decision:

Thursday 18 January 2024

Title of Item/Report

Consent Street Trading Policy Review 2024

Record of the Decision

Consideration was given to a report on Consent Street Trading Policy Review 2024

The report informed Cabinet of the results of a public consultation, a draft consent street trading policy and the proposal to designate the whole borough a consent area for the purposes of street trading.

“Street Trading” was defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP) Act 1982) – as “the selling or exposing or offering for sale of any article (including a living thing) in a street”. For the purposes of the Act this would include private land that the public has access to without payment.

Under the provisions of Schedule 4, a Local Authority may designate streets within its borough as either:

- Prohibited Streets - in which street trading is not allowed.
- Licence Streets - in which a licence to trade is required.
- Consent Streets - where prior consent requirements operate.

In 1987, the resolution to adopt Schedule 4 of the LG(MP) Act 1982 was taken, members approved a list of consent streets and prohibited streets, in 1999 the current street trading consent conditions were agreed and in 2001 the policy was amended to add Yarm Lane as a prohibited street, the regime has remained largely unchanged since.

The Council had no control in areas where it had not designated a street as either a consent or prohibited street. This had resulted in the Council being ineffective to respond to complaints associated with trading and inefficient in responding to requests to trade in areas where no provisions exist.

In addition to this the current list of prohibited and consent streets was no longer relevant in redeveloped areas and was inflexible with the developing Town Centres and Place strategies.

Consultation was critical to ensure any changes to the street trading resolution were clear and transparent for

businesses, members, responsible authorities and the public. The statutory consultation process was followed including an advert in the Evening Gazette dated 11 July 2023. A report containing a summary of the results of the online public consultation was attached to the report.

Alongside the online consultation in depth discussions had helped to shape the revised policy and the application / determination process. These discussions had included:

- Existing traders
- Potential Traders
- Voluntary Sector
- Charity and non-profit groups
- Parish Councillors
- Members
- Council Departments

A copy of the revised draft consent street trading policy 2024, which outlined how officers would manage and review the regime including the application / determination process was attached to the report.

The most significant changes following the consultation had been around:

- Non for profit and charity fundraising (detailed at pg. 3 of the draft policy document)
- DBS and convictions information (detailed at pg. 8 and Appendix 3 of the draft policy document)

The revised policy document had been circulated for comments to all respondents to the consultation who provided contact details and again internally with Council departments. Additional responses to the revised policy were attached to the report.

On 14 November 2023 the General Licensing Committee considered the revised policy document, no further comments were received on the policy and the Committee agreed and noted the report. Officers explained to members the draft policy would also help as a regulatory tool for nuisance pedlars at events.

With regard next steps, the resolution to designate the whole borough a consent area for the purposes of street trading, the draft policy document and the summary of the consultation would be considered full Council for the final decision on 24 January 2024.

If the resolution is agreed the Council shall publish notice of the final resolution in a local newspaper and on the

Council website advertising of the decision. (This should be no later than 28 days before the date of operation of the new scheme).

Taking these dates into consideration it was proposed any changes would come in to effect after 1 March 2024.

RESOLVED that:-

1. The contents of this report be noted.
2. Cabinet members comments be received.

RECOMMENDED to Council that the proposed resolution to designate the whole borough as a consent area for the purposes of street trading be agreed.

Reasons for the Decision

The current consent street trading policy is outdated. The General Licensing Committee agreed to a public consultation on a draft resolution for (minimum 28 days) under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate the whole borough as a consent area for the purposes of street trading.

Alternative Options Considered and Rejected

None.

Declared (Cabinet Member) Conflicts of Interest

None.

Details of any Dispensations

Date and Time by which Call In must be executed Midnight on 26 January 2024

Date of Publication: Monday 22 January 2024