

AGENDA ITEM

**REPORT TO
GENERAL
LICENSING
COMMITTEE**

14 NOVEMBER 2023

**REPORT OF
ASSISTANT
DIRECTOR OF
COMMUNITY SAFETY
AND REGULATED
SERVICES**

CONSENT STREET TRADING POLICY REVIEW

SUMMARY

To inform the General Licensing Committee of the statutory public consultation carried out to review the current policy and the proposal to designate the whole Borough as a consent area for the purposes of consent street trading.

RECOMMENDATIONS

1. That Members note the contents of the report.
2. That Members comments are received.

BACKGROUND

1. The General Licensing Committee agreed a draft resolution for public consultation 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.
2. The Local Government Miscellaneous Provisions Act 1982 Schedule 4 sets out the statutory process for designating a consent area and rescinding the existing street trading resolution. Statutory consultation must take place, statutory consultees are:
 - Public
 - Police
 - Highways

DETAIL

1. The statutory consultation process was followed including an advert in the Evening Gazette dated 11 July 2023.
2. A report containing a summary of the results of the online consultation is attached as **Appendix 1**.
3. Alongside the online consultation in depth discussions have helped to shape the revised policy and the application / determination process. These discussions have included:
 - Existing traders
 - Potential Traders

- Voluntary Sector
 - Charity and non-profit groups
 - Parish Councillors
 - Members
 - Council Departments
4. A copy of the revised draft Consent Street Trading Policy 2024 is attached as **Appendix 2**.
 5. The most significant changes following the consultation have been around:
 - Non for profit and charity fundraising (detailed at pg. 3 of the policy document)
 - DBS and convictions information (detailed at pg. 8 and Appendix 3 of the policy document)
 6. The revised draft Consent Street Trading Policy 2024 has 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 are attached as **Appendix 3**.

Next Steps

7. Next Steps – summary of the consultation and any further licensing committee comments will be considered by Cabinet on 18 January 2024 and full Council for the final decision on 24 January 2024.
8. 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).
9. Taking these dates into consideration it is proposed any changes would come in to effect after the 1 February 2024.

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Financial Implications

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Fee setting is delegated to officers under the Councils constitution. The cost of administering the consent street trading scheme can be recovered through street trading fees, which are set locally and reviewed annually. The fees must be set at a level to recover the cost of the scheme and can take into account the location, the duration of the consent, trading hours, and the articles to be sold. Through the maintenance of a strategic licensing policy there will be opportunities to further improve the environment, to the benefit of all.

Environmental Implications

Legal Implications

The proposal is for Stockton Borough Council to designate the whole of the Borough as a consent area. The proposed street trading policy must be in accordance with the powers granted in Section 3 and Schedule 4 of the LG(MP) Act 1982.

Community Safety Implications

The administration and enforcement of the licensing regime should assist in reducing crime and disorder.

Human Rights Implications

Consideration must be given.

Background Papers

Appendices.

Ward

All wards. Members have been consulted as part of this process.