

## STREET TRADING POLICY

<b>Cabinet Member</b>	Cllr Jonathan Bianco.
<b>Cabinet Portfolio</b>	Finance, Property and Business Services.
<b>Officer Contact</b>	Stephanie Waterford/David Frost Planning, Environment, Education & Community Services – Beejal Soni, Central Services
<b>Papers with report</b>	Appendix A - Draft street trading policy.

### HEADLINE INFORMATION

<b>Purpose of report</b>	This report seeks approval to begin a public consultation on the attached draft street trading policy
<b>Contribution to our plans and strategies</b>	Part of the Council's Business Improvement Delivery programme.
<b>Financial Cost</b>	The costs of the consultation and introduction of the policy can be met from existing budgets.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Service
<b>Ward(s) affected</b>	All

### RECOMMENDATION

**That Cabinet authorises The Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services to begin a 28 day statutory public consultation on the draft street trading policy to be found in Appendix A;**

### INFORMATION

#### Reasons for recommendation

In compliance with a decision taken by Cabinet in April 2011, officers from Licensing and Legal Services have drafted a street trading policy which outlines the Council's approach to street trading and markets in the Borough.

#### Alternative options considered / risk management

Not to undertake a public consultation on the policy. This would mean that a street trading policy cannot be introduced in a manner which complies with the London Local Authorities Act 1990.

## Comments of Policy Overview Committee(s)

None at this stage.

## Supporting Information

On 21<sup>st</sup> April 2011, the Licensing Committee delegated to the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services the power to determine unopposed street trading applications. This was pursuant to a Cabinet decision in April 2011 to recommend such a delegation and to instruct officers to prepare a street trading policy.

The draft street trading policy, in Appendix A, contains the following key features or proposals for street trading activity in the borough:

1. A set of terms and conditions worded so that traders can understand what is expected of them;
2. The Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, acting in consultation with the Leader, may make minor changes to the policy;
3. Street trading in the form of occasional street markets and charity / community events will be licensed under the Food Act 1984, so reducing administrative burdens on applicants and giving the Licensing Service and applicants greater flexibility in coordinating such events;
4. All applications will be subject to a 21 day consultation period. If objections to an application are received, the application will be determined by a Licensing Sub-Committee;
5. The criteria for accepting and refusing street trading applications is clarified.

The draft policy also incorporates key requirements of the EU Services Directive with regard to application processing times. It is confirmed that the issue of street trading licences under the Food Act 1984 does not require adoption or delegation of powers because the licences continue to relate to street trading activities as previously authorised by Cabinet and full Council.

The London Local Authorities Act 1990 (as amended) requires a public consultation be held for a minimum of 28 days before a decision is made on the final policy and licence conditions. Officers therefore propose to use the policy attached at Appendix A as the basis for the 28 day consultation with internal and external stakeholders. The proposed policy will be advertised on the Council's website, the Street Champions e-mail bulletin and will take the form of a legal notice in the Uxbridge Gazette and London Gazette.

The draft policy will also be distributed to various partners and internal stakeholders including the Metropolitan Police Services, Food Safety Team, Highways Team and Waste Management, for comment.

Officers also propose to offer meetings to discuss the draft policy with various applicants and concerned traders, so as to address any concerns and to encourage a positive dialogue, setting this as the approach to the regulation of street trading.

Once consultation has been carried out and any representations made are analysed, officers will report back to Cabinet with any proposals for amendment.

Full Council will also need to amend the terms of reference of the Licensing Committee to take into account the licensing of markets.

## **Financial Implications**

The introduction of a street trading policy has no direct financial implications for the Council. Delivery of the consultation process and the implementation of the street trading policy can be met from existing resources.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

The clarity provided by the policy and its simpler approach will help towards reducing the administrative burdens and delays for those applying and make for better regulation of street trading.

## **Consultation Carried Out or Required**

This report requests permission for a public consultation to be carried out. It is anticipated that Cabinet will be advised of the outcome of this consultation in July 2011, and will be presented with a proposed final policy to consider and determine at this time.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and is satisfied that any costs associated with the consultation and introduction of the street trading policy will be contained within existing budgets and that there are no wider financial implications resulting from the recommendations of this report.

### **Legal**

Legal comments have been included in the report where relevant. It is confirmed that the London Local Authorities Act 1990 (as amended) places a mandatory requirement on the Council to consult on the policy prior to the introduction of the street trading policy.

## **BACKGROUND PAPERS**

NIL