
Meeting	Licensing Committee
Date	13 November 2013
Subject	Street Trading Policy
Report of	Director for Place
Summary of Report	This report seeks approval from the Committee to engage in consultation on a draft Street Trading Policy.

Officer Contributors	Emma Phasey - Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	Not applicable
Key Decision	Not applicable
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix 1 – Draft Policy Appendix 2 – Summary of changes Appendix 3 – Consultation document
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1. RECOMMENDATION

- 1.1 That the draft Street Trading Policy be approved for consultation and that Officers be instructed to report to the next Licensing Committee meeting on the outcome of the consultation**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Decision by Cabinet on 31 January 2008 to adopt the current Street Trading Policy and enforcement regime
- 2.2 Decision by Council on 16 July 2013 to adopt the current Street Trading Policy

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Street trading supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social well being of the borough.
- 3.2 Street trading also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

4. RISK MANAGEMENT ISSUES

- 4.1 The lack of a sound policy or the adoption of an unsound policy may result in poor decisions being taken and could cause difficulty to businesses and residents. This would leave the authority open to challenge by way of Judicial Review in relation to the policy and/or appeal of a Licensing Committee decision to the Magistrates’ Court. This would adversely affect the Councils reputation.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.2 When considering street trading applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the authority’s street trading policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits, regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.
- 5.3 The community in Barnet has a richness of diversity with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.
- 6.2 The current fees were set in 2008 and are being reviewed at the same time as the policy, any expenditure will be contained within the licensing departments budgets.

7. LEGAL ISSUES

- 7.1 The London Local Authorities Act 1990 allows such Authorities to license street markets. To ensure consistency in decision making an agreed sound policy is needed.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution Part 3, Section 2, details the functions of the Licensing Committee including street trading

9. BACKGROUND INFORMATION

- 9.1 In January 2008 the London Borough of Barnet adopted the current regime in relation to street trading. The Introduction of this street trading regime has allowed for the effective control of the street scene. The Council is able to attach relevant conditions to ensure good practice and control issues such as nuisance, crime and disorder. Where there is non compliance, licences can be revoked and appropriate enforcement action taken.
- 9.2 There are currently approximately 70 temporary street trading licences and 6 permanent pitches in the borough.
- 9.3 The current street trading policy was adopted in July 2013.
- 9.4 The London Borough of Barnet has very recently been contacted by traders in relation to street markets within the borough. It is widely recognised that street markets can benefit an area not only in terms of regeneration, economic development ,culture and tourism, but also in relation to food and health, community cohesion and the environment.
- 9.5 Currently the policy has a section in relation to street markets, however this section is restrictive in the time limits it imposes and also may not provide adequate control over the market traders. Therefore to be able to help encourage well controlled and beneficial street markets in the borough these sections have been reviewed and amended.
- 9.4 If approved by the Committee, the street trading policy will be submitted for consultation with all relevant stakeholders during the next 12 weeks, in accordance with best practice. All replies will be taken into account and the

policy, revised as necessary, will be submitted to this Committee for final approval at its next meeting. The Committee will then be asked to recommend that the Policy be adopted at a meeting of the full Council in April 2014.

- 9.5 The policy may be changed at any time after adoption (after further consultation), and will be regularly reviewed.
- 9.6 The proposed draft street trading policy for agreement prior to formal consultation can be found in Appendix 1. A matrix of the main changes to the policy can be found at Appendix 2.
- 9.7 The consultation document will be sent to the Police, all Members, all current holders of a street trading licence in our area and the Environmental Health and Highways departments of the London Borough of Barnet
- 9.8 In so far as is possible, the consultation document will be emailed to the relevant consultees, a hard copy will be sent where this is not appropriate. All of the consultation documents will also be published on the Council's website.
- 9.9 A specific consultation response document has also been produced. This can be found in Appendix 3 and this will be sent out with the consultation

10. LIST OF BACKGROUND PAPERS

- 10.1 London Local Authorities Act 1990

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	BH