

APPENDIX C

Meeting	Licensing Committee
Date	10 July 2013
Subject	Street Trading Policy
Report of	Director of Development and Regulatory Service
Summary	This is a report proposes that the draft Street Trading Policy be approved by the Licensing Committee and that the Committee recommend it for adoption as policy by Full Council

Officer Contributors	Emma Phasey - Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	Appendix 1 – Draft street trading policy Appendix 2 – Consultation responses
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1. RECOMMENDATIONS

- 1.1 That the draft Street Trading Policy be approved by the Licensing Committee and recommended for adoption as policy by Full Council on 16 July 2013.**

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 the Licensing Committee on 26 November 2013² to consult on the draft policy

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Street trading will support objectives contained within the Corporate Plan. In particular, in relation to a “successful London suburb” as Street trading can contribute to the economic, cultural, environmental and social well being of the borough.

4. RISK MANAGEMENT ISSUES

- 4.1 Currently the council has no formal detailed policy in relation to street trading. The decisions are made in line with best practice and in line with the Cabinet Report in January 2008 that established the current regime.
- 4.2 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 gambling 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 Any expenditure will be contained within Development and Regulatory Services budgets.

7. LEGAL ISSUES

7.1 The London local Authorities Act 1990 provides the framework for the Council's powers over street trading. To ensure consistency in decision making an agreed sound policy is needed. This will also assist should any appeals be made against Council decisions.

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 It is good practice for the Council to prepare, consult on and publish a policy which it proposes to apply when exercising relevant functions

9.7 At its meeting on 26 November 2012 the Licensing Committee instructed the Interim Director of Environment, Planning and Regeneration to consult with relevant persons and bodies on the street trading Policy.

- 9.6 The consultation document was sent to the Police, all street trading licence holders, and residents groups. It was also sent to councillors, faith groups, and voluntary organisations
- 9.7 The draft policy was subject to public consultation for 13 weeks ending on 26 June 2012. The consultation was available on the Council's web site. Responses were sought as to whether consultees agreed with the draft policy and comments were invited on any aspect of the policy.
- 9.8 10 responses were received in response to the consultation. 3 agreed with the policy and 3 disagreed. 2 neither agreed nor disagreed and 2 were not sure. There were 6 comments received. Of those who had disagreed or neither disagreed or agreed there is a sense that the majority wanted strong control over street trading. The policy and the current standard conditions address the majority of these concerns. Full information on responses can be found in Appendix 2
- 9.9 The draft policy is attached at Appendix 1. There are no changes to the proposed policy that was submitted at the November meeting.
- 9.10 If the policy is approved, the Committee will recommend it for adoption by full Council on 16 July 2013
- 9.11 The policy may be changed at any time after adoption (after further consultation) and will be reviewed on a regular basis.

10. LIST OF BACKGROUND PAPERS

None

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