



## Licensing Committee

10 February 2020

<b>Title</b>	<b>Review of Street Trading Licence Policy</b>
<b>Report of</b>	Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	<b>Appendix 1 – Draft Policy</b>
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### Summary

This report seeks approval from Members to consult on the attached policy in relation to street trading licences. The attached policy is a review and update of the current policy

### Officers Recommendations

1. That Committee authorise the Licensing team to commence a 6-week consultation on the draft policy for street trading licence

## **1. WHY THIS REPORT IS NEEDED**

1.1 The London Local Authorities Act 1990 is the main legislation for street trading.

1.2 The London Borough of Barnet currently issues a number of licences for street trading:

- Pavement licence (Pursuant to the Business and Planning Act 2020)
- Temporary Street trading licences
- Permanent street trading licence
- Street market
- Advertising board licence

1.3 The current street trading licence policy was adopted in 2015. Therefore a refresh of the policy is needed to reflect recent changes in policy and decision making. There are no set time scales for how long a policy may last however the London Borough of Barnet aims to undertake an annual informal review and a formal review every 5 years. This should have been undertaken in 2020 but has been delayed due to Coronavirus.

1.4 The policy has been changed to remove casual trader licences which are no longer required in Barnet. These were deemed to no longer be required as all street markets in Barnet are run by an independent market organiser. That organiser undertakes these checks as part of their operation making the issue of these licences by Barnet a duplicate piece of work.

1.5 The policy has also been amended to include provision for advertising boards and pavement licences/Fast track temporary Pavement licences. These were previously dealt with under different policies, which will be withdrawn once this policy is approved

1.6 This report is seeking approval to consult on the draft policy in Appendix 1 for a period of six weeks and report back to the next Licensing Committee. The consultation process is outlined below in section 5.8.

## **2 REASONS FOR RECOMMENDATIONS**

2.1 It is best practice to have policies for each different licensing regime in order to ensure consistency of approach. This ensures clarity for traders and other interested parties in both the application and enforcement processes.

2.2 It is important to regularly review and refresh policies to be in line with legislative changes and best practice.

## **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 **Do nothing** – However the London Borough of Barnet should ensure that its policies are kept under regular review and remain up to date with current law, guidance and best practice.

Not implementing a policy for this kind of licensing could lead to an inconsistent approach or decision making, susceptible to legal challenge.

## **4 POST DECISION IMPLEMENTATION**

- 4.1 The Licensing Team will commence a consultation on the policy and report back to the Licensing Committee at the July 2021 meeting.

## **5 IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services” “

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

### **5.3 Social Value**

- 5.3.1 Not relevant to this report

### **5.4 Legal and Constitutional References**

- 5.4.1 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.

- 5.4.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*”

### **5.5 Risk Management**

- 5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burdens on both the Local authority and to the trade is minimised.

## **5.6 Equalities and Diversity**

- 5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 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.
- 5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's 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.
- 5.6.3 This report is for information only and therefore unlikely to result in any equalities implications.

## **5.7 Corporate Parenting**

- 5.7.1 Not relevant to this report.

## **5.8 Consultation and Engagement**

- 5.8.1 The consultation document will be sent to all relevant parties and all ward Councillors. The consultation will also be published on the Council's online website.

## **5.9 Insight**

- 5.9.1 Not relevant to this report.

## **6 BACKGROUND PAPERS**

- 6.1 None