



## Licensing & General Purposes Committee

<b>Title</b>	<b>Revised Street Trading Policy 2024 - 2029</b>
<b>Date of meeting</b>	8 <sup>th</sup> February 2024
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appendix 1 – Proposed Revised Street Trading Policy
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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

### Recommendations

- 1. That the Committee note and comment on the proposed revised Street Trading Policy proposed to take effect from the 1<sup>st</sup> November 2024 so that the Licensing Team can commence a 6-week consultation on the proposed changes.**

#### 1. Reasons for the Recommendations

- 1.1 The London Local Authorities Act 1990, the Business and Planning Act 2020 and the Levelling Up and Regeneration Act 2023 are the 3 main pieces of legislations for dealing with street trading and pavement licensing.
- 1.2 The London Borough of Barnet currently issues a number of licences for street trading:
  - Pavement licence (Pursuant to the Business & Planning Act 2020 amended by the Levelling-up and Regeneration Act 2023)
  - Temporary Street trading licences

- Permanent street trading licence
- Street market
- Advertising board licence

- 1.3 The current street trading licence policy was adopted in 2021 (to cover the period from 2021 to 2026). However, a revised policy has been proposed earlier than anticipated due to recent legislative changes.
- 1.4 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 7.
- 1.5 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.
- 1.6 It is important to regularly review and refresh policies to be in line with legislative changes and best practice.
- 1.7 The main amendments / additions to the London Borough of Barnet Street Trading Policy (from the current Street Trading Policy) have been highlighted in yellow. (Appendix 1)
- 1.8 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.

## 2. Alternative Options Considered and Not Recommended

- 2.1 **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.
- 2.2 Not implementing a policy for this kind of licensing could lead to an inconsistent approach or decision making, susceptible to legal challenge.

## 3. Post Decision Implementation

- 3.1 The Licensing Team will commence a consultation on the revised policy and report back to the Licensing & General Purposes Committee at the November 2024 meeting.

## 4. Corporate Priorities, Performance and Other Considerations

### Corporate Plan

- 4.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular in creating a more family friendly borough whilst becoming a borough of fun; a place to enjoy ourselves, where people can meet, experience arts, culture, events, sports and hobbies that reflect our diverse communities.

### Corporate Performance / Outcome Measures

- 4.2 No relevant to this report

### Sustainability

- 4.3 No sustainability issues arising from the recommendations.

### **Corporate Parenting**

4.4 Not relevant to this report.

### **Risk Management**

4.5 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.

### **Insight**

4.6 Not relevant to this report.

### **Social Value**

4.7 Not relevant to this report.

## **5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

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

## **6. Legal Implications and Constitution References**

6.1 In accordance with Article 3 of the Constitution, the Council is responsible for approving the policy framework and the annual revenue and capital budget.

6.2 The Council and its Committees also retains responsibility for:

(i) regulatory functions (which include planning, licensing and health and safety at work);

6.3 The policy framework includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which includes:

In accordance with Part 2B, Terms of Reference & Delegation of Duties to Committees and Sub-Committees, the powers and the duties of the Licensing and General Purposes Committee are:

(i) 6.1.1 To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1 of the Constitution), are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;

(ii) 6.1.4 To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:

6.1.4.1 All activities under the Licensing/Gambling Acts

6.1.4.2 Food safety and control.

## **7. Consultation**

1.1. If approved by the Committee, the policy will be submitted for consultation with the parties identified above for a period of 6 weeks. All replies will be taken into account and the policy,

revised as necessary, will be submitted to this Committee for final approval at its meeting in November 2024.

## **8. Equalities and Diversity**

- 8.1 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.
- 8.2 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.

## **9. Background Papers**

- 9.1 Proposed adoption of the Street Trading Policy – [Licensing Committee Monday 12<sup>th</sup> July 2021](#)
- 9.2 [London Local Authorities Act 1990 – Part III Street Trading](#)
- 9.3 [Business & Planning Act 2020](#)
- 9.4 [Levelling Up and Regeneration Act 2023 – Schedule 22 Pavement Licences](#)