



Derby City Council

**Licensing Committee
17 March 2016**

ITEM 6

Report of Acting Strategic Director of
Communities and Place Directorate

Draft Street Trading Policy - Consultation

SUMMARY

- 1.1 At your meeting of 14 November 2015, you asked Officers to prepare a Street Trading Policy that can be applied across the city, including the city centre, in order that formal and consistent consideration can be given to outstanding and contentious street trading matters.
- 1.2 Prior to wider consultation with existing street traders and key stakeholders, this report invites comment from Licensing Committee on the Draft Street Trading Policy.

RECOMMENDATION

- 2.1 To provide comments on the Draft Street Trading Policy.
- 2.2 To authorise consultation on the Draft Street Trading Policy with existing street traders and key stakeholders.

REASONS FOR RECOMMENDATION

- 3.1 To seek the views of Licensing Committee and enable the consultation process to commence.



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SUPPORTING INFORMATION

- 4.1 The city council draws authority to regulate street trading activities from the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The implementation of the Street Trading Policy will more effectively enable your officers supported by the Licensing Committee, to discharge the responsibilities enshrined in the 1982 Act.
- 4.2 In particular, Licensing Committee are advised that the policy will enable the more effective regulation of the following key issues:
- a) The issuing of Street Trading Licenses for a period of 12 months including the minimum number of days within that period for which a licence holder must trade.
 - b) The issuing of Street Trading Consents, at locations to be determined on application, for any period up to 12 months.
 - c) The removal of the "½ Mile Rule" as a means of restricting the proximity of licensed or consent pitches to each other.
 - d) The requirement for holders to provide additional documentation regarding the proposed vehicle, trailer or unit from which the trading is to take place from.
 - e) The transfer of the regulation of street trading within the city centre from Derby Live to the Licensing Team.
 - f) Reinforcing the legitimacy of cost recovery only as the basis for the calculation of charges.
 - g) Reviewing and redefining the city centre street trading and street consent boundaries
 - h) Provide a framework to establish optimum numbers of street trading pitches in defined areas such as within the city centre.

OTHER OPTIONS CONSIDERED

- 5.1 None

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s)	Olu Idowu Mazer Hussain Linda Noble John Tomlinson – Communities ,Environment and Regulatory Services Claire Davenport - Culture & Leisure
Other(s)	Mike Kay- Head of Environment Protection, Licensing & Housing Pete Meakin – Culture Development Manager, Derby LIVE

For more information contact:	Gary Marshall Tel: 07812301635 gary.marshall@derby.gov.uk
Background papers:	Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
List of appendices:	Appendix 1 – Implications Appendix 2 – Draft Street Trading Policy

IMPLICATIONS

Financial and Value for Money

- 1.1 No Implications

Legal

- 2.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, gives the council the necessary powers to regulate all Street Trading activities. It makes provision for a resolution to be passed in order to designate streets within the scope of the Act, and for such resolution to be published locally and served on designated statutory authorities, so as to invite representations in relation to the proposal. Any representations received will also have to be considered following which, should it remain appropriate to designate or re-designate a street or streets, the final determination would itself also need to be published.
- 2.2 In so far as a previous designation already exists, the proposal contained within this report amounts to a review of that previous designation, and any changes to it would operate as a variation within the scope of paragraph 2(13) to schedule 4 of the Act.

Personnel

- 3.1 Currently the management of street trading outside the city centre is carried out by the Markets Section. The management of the city centre, including street trading is carried out by Derby Live. It is recognised that the various licensing activities across the directorate would be more effectively discharged, through the implementation of the proposed policy, if they were brought together under the Licensing Team. If approved further work will be needed to manage the HR implications, which are expected to be minimal.

IT

- 4.1 No Implications

Equalities Impact

- 5.1 The establishment of a city-wide Street Trading Policy will be subjected to an EIA before implementation.

Health and Safety

- 6.1 No Implications

Environmental Sustainability

7.1 No Implications

Property and Asset Management

8.1 No Implications

Risk Management

9.1 No Implications

Corporate objectives and priorities for change

10.1 An effective means of managing street trading activities will contribute towards the corporate objective of a providing a thriving sustainable economy.