

Appendix 2

Summary of Proposed Changes to Street Trading Policy for Consultation 2019

Topic	Summary Current Policy	Summary New Proposal	Reason	Potential Impact
<p>Events</p> <p>Para 2.6 Para 3.3.2 Para 10.1.10</p>	<p>All charitable and community events are exempted in the policy from needing street trading consent.</p> <p>Events that are not a charitable or community event require each individual trader to apply for street trading consent.</p>	<p>Amend Policy to clarify that the Council considers that an event held on land where entrance can be controlled does not fit in the definition of street trading because the public do not have absolute right of access. In these cases street trading legislation will not apply. This will mean events such as village fetes will most likely continue to not need to apply for street trading consent.</p> <p>A new short term 'blanket' consent procedure for events not fitting above. This will include any community and charitable events that cannot control entry, for example an event in the street.</p> <p>A new provision for the Head of Health and Wellbeing to have discretion to use a 'light touch' process if criteria are met. These include that the event is for a community or charitable cause and is just once a year. The 'light touch' process will be minimal with no consultation or fee.</p>	<p>Legal advice is that the Council does not have the discretion to simply exempt a particular street trading activity from the requirements of the legislation.</p>	<p>Events held in the street that cannot control public access, such as Christmas Goodwill Evenings, will need to apply for a short term event street trading consent.</p> <p>A provision to use a 'light touch' approach, and not charge a fee if criteria apply will remove the financial burden for charitable and community events. However the Council will need to bear the cost.</p> <p>A costing exercise indicates that the cost to process these 'light touch' applications would be £16 per event. It is estimated that there could be approximately 10 such community or charitable events per year that may fit this criteria which would cost the Council £160 per year.</p>

Topic	Summary Current Policy	Summary New Proposal	Reason	Potential Impact
<p>Informal Markets</p> <p>Para 3.4</p>	<p>Discretion to give a waiver from requiring street trading consent to Informal Markets.</p>	<p>New provision to apply for a 'blanket' street trading consent for an Informal Market.</p>	<p>Legal advice is that there is no provision in the legislation to waive the requirement for a street trading consent.</p>	<p>Informal Markets are markets that do not have a charter or order. These markets will need to hold a street trading consent.</p> <p>On the advice of our Legal Section those Markets previously operating under a formal 'waiver' have already applied to convert and been granted a street trading consent. These are Stroud Farmers Market and Stroud Shambles Market.</p> <p>Informal Market operators will now incur an annual fee to renew the consent and for any variation applications.</p> <p>A costing exercise indicates that the fee to renew an Informal Market consent for a weekly market should be £1100 per annum. A market that operates less frequently would be charged pro-rata.</p>

Topic	Summary Current Policy	Summary New Proposal	Reason	Potential Impact
Transfers Para 8	Provision to apply to transfer a street trading consent to a new consent holder.	Clarification that consents are non transferable. A process to give priority to a new applicant who has an arrangement with the previous consent holder to take over an existing unit and site.	Legal advice is that there is no provision in the legislation to transfer a street trading consent.	Applicants that wish to transfer will have make a new application and pay new application fees.
Variations Para 9	No information on procedure to vary a street trading consent.	Clarification on the scope and process to vary a street trading consent.	To provide clarity for applicants.	
Timescales for Decisions Para 6.1.2	No timescales for decisions given.	At the end of the consultation period decisions will normally be made within 14 days. Decisions on short term consents will normally be made within 7 days.	To provide clarity for applicants.	
Assistants Para 6.2.2 Para 11.3	No application requirements for assistants detailed.	The consent holder must provide details, a basic criminal check and a photograph for any assistants that work regularly on the unit.	To provide clarity for applicants.	
Appeal Para 13.3	Representations against a decision to refuse or revoke a consent should be made to the Head of Health and Wellbeing	Representations against a decision to refuse or revoke consent should be made to the Director of Development Services who will review the decision.	The Constitution delegates power to make decisions about street trading to the Head of Health and Wellbeing. There is no right of appeal in the legislation however rules of natural justice suggest there should be provision for a review of the decision and that the review should be someone other than the original decision maker.	

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Relevant Offences Annex B	Timescales for period of time that the Council expects an applicant to be free of relevant offences have a wide range.	Timescales for period of time that the Council expects an applicant to be free of relevant offences have been made more specific. Exploitation offences added.	New timescales and extra offence reflect the timescales and offences recommended in the Institute of Licensing Document - Guidance on determining suitability of applicants for taxi licences. This is a different licensing regime but the same risks to members of the public apply.	