

STROUD DISTRICT COUNCIL

COMMUNITY SERVICES AND LICENSING COMMITTEE

THURSDAY, 22 JUNE 2023

Report Title	Adoption of Revised Street Trading Policy			
Purpose of Report	Consider a final revised street trading policy for adoption following consultation. The main proposed change is a new decision-making process for contentious applications, or cases where a consent may be revoked, to enable them to be considered by a licensing hearing panel.			
Decision(s)	The Committee RESOLVES to: a. adopt the revised street trading policy in Appendix A b. implement the revised street trading policy from 1 September 2023.			
Consultation and Feedback	Public consultation 3 rd April 2023 to 19 th May 2023			
Report Author	Rachel Andrew, Licensing Manager Tel: 01453 754401 Email: rachel.andrew@stroud.gov.uk			
Options	Not applicable			
Background Papers	Not applicable			
Appendices	Appendix A – Final Street Trading Policy for adoption Appendix B – Equality Impact Assessment			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	No	No	No

1. INTRODUCTION / BACKGROUND

- 1.1 Street trading is the selling of any article in a street. A street includes a road, footway, or any other area to which the public have access without payment.
- 1.2 Stroud District Council's resolution designates that the whole district comes under Street Trading rules, but it excludes any land in the ownership and control of a public authority or a registered charity.
- 1.3 This means that any person who wishes to trade on any highway, or any private land that the public have free access to, must apply for street trading consent from Stroud District Council.
- 1.4 Stroud District Council's Street Trading Policy outlines the Council's procedures regarding street trading.
- 1.5 This policy has been reviewed with a key aim to introduce a new decision-making process for contentious applications, cases where a consent may be revoked, and cases where a party wishes to appeal against an Officer decision.
- 1.6 A draft policy was approved by Community Services and Licensing Committee on 23rd March 2023 for consultation.

2. MAIN POINTS

- 2.1 Consultation took place between 3rd April 2023 to 19th May 2023. [The details of the consultation were on the website](#) (now shows as a closed consultation) and emails sent to all consent holders, Ward Councillors, Town and Parish Councils, chambers of Commerce and relevant agencies and groups.
- 2.2 The main proposed change to the policy is a new process for decision making. In the current policy all decision making is delegated to Officers. The proposal is to introduce a hearing process whereby contentious applications, reviews, revocations, and appeals against Officer decisions, are referred to a hearing panel made up of 3 Councillors. A hearing will be held at which the applicant or consent holder, and any persons objecting, will have opportunity to put their case to the hearing panel before a decision is made. The objective is to ensure that decision making is clear, transparent, and fair. The proposed policy includes a hearing procedure which reflects the hearing processes already used by Stroud District Council for Licensing Act 2003 applications and reviews and taxi licences. Some decisions, including non-contested applications, cases where objections are from the Police or Highways on safety or obstruction issues, and all short-term consent applications, will continue to be delegated to Officers.
- 2.3 Other proposed changes include:
- Expanding the policy objectives to include prevention of crime and disorder, preventing public nuisance, preventing unnecessary obstruction, and ensuring traders are suitable persons.
 - Market consent holders to provide a management plan.
 - Clarification on the definition of an approved assistant. The new definition is that an approved assistant is a person that works on the unit, without the consent holder present, for more than 28 days a year. The current definition is for more than 14 days a year. Approved assistants must have a DBS basic criminal record check every three years in line with the requirements for consent holders.
 - Change to level of public liability insurance that consent holders must provide. The current policy is a minimum of £10 million. The proposal is to reduce this to £5 million for individual consent holders which will bring Stroud District Council's policy in line with other authorities. Market consent holders to continue to provide public liability insurance of a minimum £10 million cover.
 - Change to action taken in cases where consent holders fail to make consent fee payments. Currently consents are revoked but the proposal is that consents will be suspended until outstanding payments are made and can be referred to a hearing panel for revocation.
 - Addition of new conditions on expected behaviour of street traders and market street traders. The new conditions state that the consent holder, or persons operating stalls in a market, shall at all times, when carrying on street trading activities, behave in a professional, honest, polite and courteous manner. They shall not behave or carry on street trading activities in such a way as to cause annoyance or upset to the customer, other consent holders, the occupier or person in charge of any shop or business in the vicinity, any resident in the vicinity, or any other person using the street.
 - New separate section with conditions for market consents. These are currently not specified in the policy. The proposed market conditions reflect the current standard conditions for individual consents.

- 2.4 There were no objections to the proposal during the consultation period. There was support from several of the Town and Parish Councils. There were no responses, either in support or against the proposal, from any of the current consent holders.
- 2.5 A comment was raised by a Councillor about single use plastics and how use of them by traders could be reduced. This will be looked at separately to this policy review. Stroud District Council is currently looking overall at how single use plastics can be reduced across the district. Street trading will be part of those discussions. Licensing Officers will do some work on this subject and in the first instance we will look at what sorts of containers, plates and utensils traders are currently using. Then, if those are one use plastics, see what can be done to encourage them to use alternative packaging and utensils.
- 2.6 It is proposed that, once adopted, the new street trading policy should come into force from 1st September 2023 which will allow time for Officers to update procedures and notify consent holders and for members involved on street trading hearing panels to have any training as appropriate.

3. CONCLUSION

- 3.1 The current street trading policy has been reviewed and several changes proposed. The main proposal is a new decision-making procedure for contentious applications, revocations and appeals which will allow them to be considered by a licensing hearing panel so that decision making is fairer and more open. There were no objections raised during the consultation. It is therefore recommended that the proposed policy, which is Appendix A to this report, is adopted and that it will come into force on 1st September 2023.

4. IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications within this report as it is to agree a new procedure. If this decision is approved, then any costs associated with the new Licence hearing panel will have to be met within the current budget.

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4.2 Legal Implications

Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allows licensing authorities to control street trading activities within their area. The proposed new street trading policy must be in accordance with the powers granted in Section 3 and Schedule 4 of the LGMP Act 1982.

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4.3 Equality Implications

An Equality Impact Assessment (EIA) has been carried out by Officers in relation to the proposed amendments to the Street Trading policy as recommended in this report. The likely impact will be neutral and due regard will be given to any implications identified in the EIA. The EIA is Appendix B to this report.

4.4 Environmental Implications

There are no significant implications within this category.