

Licensing Committee Report
Report of the Licensing Team Leader
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Street Trading Policy

Executive Summary

The Council is the Licensing Authority for Street Trading under the Local Government (Miscellaneous Provisions) Act 1982. In November 2008 the Licensing Committee adopted the current Street Trading Policy. The Council has previously designated a list of streets in the Borough as “consent” or “prohibited” streets in order to control Street Trading.

This report seeks approval from the Licensing Committee to consult on an updated Street Trading Policy for the Guildford Borough.

Following consultation, a further report will be presented to the Licensing Committee on 26 March 2018 with the results of the consultation and seeking approval for adoption of the Policy.

Recommendation to Licensing Committee

That the Committee approves the draft Street Trading Policy for public consultation, and instructs officers to carry out the consultation over a 12 week period.

Reasons for Recommendation:

To obtain the views of interested parties on the proposed updated Street Trading Policy and use these views to formulate any changes to the draft prior to adoption.

1. Purpose of Report

- 1.1 The report informs the Committee of the proposed changes to the Council’s Policy concerning Street Trading in the Borough.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed draft Street Trading Policy in Appendix I.

2. Strategic Framework

- 2.1 The Street Trading Policy balances the right of an applicant to make an application under the Local Government (Miscellaneous Provisions) Act 1982 to trade in the Borough, and to have the application considered on its merits; against the right of any person to live in the Borough without being disturbed by the trading activity, and the rights of established businesses to continue trading creating a vibrant local economy.
- 2.2 An appropriate balance will help businesses to develop successfully whilst providing assurance to the public and existing traders.
- 2.3 The Policy will assist applicants for a consent to identify suitable trading locations, and provide guidance to enable the Council to make consistent decisions when determining applications.
- 2.4 As such, updating the Street Trading Policy will contribute to our fundamental themes and priorities as follows:

Our Borough – ensuring that proportional and managed growth for future generations meets our community and economic needs

Our Economy – supporting business, growth and employment

Our Environment – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy

3. Background

- 3.1 Street Trading is defined as the selling (or exposing or offering for sale) of any article in a street or other area where the public have access without payment.
- 3.2 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, (the Act) a Local Authority may designate streets within its district as “consent” streets or “prohibited” streets in order to control street trading.
- 3.3 The [current street trading policy](#) was approved in November 2008 and lists a number of streets, predominantly in the town centre, as either consent or prohibited streets.
- 3.4 The current policy is due for review as it does not offer comprehensive guidance on the application process, the criteria used to determine applications, or the assessment of suitable street trading sites. Similarly, the current conditions are replicative and out of date.
- 3.5 Whilst street trading is relatively well controlled in the town centre, the Council has no control in other areas where it has not designated a street as either a

consent or prohibited street. This can result in the Council being unable to effectively respond to complaints associated with trading in areas where no provisions exist.

4. Proposed Changes

- 4.1 It is proposed to extend the street trading consent scheme to designate all streets in the Borough as “consent” streets. This means that no trading in any area of the Borough would be permitted without the consent of the Council. This is a common approach in other Local Authorities.
- 4.2 The extension of the Street Trading Scheme is achieved through the Council passing a resolution, and publishing it in accordance with the provisions of the Act. This resolution is the subject of a separate report to the Committee.
- 4.3 Extending the scheme and updating the Policy will allow the Council to have control over all street trading in the Borough. Whilst there will be a small additional increase in administration and cost to a business wishing to trade on the street in an area previously not covered, the scheme will provide a number of benefits which outweigh this:
- The scheme will provide protection to existing retail traders, and security to consent holders, as any new trader will have to apply to the Council for permission to trade.
 - There will be a consultation process for any new application where local representations, including from the public, existing business groups, and members will be taken into account, ensuring any new application meets local needs.
 - Traders will be regulated to protect the public across the Borough.
 - High quality street trading concessions in the right location will enhance the local environment.
 - A resolution designating all streets means that as streets evolve during redevelopment, the Council retains control without having to revisit the list of consent streets.
- 4.4 In dealing with a street trading application, there is no appeal mechanism for a refused application. However the draft updated Policy details that any contentious application could be referred to the Council’s Licensing Regulatory Sub-committee, who will consider the application on its merits.
- 4.5 The draft policy recognises that any trading will fall within the scope of requiring regulation, including trading at events held in the Borough. The draft policy recognises the difference in size and type of event, and recommends that incidental trading at community/charitable events will be subject to an administrative charge only to authorise trading activities.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Street Trading Policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 If the Committee approves the draft Policy, we will follow our consultation standards over a 12 week period to ensure we consult with all interested consultees by:
- Writing to or emailing the responsible authorities listed in the draft Policy
 - Writing to or emailing people who represent the interests of persons carrying on businesses in Guildford, or persons who may be affected such as current consent holders
 - Publicising the draft Policy on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 26 March 2018.

6. Financial Implications

- 6.1 The financial implications associated with the recommendation of carrying out a public consultation on the draft Street Trading Policy can be financed from the Licensing budget.
- 6.2 The cost of administering the scheme can be recovered through street trading fees, which are reviewed annually. The fees must be set at a level to recover the cost of the scheme and cannot be used to raise income.

7. Legal Implications

- 7.1 There is no requirement to have a Street Trading Policy, however it is good practice for the Council, as a licensing authority, to have a policy which provides the framework for consistent decision making.
- 7.2 The Licensing Committee will be presented with the consultation results and any further proposed changes and asked to approve the final policy.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the consultation exercise.

9. Conclusion

- 9.1 Extending the current Street Trading scheme across the Borough, and updating the Street Trading Policy will allow the Council to improve control of Street Trading in the Borough.

9.2 Following consultation, a further report will be presented to the Licensing Committee on 26 March 2018 recommending adoption of the revised Policy.

10. Background Papers

[Guildford Borough Council Street Trading Policy and list of consent and prohibited streets, adopted 2008.](#)

11. Appendices

Appendix I: Draft Street Trading Policy