

## HIGH PEAK BOROUGH COUNCIL

### Licensing Committee

15 July 2021

<b>TITLE:</b>	<b>Updated Street Trading Policy 2021 - 2023</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Sloman- Executive Councillor for Housing and Licensing</b>
<b>CONTACT OFFICER:</b>	<b>Alicia Patterson - Head of Environmental Health</b>
<b>WARDS INVOLVED:</b>	<b>ALL WARDS</b>

### Appendices Attached

<b>Appendix 1</b>	<b>Draft Policy 2021-2023</b>
<b>Appendix 2</b>	<b>Consultation responses</b>

#### 1. Reason for the Report

- 1.1 The report confirms the consultation responses received to the Draft Street Trading Policy 2021-2023.

#### 2. Recommendation

- 2.1 That the Committee notes the consultation responses received (appendix 2)  
2.2 That the Committee approves the amendments proposed in **Green** and **Red** of the attached Draft Street Trading Policy (Appendix 1)  
2.3 That the Committee approves the amended Street Trading Policy 2021-2023

#### 3. Executive Summary

- 3.1 On 1 October 2008 the Council re-designated the streets in High Peak in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and introduced a Street Trading Consent Policy to provide a transparent framework for the decision making process, and to ensure that the system operated within constitutional arrangements.
- 3.2 It is a requirement that licensing authorities regularly review and update policies to reflect changes in legislation, local circumstances and safeguarding issues. The last policy review was carried out in 2019.

3.3 The Street Trading Policy is governed by the Local Government (Miscellaneous Provisions) Act 1976. A consultation was carried out between 3<sup>rd</sup> March 2021 to 7<sup>th</sup> April 2021 with existing street traders and the public.

#### 4. **How this report links to Corporate Priorities**

4.1 The aim of the Street Trading Policy is to improve the economic, environmental and social well being of the area.

#### 5. **Alternative Options**

5.1 To amend the draft Policy as proposed together with any further amendments. (Recommended)

5.2 To note the consultation responses received and not to amend the Policy. (Not recommended)

#### 6. **Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

The successful implementation of the Street Trading Policy should have a positive impact on community safety and assist in the reduction of crime.

##### 6.2 Workforce

None

##### 6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

##### 6.4 Financial Considerations

The failure of the Council to review and consult on our policies on a regular basis may result in a judicial review being brought against the Council

##### 6.5 Legal

High Peak Borough Council has adopted Section 4 of the Local Government Miscellaneous Provisions Act 1982, as a result all street trading in High Peak requires a Street Trading Consent. Responsibility for street trading matters within the Council sits with the Licensing Committee

##### 6.6 Climate Change

The policy seeks to ensure that street vendors are responsible and where possible reduce waste and plastic use.

## 6.7 Consultation

A consultation has taken place with existing Street Traders and consultees.

## 6.8 Risk Assessment

The Street Trading Policy will be monitored during the 3 year period and can be reviewed at any time if considered necessary and appropriate.

Mark Trillo

**Executive Director (Governance & Commissioning) & Deputy Chief Executive**

### **Contact details**

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## 7. **Detail**

7.1 For the purpose of clarification the Committee may wish to note that the following are not street trading for the purposes of this Policy:

- a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
  - b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order;
  - c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
  - d) Trading as a news vendor;
  - e) Trading which –
    - (i) Is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
    - (ii) Is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
  - f) selling things, or offering or exposing them for sale, as a roundsman;
  - g) the use for trading under Part VIIA of the highways Act 1980 of an object or structure placed on, in or over a highway;
  - h) the operation of facilities for recreation or refreshment under Part VIIA of the highways Act 1980;
  - i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916.).
- The reference to trading as a news vendor in (d) is a reference to trading where:
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
  - (b) they are sold or exposed or offered for sale without a stall or receptacle

for them or with a stall or receptacle for them which does not:

- (i) exceed one metre in length or width or two metres in height;
- (ii) occupy a ground area exceeding 0.25 square metres; or
- (iii) stand on the carriageway of a street.

7.2 **Consultation** - A consultation exercise was undertaken between 3<sup>rd</sup> March 2021 and 7<sup>th</sup> April 2021. A copy of the proposed revised policy was made available to view on the High Peak Borough Council website, in addition a hard copy was available at the Buxton and Glossop Reception. All existing street trading vendors and event organisers were individually consulted on the proposals.

7.2.1 The Council has received a number of responses, these are attached at appendix 2.