

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

14 March 2024

TITLE:	Street Trading
EXECUTIVE COUNCILLOR:	Councillor Sloman - Executive Councillor for Housing and Licensing
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

Appendices Attached – Draft Street Trading Policy 2024-2027

1. Reason for the Report

- 1.1 The report proposes the revised Street Trading Policy 2024-2027 which has been prepared for consultation.

2. Recommendation

- 2.1 That the Committee approves the Policy for consultation in accordance with the timetable outlined at paragraph 7.5 of the report.
- 2.2 That following the consultation period the Policy (together with a summary of key consultation comments) is brought back to the Licensing Committee for consideration. The final Policy will then be presented to Full Council for formal adoption.

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 appropriate 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 review of the Street Trading Policy took place in 2019.

- 3.3 The Street Trading Policy is governed by the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.4 It is a requirement that a revised Policy must be approved at a full Council meeting of the Council. Such approval cannot be granted until a consultation has been undertaken with existing Street Traders and consultees.
- 3.5 The Policy attached at **Appendix A** highlights the areas for change in yellow. The areas for review include: the contribution from the Policy towards the Council's climate change ambitions, in particular the reduction in emissions from street traders; changes to the application process; and the fee structure applicable.

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

- 4.1 Supporting our communities to create a healthier, safer, cleaner High Peak.

5. **Alternative Options**

- 5.1 To agree to the consultation process and the timetable proposed for the implementation of the revised Street Trading Policy (Recommended).
- 5.2 To refuse the consultation process and retain the Council's current 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

Additional workload for consultation will be accommodated in the current licensing team.

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 claim 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.

6.6 Climate Change

As per policy.

6.7 Consultation

A consultation will take 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)

**Web Links and
Background Papers**

Contact details

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7. Detail

7.1 Street trading means the selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land). High Peak Borough Council ("the Council") has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") which means that consent is required before trading in certain places. Other locations have prohibitions on street trading at any time.

7.2 The following are not street trading for the purposes of the 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 rounds man;
- 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.)

7.3 The Policy sets out, amongst other things, the process for submitting applications for permission to the Council; matters which will be considered by the Council in determining the application; the usual conditions which will be attached to licences granted; and the Council's approach to fee setting.

7.4 Consultation

The proposed Policy will be available to view on the Council's website and a hard copy will be made available at the Buxton and Glossop receptions.

7.5 The following timetable is proposed in respect of the consultation amendment and adoption of the Policy:

Members to consider the Draft Policy	March 2024
Traders and Consultees	April/May 2024
Consultation responses noted and reports prepared for committee	May/June 2024
Revised Street Trading Policy considered by Licensing Committee	July/August 2024
Revised Street Trading Policy considered by Council and implemented	Next Available Meeting