

Street Trading Policy 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

The Street Trading Policy was last reviewed in 2014 and the report sets out suggestions to bring the policy up to date with current practice and regulations.

Purpose of Report

To consider the amended Draft Street Trading Policy.

This report makes the following recommendations to this Committee:

1. To consider the revised draft Street Trading Policy as detailed in this report (Appendix 2) and to provide comments and feedback.
2. Amend the draft policy to reflect any feedback and bring back to Licensing Committee on 17 September 2020 for approval before consultation .
3. To agree the draft amended fee structure together with introducing a non-refundable consultation application fee.

Timetable

Meeting	Date
Licensing Committee	18 th June 2020

Street Trading Policy 2020

CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Financial	<ul style="list-style-type: none"> <i>There are no financial implications identified within this report. The Council recovers the costs associated with any application and has an agreed approach to determining the application fees.</i> 	[Section 151 Officer & Finance Team]
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service]
Legal	<ul style="list-style-type: none"> The relevant legislation in relation to street trading is contained within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). The policy provides a framework for consistent decision-making. 	[Legal Team]
Privacy and Data Protection	<ul style="list-style-type: none"> <i>All records will be held in accordance with Data Protection and records management.</i> 	Equalities and Corporate Policy officer
Equalities	<ul style="list-style-type: none"> <i>Equalities implications are a key consideration of a policy review and will be addressed as part of the consultation process.</i> 	Equalities and Corporate Policy officer
Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Public Health Officer]
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	[Head of Service & Section 151 Officer]

1. INTRODUCTION AND BACKGROUND

- 1.1 Maidstone Borough Council has adopted powers under the Local Government (Miscellaneous Provisions) Act 1982 so that any person selling articles in the 'street' must obtain a street trading consent from the Council.
- 1.2 Maidstone Borough Council has a current street trading policy, which sets out the Council's approach for managing street trading, the process for applications and making decisions. (Appendix 1). However, experience has demonstrated that it lacks clarity and is not very helpful to applicants or Officers when determining applications.
- 1.3 The Policy was last updated in 2010 and has been reviewed in order to make it a more comprehensive informative document, the revised Street Trading Policy will be of more benefit to applicants, officers and residents and ensures improved public safety and protection. It will strengthen decision-making and support the Council's position should issues arise.
- 1.4 The process for applying for a street trading consent has not changed significantly but the draft provides a clearer explanation to assist applicants. The proposed alterations to areas of policy are listed below: -

Exemptions

1. Any land in the ownership and control of a public authority or a registered charity have been excluded from the scope of requiring a street trading consent. "Public Authority" means Kent County Council, Maidstone Borough Council or any Parish Council.

In recent years Licensing have been made aware through the Safety Advisory Group of events, usually long established (i:e Bearsted & Thurnham Fayre and Yalding Xmas market) where street trading consents have never been in place. Those applicants are now being advised that they must have them in order to meet legal requirements.

Usually in these instances event organisers circumvent the requirement of obtaining street trading consents by charging an entrance fee into a managed area. Events with an Entrance Fee have also been explained as an exemption in the revised policy.

2. Exemptions for charity stalls with a Street Collection Permit, which will allow for the collection of money for a charitable causes (including through the sale of items).

Type of Consents

1. The different types of consents are laid out; and the process of dealing with consents for multi user consents is clearer.

Applicants

1. All applicants and assistants will now be required to submit a basic criminal check and prove their right to work.

Consultation

1. There will now be a consultation application fee charged at this stage that is non-refundable.

Fees

1. The current fee scheme be amended to that suggested below.

	Current Fee 2020 -21	Proposed Fee
Maidstone Borough Council		
Consultation application fee (applies to all applications)	-	£150.00
Up to 12 trading days New only (on grant)	£32	£32.00
Up to 30 trading days (New & Renewal)	£69	N/A
Up to 90 trading Days (New & Renewal)	£189	N/A
Full year consent (New & Renewal) (on grant)	£405	£255.00
Additional assistants (checks and badges)	-	£50.00
Additional change (additional products)	-	£50.00
Copy/replacement Licence	-	£12.00
Copy/replacement Badge	-	£12.00

1. The non-refundable fee will cover the cost of administering the consultation. This fee must be paid when submitting an application and is non-refundable. The fee covers the administration costs of the consultation exercise that enables Officers to determine suitability of a site and applicant.
2. The proposal is to remove the 30 and 90 day street trading consents, there has been little uptake of this type of consent and as the administration process is the same, regardless of the trading days, it does not really cover the cost to the Council. However, we will continue with the short-term consent 1 – 12 days, as these are more popular. A Street Trader will only be able to apply for one short term/seasonal consent per year.

Conditions

1. Revised conditions will be applied to all new street trading consents that are issued.

Delegation

1. That the Head of Housing and Community Services is delegated to determine applications, including those that receive objections. The Head of Housing and Community Services in exercising his delegated authority will consider whether it is necessary and proportionate for an appeal to be heard by a Licensing Sub Committee based on criteria set out in the revised policy. Currently all appeals are heard by the Licensing Sub Committee on the basis of a written request from the applicant, irrespective of the merits of the case.
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3. AVAILABLE OPTIONS

- 3.1 To consider the proposed policy and make comments
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The detailed draft Street Trading Policy provides clear advice and information to all persons involved in the consent process. The policy sets out the Council's expectation of the street traders in the district and provides a clearer understanding of what this Council will consider when administering applications, dealing with issues and undertaking any enforcement activities. It will support Licensing Officers in their day to day role in ensuring the Council's licensing aims within this policy are met and ensuring good standards are met and maintained.
 - 4.2 A comprehensive review of Street Trading fees will be conducted to assess the full process at a later date.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Policy is brought back to this Committee with their feedback included on 18 June 2020
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 N/A
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8. REPORT APPENDICES

1. Current Policy
- 2 Revised Draft Policy

9. BACKGROUND PAPERS

N/A