

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

24 JANUARY 2013

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. BIS CONSULTATION PAPER ON STREET TRADING AND PEDLARY LAWS

1.1 Issue for Decision

1.1.1 To consider a response to be made to the consultation paper on Street Trading and Pedlary Laws attached at Appendix A.

1.2 Recommendation of Head of Democratic Services.

1.2.1 That the proposed response to the consultation paper on Street Trading and Pedlar Laws as set out in Appendix B to the report be approved for submission to BIS.

1.2.2 That the documents for inclusion at responses 15.1, 16 and 17 be drafted by parliamentary agents instructed by the Council , delegated authority to submit the recommended wording be given to the Head of Democratic Services.

1.3 Reasons for Recommendation

1.3.1 As a result of the need for the UK to ensure full compliance with the European Services Directive, (2006/123/EC), the Department for Business Innovation and Skills has issued a consultation paper on draft regulations to repeal the Pedlars Acts and to make changes to the street trading regime. The proposals within the consultation paper make significant changes to the law in this area. It is recommended that the Council submits a response particularly as it will also need to amend the provisions of the Maidstone Borough Council Act 2006 which is specifically referred to in the regulations.

1.3.2 A proposed response to the consultation and the questions set out therein is set out in Appendix B to the report.

1.3.3 In summary the key issue is to maintain the principles set out in The Council's street trading policy and the Maidstone Borough Council Act 2006 in so far as is possible whilst ensuring full compliance with the EU Directive.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could decide not to respond to the document but would miss the opportunity to influence the changes to be made and amend the provisions and measures set out in the Maidstone Borough Council Act 2006 without incurring the expense of doing this individually at a later date..

1.5 Impact on Corporate Objectives

1.5.1 Failure to respond to this document and amend the provisions of the Maidstone Borough Council Act 2006 would be contrary to the priorities Maidstone have adopted to have a growing economy and be a decent place to live.

1.6 Risk Management

1.6.1 Failure to respond could result in the Council losing the benefits Maidstone Borough Council Act 2006 and no longer having the controls that it has put in place in respect of street trading in the Maidstone Borough area.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

X

1.7.2 The legal implications have been dealt with in the body of the report.

1.8 Conclusions

1.8.1 None.

1.9 Relevant Documents

1.9.1 Appendices

1.9.2 Appendix A –A Joint Consultation on Draft Regulations – Repeal of Pedlars Acts and Changes to Street Trading.

1.9.3 Appendix B –Draft response to consultation questions on Street Trading and Pedlary Laws consultation paper.

<u>IS THIS A KEY DECISION REPORT?</u>			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did it first appear in the Forward Plan?			
.....			
This is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			

1.9.4 Background Documents

1.9.5 None.

