

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: TAXI AND OTHER LICENSING COMMITTEE**

**DATE: THURSDAY 2<sup>ND</sup> NOVEMBER 2017**

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## **STREET TRADING – PROPOSED AMENDMENTS TO THE COUNCIL’S POLICY**

### **PURPOSE OF REPORT**

To consider the attachments indicating proposed changes to the Council’s Street Trading Policy, and, if agreed allow the amendments to go out for consultation.

### **ISSUE**

#### **A. The Policy**

1. The Council operates a Street Trading Consent system under and in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Under the policy all streets are designated consent streets and the Council only issues Street Trading Consents.
2. The Council currently licences less than ten holders of Street Trading Consents. The consents cover such things as the provision of hot food and drink from a static location, to ice cream vans and also mobile fruit and vegetable vendors.
3. The Council’s current Street Trading Policy dates back to June 2012. This is attached as Appendix 1.
4. It is proposed to amend the policy to tighten up the existing wording and deal with a modernizing marketplace. The proposed amendments seek to tighten up provisions in relation to trading in moving vehicles and also seek to deal with more recent national concerns regarding child sexual exploitation. The amendments seek to amend the policy so, for the first time, there is guidance for applicants with convictions. Finally, the amendments seek to ensure the Council’s commitment to its Strategic Plan to reduce obesity in children and young people is adhered to. The amendments are attached as Appendix 2.

#### **B. Details**

5. In order for the policy to be responsive to issues moving forward, some wording has been altered and clarified to ensure less ambiguity.
6. Traders using moving vehicles whilst trading will now be asked to provide copies of insurance, MOT (if applicable) and their driving licence details to the Council on both initial application and at subsequent renewals. A system will be devised, prior to implementation, to ensure DVLA records can be accessed since the abolition of the Driving Licence Counterpart.
7. Child Sexual Exploitation (CSE) safeguarding training will be provided by the Council (at no charge to the applicant) and applicants will be expected to attend this prior to a Consent being granted. Existing Consent Holders will also be expected to attend, but will be allowed to continue to trade whilst awaiting a training date.
8. Applicants will be given a guidance document (attached as Appendix 3) to advise them of rehabilitation periods in relation to the commission of certain offences and how these will be treated by the Council.
9. Applicants will be asked to submit a Basic DBS Disclosure prior to initial and renewal applications. Currently this is only in place for initial applications.
10. Applicants trading in food should be registered as a food business with their home Authority, and should show confirmation of this when applying.
11. Provision of the use of ice cream van chimes has been altered to bring this in line with *DEFRA's Code of Practice on Noise from Ice-Cream Van Chimes etc. in England* from 2013.
12. A new condition asks holders not to trade within 100 metres of a school or educational establishment, unless invited. This seeks to contribute to the Council's Strategic Plan 2017-20 noting that obesity is a concern for young people.
13. A new application form (attached as Appendix 4) has been produced to reflect the proposed policy amendments.

### **C. Considerations**

14. The Committee is now requested to discuss and agree the proposed amendments.
15. Once agreed the proposed amendments will be put to consultation for a period of six weeks.
16. Received responses to the proposed amendments will require consideration and ratification by Full Council prior to implementation.

## **IMPLICATIONS**

**Policy:** This report details proposed amendments to policy.

**Financial:** None arising directly from the report.

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## **APPENDICES**

1. Existing Council Street Trading Policy – June 2012
2. Proposed Amendments – 2017
3. Guidance on convictions for applicants (Appendix A)
4. Newly proposed application form

## **LIST OF BACKGROUND PAPERS**

None