

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

**TO: TAXI AND OTHER LICENSING COMMITTEE**

**DATE: WEDNESDAY 21<sup>ST</sup> MARCH 2018**

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**STREET TRADING –  
AMENDMENTS TO THE COUNCIL'S POLICY: REPONSES**

**PURPOSE OF REPORT**

To consider the responses received to the proposed changes to the Council's Street Trading Policy, and, if appropriate, confirm the amendments go to full Council for ratification.

**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 had been proposed to amend the policy to tighten up the existing wording and deal with a modernizing marketplace. The proposed amendments sought 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 sought to amend the policy so, for the first time there is guidance for applicants with convictions. Finally, the amendments sought to ensure the Council's commitment to its Strategic Plan 2017-20 to reduce obesity in children and young people was adhered to. The amendments are attached as Appendix 2.

5. At the meeting of the Taxi and Other Licensing Committee on 2<sup>nd</sup> November 2017 it was agreed to put the amendments out to six week consultation in early 2018. This consultation period lasted from 8<sup>th</sup> January to 16<sup>th</sup> February 2018.
6. Details of the consultation were sent to all Consent Holders (with a valid Consent in force on 1<sup>st</sup> January 2018), schools and educational establishments in the Borough of Pendle (as listed by Lancashire County Council), Lancashire County Council Highways and Lancashire Constabulary. Details were also posted on the Council's website and a notice was placed in the local press.

## **B. Details**

7. The consultation has now closed and eleven responses were received. A response document highlighting the details of the responses is attached as Appendix 3. Those responding have been made aware of, and may be in attendance at, this meeting.
8. Four of the responses were from current street traders. Other responses were received from schools and other educational establishments.
9. No concerns were raised regarding the following issues:
  - a. Submission of further documents and records (e.g. insurance, MOT, driving licence) for traders using moving vehicles;
  - b. Child Sexual Exploitation (CSE) training for consent holders;
  - c. Confirmation of registration as a food business;
  - d. Alteration of conditions relating to ice cream van chimes; in line with DEFRA's Code of Practice;
  - e. The new application form.
10. One or more concerns were raised regarding the following issues:
  - a. The guidance document on convictions for applicants; namely sexual offences (section 4) (Appendix 4);
  - b. The Basic DBS disclosure at every renewal for all workers;
  - c. The imposition of restriction of trading around schools and other educational establishments.
    - i. This point sought replies asking at what distance there should be a restriction of trade around a school or other educational establishment, and if so, where this restriction should be calculated from. Responses are as follows:

Restriction of trade:	None	3
	50m	2
	100m	5
	Not specified	1
	TOTAL	11
Calculation of distance:	Main gate	3
	School boundary	5
	Not specified	3
	TOTAL	11

11. Individual responses are available to view at the meeting.

## **C. Considerations**

12. The Committee is now requested to discuss the responses and agree proposed amendments for the new policy. Specifically, the Committee is asked to agree what, if any, distance should be used for restriction of trade around schools and where this distance is calculated from.
13. Once agreed the proposed amendments will be put to Council for ratification.
14. Full Council will consider the matter and agree an implementation date.

## **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. Response Document
4. Guidance on convictions for applicants (Appendix A)

## **LIST OF BACKGROUND PAPERS**

1. Individual responses