



Northumberland

County Council

COMMITTEE : LICENSING & REGULATORY COMMITTEE

DATE: 26TH OCTOBER 2022

TITLE OF REPORT

STREET TRADING POLICY

Report of Philip Soderquest, Head of Housing & Public Protection

Cabinet Member: Cllr Colin Horncastle, Portfolio Holder, Community Service

Purpose of report

To update Members and seek approval for consultation in respect of the Council's Street Trading Policy.

Recommendations

Members note the contents of the report and agree consultation with the relevant bodies and stakeholders in respect of the Street Trading Policy with particular focus on following areas:

- Introduction of a daily consent application process and fee.
- Current list of exemptions to the application process and fee
- Introduction of a requirement that applicants provide a DBS certificate with applications.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021.

Key issues

The current Street Trading Policy was approved by Council on 19th June 2015. This policy sets out how the council intends to control and regulate street trading activities within Northumberland.

Whilst there have been no significant changes to legislation it is considered an appropriate time to reconsider and possibly update some areas of the policy.

Any changes to the policy should be subject to consultation and it is proposed this commences on 1st November for 12 weeks.

One of the main issues encountered by officers is that the current policy does not facilitate the issuing of consents for one off trading. It is proposed that the introduction of such a policy would encourage applications and discourage illegal trading in these instances. It would be envisaged that limits were set in order to limit disruptions and to discourage the misuse of the provision. Such limits could be applicants restricted to 1 daily consent per year per site, and that a total number of daily consents be limited at 6 per applicant and that a restriction of 6 consents per site.

The policy contains provision for a number of exemptions to the application process or payment of fees. These are currently

- Fetes, carnivals or similar community based and run events
- Non — commercial or charitable events
- Farmers' Markets (MARKET PLACE PRIMARILY FOR LOCAL PRODUCERS TO SELL THEIR OWN PRODUCE DIRECTLY TO CONSUMERS)
- Sales of articles by householders on land contiguous with their own homes.
- Community fairs and craft events
- Events celebrating local anniversaries
- Operators of statutory services whose trading is ancillary to its main activity e.g., mobile libraries who sell restricted goods to the community as part of their service.

At the introduction of policy, the Sub Committee determined not to require applicants to submit DBS certificates as it was considered an unnecessary burden upon the applicant. Applicants are required to provide a personal statutory declaration as to their "fitness and propriety" including the disclosure of unspent convictions. It is recommended that it may be appropriate to bring this into line with other statutory regimes where fitness and propriety are a consideration and require application to provide a DBS certificate as proof.

The current price of a basic DBS certificate is £18.

Background

The powers associated with the control and regulation of street trading are set out within the Local Government (Miscellaneous Provisions) Act 1982, Section 3 and Schedule 4. The legislation is adoptive and may not be applied unless the council follow the prescribed process and pass an appropriate resolution.

On the 6th July 2011, Northumberland County Council resolved, in accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 4 of the Act. These are powers to designate streets for the purpose of the Act and to establish a street trading scheme. It came into effect on the 22nd August 2011.

Street trading is defined as the selling or offering for sale of any article in the street. Certain types of trading are excluded from the definition of street trading and these traders are not required to obtain a licence or consent to trade on a licence or a consent street. These include Trading as a Pedlar under licence issued by a Police Authority, a market trader operating at a licensed market venue, a news vendor selling only newspapers and periodicals and trading on private land may not need a consent

For the purposes of the street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 the word “street” includes the any road, footway, beach or other area to which the public have access without payment or any part of a “street”. In addition, a service area within the Highways Act 1980 is also regarded as a “street”

In determining the matters relating to Street Trading the Council determined to control street trading via street trading consents rather than street trading licences or prohibited Streets or a combination.

There are currently 74 consents currently in place within Northumberland.

Implications

Policy	Changes to Policy
Finance and value for money	None at present
Legal	None
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Not applicable
Risk Assessment	Not applicable
Crime & Disorder	No immediate or direct implications.
Customer Consideration	Before making changes to policy consultation with those affected should take place.
Carbon reduction	Not applicable

Health and Wellbeing	None
Wards	All

Background papers:

Appendix 1 Current Street Trading Policy

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	Colin Horncastle

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