



Northumberland

County Council

COMMITTEE : LICENSING & REGULATORY COMMITTEE

DATE: 15TH FEBRUARY 2023

TITLE OF REPORT

STREET TRADING POLICY

Report of Philip Soderquest, Director of Housing & Public Protection

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

Purpose of report

To update Members in relation to the 12 week consultation undertaken in respect of the Council's Street Trading Policy which ended on 25th January 2023.

Recommendations

1. Approve the following amendments to the policy:
 - a. Approve the introduction of daily consent for street trading.
 - b. Limit daily consents to 6 per applicant and 6 per site per year.
 - c. Remove the requirement for consultation for daily consents and replace with a notification.

2. Amend the current list of exemptions to the application process and fee to the following:
 - a. An event that is community-based and run, for non-commercial purposes, such as a fete or school fund raising activity. Where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the trader will not benefit from the fee exemption (unless a fee is charged to those entering the event);
 - b. Sales of articles by householders on land within the boundary of their home providing that this is not a commercial concern e.g. selling home grown fruit and vegetables, homemade jams etc. Such sales are seen as disposal of surplus domestic produce rather than trading.

3. Consider whether applicants should be required to submit a basic disclosure and barring certificate.

4. Determine fees for street trading consents

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2021-2024

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.

Following approval by committee on 26th October 2022 a consultation which included Parish Councils and current licence holders was run for 12 weeks ending on 25th January 2023. The questions related to introduction of daily consents, exemptions to application process and fees, and whether a DBS should be required for applicants.

Three responses were received (one anonymous, one from Pegswood Parish Council and one from Forged Flavours Limited). **(Appendix A)**.

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 are 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 current policy provides a list of exemptions to the application process and payment of fees. Officers are proposing that this list is simplified and restricted to non-commercial activity.

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.

The policy currently 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.

Street Trading Consents will normally be issued for one of the following periods:

All applications where a charge is payable shall be subject to £50 non-refundable application fee with the individual amount as specified below to be payable upon approval of the street trading consent

Static trader 6 months	400.00
Annual licence	750.00
Mobile trader 6 months	550.00
Annual licence	1000.00
Concessionary licence	Free

Proposed table of fees are attached as Appendix C.

There are currently 74 consents currently in place within Northumberland.

The current policy does not require applicants to have a Disclosure and Baring Certificate to establish whether applicants have any criminal convictions. Members are reminded that similar business such as shop keepers do not have this as a requirement either.

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 A Responses to consultation

Appendix B Proposed Street Trading Policy

Appendix C Fees

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)	

Author and Contact Details

Tasmin Hardy, Licensing Manager
Tasmin.hardy@northumberland.gov.uk

Appendix A –Proposed Policy document

Appendix B –Online responses

Appendix C. Fees