

General Licensing Committee Report



Report of Head of Legal and Democratic Services

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Wards affected: All

To: General Licensing Committee

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Street Trading Policy: draft for consultation

Recommendations

The committee is recommended to:

- (a) agree the proposed street trading policy for public consultation; and
- (b) authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation.

Purpose of Report

1. To present the General Licensing Committee with a report to consider the revised street trading policy for public consultation.

Strategic Objectives

2. A revised street trading policy will promote economic development through consistent standards. In addition, it will increase the efficiency of the licensing team by introducing improved processes and procedures.

Background

3. South Oxfordshire District Council last revised its current Street Trading Consent Policy in 2009. Overall the policy is adequate but requires updating to improve the consultation processes and require peripatetic street traders to have street trading consents.

Proposed policy

4. The key changes that are proposed are summarised in Appendix 1 to this report and reflected in the draft policy in Appendix 2.
5. In accordance with best practice, the council will consult for a period of 12 weeks to ensure that all interested parties have the opportunity to engage with and respond to the draft policy. The consultation papers will be posted on the council website. Comments will be sought from:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current street traders
 - Local business organisations
 - Residents
6. In addition the council's regulatory and enforcement services have been consulted. This includes:
 - Planning
 - Environmental health
 - Economic development
 - Parks and leisure
 - Car parks
7. After the consultation period, officers will report all comments received back to a further meeting of the General Licensing Committee, which will then make a recommendation to the council on a final policy.

Financial Implications

8. The current consent fee is £1200 per annum. Currently there are 12 street trading consents within the district. This gives an income of £14,400 per annum. The setting of street trading consent fees must reflect the costs of administering and enforcing street trading consents. The proposed consent fee level is £400 per annum per location based on revised costing from the adoption of new licensing software and improved working practices. This would generate an income of £4,800. It is proposed that new applicants for street trading consents will pay a non-refundable application fee of £300 per location. This fee covers the cost of processing the application and undertaking the consultation including a site visit.

Legal Implications

9. The policy has been drafted to reflect current legislative requirements. All applications for consents under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, have to be made and determined in accordance with the council's street trading policy.

Risks

10. Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in the policy for street trading could result in the

council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

Conclusion

11. The committee is recommended to:

- (a) agree the proposed street trading policy for public consultation; and
- (b) authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation.

Background Papers

None

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