

General Licensing Committee



Report of Head of Communities

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To: General Licensing Committee

DATE: 6 February 2025

Review of Joint Street Trading Policy

Recommendation

- (a) The Committee considers the results of the consultation at Appendix C, and
- (b) subject to any further amendments approves the revised street trading policy at Appendix D

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	Yes	Yes	No
Signing off officer	James Ticehurst	Sarah Commins	Heather Saunders	Lorne Grove

Purpose of Report

1. To provide the General Licensing Committee with an opportunity to review the results of the consultation in respect of the revised street trading policy and to consider adoption of the new policy.

Strategic Objectives

2. The relevant strategic objectives are ‘Openness and accountability’ and ‘Improved Economic and Community Wellbeing’. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The council's current street trading policy came into effect in October 2014. Since that date, the only changes made are to update reference to changes to the Head of Service and office address, minor typographical corrections, and updates to other legislation referred to within the document.
4. The council currently has 28 issued street trading consents. Of these, 16 consents cover multiple sites, eight cover a fixed single site, and four are mobile traders (e.g. ice cream vans).

Consultation

5. At the General Licensing Committee meeting on 30 September 2024, the committee approved a consultation exercise to seek the views of the trade and relevant stakeholders on a revised policy which can be found at **Appendix A**. The changes that had been made to the previous policy are summarised in a document which can be found at **Appendix B**.
6. The consultation ran for six weeks from 15 October to 26 November. It was a public consultation and was also sent to:
 - all existing traders and trade representatives including the British Amusement & Catering Trades Association
 - relevant council teams such as Environmental Health, Planning, Economic Development and Community Safety
 - External agencies such as OCC Highways, Fire and Rescue and Thames Valley Police
 - all those registered on the council's corporate consultation database (including residents, businesses and organisations)
 - ward councillors and town and parish councils.
7. The report on the result of the consultation can be found at **Appendix C**. A total of 49 responses were received, with the majority (88%) received from individuals/members of the public, whilst 2% were received from a street trader/business. The remaining 10% were made up of other respondents including district, county or town/parish councils, councillors or officers, as detailed on page 23 of the consultation report.
8. The consultation highlighted that there is overall agreement for the proposed changes. The **Key findings** section of the consultation report details the specific breakdown of these against each group of changes. The report also provides officer responses to any comments made by respondents.
9. The changes made to the proposed new policy at **Appendix D** as a result of feedback from the consultation are as follows:

Delegation of functions

5.4 b) amended to include public health in the list of reasons why the conditions of a consent may be amended.

Special temporary events

8.4 amended to state that traders should retain a summary of the type of items being offered for sale and details of the trader's liability insurance and food business registration information (where applicable).

Application process and criteria

11.2 added to clarify the requirements and procedure for public notices which closely reflect those for new premises licences under the Licensing Act 2003.

11.3 e) wording added to explain that this requirement is with a view to the promotion of public health.

11.3 j) wording added to advise traders to consider reusable containers/cups and recycling of customer waste wherever possible.

Implementation

10. The new policy will be published on the council's website and will take effect from 1 April 2025. This is to allow time to amend forms and produce guidance for applicants and consent holders. The conditions on individual consents will not change until the consent is next issued following 1 April 2025.

11. We will write to existing consent holders to inform them of any new requirements as a result of the adoption of this policy to give them sufficient time to make any required changes. We will work with any traders whose consents are due imminently to allow them to transition to the new conditions as appropriate.

Financial Implications

12. There are no anticipated financial implications arising from the adoption of the proposed policy. The council has a set fee for street trading consents which seeks to recover the costs of processing an application. No comments were received in response to the consultation that indicated the proposed policy would have a detrimental impact on traders.

Legal Implications

13. The council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, ("The Act") for the whole of its area. The council has previously resolved to designate all streets in the council area as 'Consent Streets' The powers set out in Paragraph 7 of Schedule 4 of the Act provides for the council to have a broad discretion as to whether to grant a consent and if so on what terms.

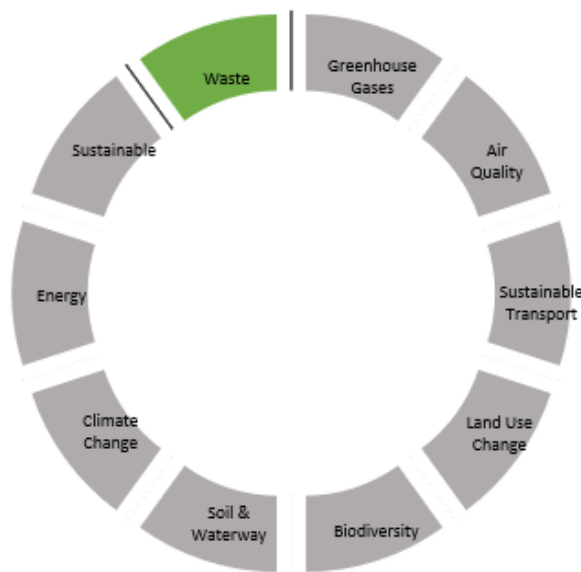
14. The draft policy has been written to reflect current legislative requirements. Schedule 4 of the Act sets out the powers available to the council including the designation of streets as prohibited, consent, or licence, exemptions, setting of fees, applying conditions and offences and all consents have to be made and determined in accordance with the council's street trading policy. The council should have an up-to-date policy that informs the decision making process and gives clarity to applicants, consultees, and decisionmakers.

15. While there is no statutory requirement to consult upon and or adopt a street trading policy it is considered best practice to adopt such a policy and where the council consults on such matters it must do so properly in accordance with the principles in the case of R v London Borough of Brent ex parte Gunning [1985] LGR 168. The principles are a) consultation must be carried out when proposals are in a formative stage, b) sufficient information is provided for intelligent consideration, c) adequate time must be given for a response and d) the product of the consultation must be conscientiously taken into account in making the decision.

Climate and ecological impact implications

16. When granting street trading consents, we will take into account measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers’ rubbish and recycling is dealt with.

17. Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.



KEY	
	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	No net change/not applicable
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

Equalities implications

18. An Equality Impact Assessment has been completed and there are no implications identified.

Risks

19. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

Other Implications

20. None

Conclusion

21. The committee is recommended to consider the results of the consultation at Appendix C, and subject to any further amendments approves the revised street trading policy at Appendix D.

Background Papers

- Appendix A – Consultation version of policy
- Appendix B – Summary of changes made to previous policy
- Appendix C – Report on results of consultation
- Appendix D – Proposed new Joint Street Trading Policy