

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

3 March 2011

AUTHOR/S: Executive Director, Operational Services / Environment Services Manager

DRAFT STREET TRADING LICENSING POLICY

Purpose

1. To seek approval of the draft Street Trading Licensing Policy, as attached at **APPENDIX A** for recommendation to the Environmental Services Portfolio Holder for adoption as South Cambridgeshire's formal Statement of Licensing Policy for Street Trading Consents licensed under Schedule 2 of the Local Government Miscellaneous Provisions) Act 1982.
2. This is a key decision because it raises new issues of policy and it was first published in the December 2010 Forward Plan.

Recommendation

3. That the Licensing Committee approve the draft Licensing Policy as attached at **APPENDIX A** and recommend to the Environmental Services Portfolio Holder its adoption as the formal statement of Licensing Policy for Street Trading Consents within the district of South Cambridgeshire.

Reasons for Recommendation

4. The policy has been created to allow for both applicants and residents to better understand the processes when dealing with applications and enforcement matters. It will also give clear and transparent guidelines on the Council's stance in respect of such applications.

Background

5. South Cambridgeshire District Council adopted the provisions of Section 3, Schedule 4 in 1990 and in doing so introduced a number of mandatory conditions but no formal policy detailing how we would deal with applications and enforcement.
6. At present there are approximately 25 traders within South Cambridgeshire that have annual Street Trading Consent licences, all of which were consulted with. Officers received verbal queries but no representations were put forward.
7. There is no statutory requirement for a local authority to adopt a policy on the licensing of street trading consents, however, it is the view of the licensing officer that it would be best practice to consider such a policy.
8. During the consultation period no written responses were received.

Considerations

9. Consideration would have been given to any written and electronic responses made in connection with the draft policy submitted for consultation by bodies representing

the interests of the public or trade, licence holders or the public in general who may be involved or affected by involvement in the industry either directly or indirectly.

Options

10. The report requests the Licensing Committee to recommend to the Environmental Services Portfolio Holder to adopt the policy. The alternative option would be not to progress such a policy or to make amendments to the draft policy prior to recommendation.

Implications

11. Financial	None arising from this report
Legal	The adoption of a policy contributes to a transparency and consistency of decision making
Staffing	None arising from this report
Risk Management	The introduction of a policy reduces the risk of future legal challenge against decisions made under the Act
Equality and Diversity	All applications will be treated on their individual merits
Equality Impact Assessment completed	Yes
	Partial – No further action required
Climate Change	None arising from this report

Consultations

12. As part of the consultation process Officers consulted with a broad range of people including but not exclusively:

- Police
- Fire Authority
- Trading Standards
- Environmental Health
- Planning
- Health & Safety
- Parish Councils
- Existing Licence holders
- Ward Councillors
- Public (via libraries & website)

13. The consultation document was also available for general comment via the Council's website and at reception.

Effect on Strategic Aims

14. The policy will be subject to review allowing any persons to raise issues regarding the policy for consideration by the authority
15. The Policy clearly states the objectives of the Council within the policy and will in particular provide a voice for rural life by being the body that determines applications where relevant representations are made against applications.

Conclusions / Summary

16. The adoption of Licensing policy in respect of Street Trading Consent under Schedule 3 section 4 of the 1982 Act will, in particular:
- allow local people to understand the processes involved in making an application for a street trading licence and how to make representations either for or against such applications.
 - give clear and transparent guidelines to prospective applicants, enabling them to understand the stance of the Council in respect of such applications.
 - give a clear framework to officers under the scheme of delegation when determining applications.

Background Papers: the following background papers were used in the preparation of this report:

Section 3 Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982

Contact Officer: Myles Bebbington – Licensing officer
Telephone: (01954) 713132