



Report to:	Cabinet	6 September 2021
Lead Cabinet Member:	Councillor Brian Milnes, Lead Cabinet Member for Environmental Services and Licencing	
Lead Officer:	Jon Hall (Acting) Head of Climate, Environment and Waste	

Street Trading Controls – Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and Designation of Consent Streets

Executive Summary

1. Street Trading is defined as the selling or exposing or offering for sale of any article in a street. A street is defined as any road, footway, beach or other area to which the public have access without payment, which includes private land.
2. A Street Trading Consent is however not required for the following circumstances, but may be subject to other licensing regimes:
 - peddling;
 - trading in a market or fair;
 - trading in a trunk road picnic area;
 - trading as a news vendor;
 - trading which— (i) is carried on at premises used as a petrol filling station; or (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 - selling things etc as a roundsman;
 - trading or provision of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 [pavement cafes];
 - street collections under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916
3. The Act currently applies to only part of the District, and the Cabinet are requested to agree to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the District, and to agree to advertise an intention that all streets in the District should be designated consent streets (with the exception of A11 and A14).

Key Decision

4. Yes, it is a significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

The key decision was first published in the July 2021 Forward Plan.

Recommendations

5. It is recommended that Cabinet approve the adoption of the Local Government (Miscellaneous Provisions) Act 1982 ("The Act") for the whole of the South Cambridgeshire District, and designate all roads and streets within the District as Consent Streets (with the exception of the A11 and A14).

Reasons for Recommendations

6. Adoption of the Act District-wide, together with designating the whole of the District (with the exception of the A11 and A14), would enable a new Street Trading Policy to be implemented which would be fair, consistent and equitable across the District. This would give the Licensing Authority greater control over street trading and would ensure that all traders are subject to the same application, enforcement and conditions regardless of where they trade in the District.
7. There are currently 31 traders who pay for an annual Street Trading Consent from the Council. We are aware, that operators of food truck businesses such as Food Park, have around a dozen vehicles trading within the District, and additional vendors who may also wish to trade. In addition, there are (as yet unknown numbers) of traders who operate under local Parish Council approval. The Council is also aware of additional vendors who operate within the District outside of the controlled areas.

Details

8. Street trading legislation is covered under the Local Government (Miscellaneous Provisions) Act 1982. This Act was never adopted District-wide by South Cambridgeshire District Council (SCDC) as historically it was left to Parish Councils to individually determine whether they request that SCDC adopt the legislation within their villages.
9. Whilst there was merit in allowing Parish Councils to determine what controls exist within their area, this restriction has proven to be a challenge for the Licensing Authority, as it has not been able to exercise street trading functions in a fair, safe, well-regulated equitable manner. For example, one trader had had to pay thousands of pounds for a licence to trade in one part of the District, whilst other traders have been able to continue trading without a licence being required whatsoever in another part of the District.
10. The result of this inequality sees well-regulated traders in some areas of the District, whilst in other areas, unlicensed traders who have not undergone any form of background or insurance checks legally operating in the District, without being subject to operating conditions or restrictions on times of trading or location.

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12. A blanket street trading control would enable a Policy to be implemented which still seeks the views of the Parish Council on application and would adhere to any existing bylaws or other restrictions.
13. Should Cabinet agree to adopt the Act and designate all areas as Consent Streets, then the intention would be advertised by way of public notice, and consultation with the Police, Cambridgeshire County Council Highways and Parish Councils. The Cabinet would then meet to consider such representations and may resolve or refuse the full adoption. Further advertisement would then be necessary.
14. From this point, Officers would then be able to work on revising the current Street Trading Policy to implement a fair, robust, clear and well-regulated approach to licensing of street traders across the District. The Policy would have a flexible, pragmatic approach towards the fee structure with particular regard to vendors who wish to trade for a very short period of time on an ad-hoc basis, or multiple sites across the District. It should be noted that the Council cannot make a profit on licensing fees, and there would be no intention to introduce a fee structure higher than the existing levels. The Policy would also seek to clarify and simplify the application process insofar as possible.

Options

15. The Cabinet may agree to:
 - a) Adopt the legislation District-wide to enable a blanket licensing policy and regime to be formulated.
 - b) Refuse to adopt the legislation and retain the current licensing regime.

Implications

16. The introduction of the District-wide adoption of the Act, Consent streets, policy and associated administration and enforcement will utilise existing resources. There will be cost implications for adopting the Act advertising the intention to designate streets. However, additional licensing income may be generated as a result of the blanket Policy.

Financial

17. Finance have been consulted in the production of this report but at this stage no financial implications can be foreseen.

Legal

18. None for the purposes of this report.

Risks/Opportunities

19. There is a risk that existing traders in uncontrolled areas may not wish to apply for a licence and those areas would lose that facility. In addition, it may mean that as a result of street traders being better regulated and more effectively controlled, we may see an increase in licence fee income and costs could be recovered in a clearer more defined way. However, the risks are not currently considered significant enough in terms of impact of probability to warrant inclusion on the risk register.

Alignment with Council Priority Areas

Growing local businesses and economies

20. The introduction of a District-wide street trading regime would seek to enable business to be supported by way of introduction of a flexible street trading policy.

Background Papers

21. Current Street Trading Policy (March 2010)

Appendices

Appendix A: Current Street Trading Control areas in South Cambridgeshire

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