



Report to:	Licensing Committee 29 November 2021
Lead Cabinet Member:	Cllr Brian Milnes
Lead Officer:	Rachel Jackson Principal Licensing Officer

Street Trading Policy – Draft Approval

Executive Summary

1. That the Licensing committee confirms 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).
2. That the Licensing Committee agree that the draft Street Trading Policy be circulated for public consultation, with the final draft being referred back to this Committee for approval in February 2022.

Recommendations

3. That the Licensing Committee adopts Schedule 4 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) to take effect from 1 March 2022. The intention to adopt Schedule 4 was advertised in the Cambridge News on the 15 and 22 September 2021, no representations were received.
4. That the Licensing Committee agree that the draft Street Trading Policy be circulated for public consultation, with this Committee approving the final Policy after the consultation exercise.

Reasons for Recommendations

5. At the Cabinet meeting on 6 September 2021, they approved the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole District (with the exception of the A11 and A14). Once adopted, this would replace the previous resolution which related only to parts of the District. In addition it was agreed that a new Policy be implemented to detail how street trading would be managed and administered 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).

6. The Licensing Committee are requested to confirm the adoption and approve the draft Policy for public consultation.

Details

7. On 18 October 2021, a workshop was held for the Licensing Committee to agree a set of principles on which the Policy should be formulated. The agreed principles have enabled a policy to be drafted. The decisions from the workshop are attached as Appendix A.
8. The draft Policy has been reviewed by Poppleston Allen, one of the country's leading licensing Solicitors /who confirmed the principles are appropriate, and their advice has been incorporated into the draft policy.
9. Poppleston Allen did question the legality of requiring a consent (the Host Premises Consent for an activity (hosting, not trading), when that activity (hosting) of itself does not require a permission under any legislation. As a result of this, Counsel opinion has been sought on this matter, and will be reported to the Committee once received. Following this advice, there may be a need to revise the appropriate sections of the policy draft.
10. Members are asked to approve the draft Policy for consultation. The consultation will commence on 30 November 2021 and continue for a period of six weeks.
11. Following consultation, the final draft will be reviewed by the Lead Cabinet Member in January before being considered and confirmed by Licensing Committee in February 2022.
12. The new policy and resolution will take effect 1 March 2022.

Options

13. The Committee may agree one of the following options;
 - (i) Recommend that the Policy is circulated for public consultation.
 - (ii) Recommend that the Policy is circulated for public consultation with amendments
14. In addition, the Committee is asked to agree the following;
 - (i) That the Licensing Committee adopts Schedule 4 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).

Implications

15. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

16. Finance have been consulted in conjunction with the production of this report and at this stage no significant financial impact can be foreseen.

Risks/Opportunities

17. The decision is not expected to create additional risks or opportunities in the context of the Council's risk management.

Consultation responses

18. Formal consultation will commence on 30 November 2021 and continue for a period of six weeks.

Alignment with Council Priority Areas

Growing local businesses and economies

19. The new policy will allow for a fair and equitable approach to be taken across the District with regards to the administration and enforcement of the street trading regime.

Background Papers

Report to Scrutiny and Overview Committee 20 July 2021
Report to the Cabinet 6 September 2021 Licensing Committee

Appendices

Appendix A: Decisions from the Member Workshop 18 October 2021.
Appendix B: Draft Street Trading Policy

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