

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Licensing Committee 21 October 2010  
**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 consultation purposes, 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 as it raises new issues of policy.

#### Recommendation

3. That the Licensing Committee approves the draft Licensing Policy as attached at **Appendix A** in order to commence a consultation process.

#### Reasons for Recommendation

4. To enable the Council to be transparent in its decision making process.

#### 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 the Council 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 will be consulted.
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. Attached as **APPENDIX A** is a draft policy in relation to the licensing of street traders. It is the officer's view that such a policy would provide guidance to prospective applicants and members of the public and would assist with consistency of decision making. The report requests that the authority consult in relation to a draft policy.
9. The policy will remain a document that continually develops to reflect the changing nature of the street trading environment, Government initiatives and the needs of local businesses and residents alike.

#### Considerations

10. In order to proceed with the final policy it will be forwarded in the following manner:

- a. A Licensing Committee will be held in late February 2011 to consider and recommend to the Leader at his Portfolio Holder meeting on 31 March 2011 any amendments to the draft policy as a result of the consultation process.
- b. The Leader will make a recommendation to Council at its meeting on 14 April 2011 to approve and adopt the policy. The policy will then form the basis of any decision taken in respect of applications or enforcement under Schedule 3, Section 4 of the Local Government Miscellaneous provisions Act 1982 by officers or any Committee or Sub-committee involved in licensing decisions.
- c. The statement of Licensing Policy will be open to review at any time in the future should it prove necessary to do so

### Options

11. The report requests the authority to consult in relation to a draft policy. The alternative option would be not to progress such a policy or to make amendments to the draft policy prior to consultation.

### Implications

12. 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	The consultation process will comply with the Council's Equal Opportunities Policy
Equality Impact Assessment completed	Awaiting completion
Climate Change	N/A

### Consultations

13. As part of the consultation process, officers will consult 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
14. The consultation document will also available for general comment via the Council's website and at reception.

## Effect on Strategic Aims

15.	<b>Commitment to being a listening council, providing first class services accessible to all.</b>
	Consultation will take place for a twelve-week period allowing relevant parties to raise any issues regarding the revised policy for consideration by the authority.
	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b>
	The policy clearly states the objectives of the Council.
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b>
	The policy clearly states the objectives of the Council.
	<b>Commitment to assisting provision for local jobs for all.</b>
	The policy clearly states the objectives of the Council.
	<b>Commitment to providing a voice for rural life.</b>
	The Licensing Committee (or a sub Committee appointed by the Committee) will determine applications where any relevant representations have been 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