

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 11 MARCH 2022

PART A: REPORT

SUBJECT: Street Trading and Markets Policy, and related matters

REPORT AUTHOR: Sarah Meeten
DATE: 10 February 2022
EXTN: 37680
PORTFOLIO AREA: Technical Services

EXECUTIVE SUMMARY:

This report provides comments made following public consultations regarding street trading proposals previously considered by the committee.

The report also provides a second draft of the Street Trading and Markets policy.

The Licensing Committee are asked to:

- consider the consultation responses
- recommend approval of the policy
- make a resolution regarding the Street Trading Designations
- approve the proposed fees.

RECOMMENDATIONS:

- 1)The Licensing Committee approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure the policy is aligned with the variation to Street Trading Designations.
- 2)The Licensing Committee pass a resolution to vary the proposed street trading designations as set out in the appendices of this paper after consideration of any representations and any appropriate amendments. The adoption will then be advertised in accordance with requirements.
- 3)The Licensing Committee approve the charging structure and fees to take effect 1 April 2022.
- 4)The Licensing Committee approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee, be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

1. BACKGROUND:

Street Trading Controls

- 1.1 Street Trading Controls were originally adopted by Arun in the 1980's. The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.
- 1.2 Since this time there has been dramatic change to the local area but no review of, or changes to street trading designations and the way that Street Trading is administered within the District.

Policy

- 1.3 The draft policy was published for public consultation following the meeting of the Licensing Committee on 10 September 2021.
- 1.4 The responses to the consultation are appended to this paper.
- 1.5 A further draft of the policy is now presented to the Licensing Committee. The draft considers the feedback to the consultation where it was appropriate to do so.
- 1.6 The policy is presented to the Committee as recommended for approval. To assist the committee, the policy is provided as it is proposed it is adopted. A copy with track changes following the consultation, feedback and consideration is also provided to assist Members identify the changes post consultation.

Designations

- 1.7 In addition to approving the policy, the Licensing Committee are asked to pass a Resolution regarding the proposed Street Trading Designations. The Designations require variation to align them with the proposed new policy. The current Designations were last considered in the 1980s and are no longer fit for purpose.
- 1.8 A draft of the proposed Designations is appended to this paper and were advertised following the Licensing Committees recommendation to Full Council (dated 10 December 2021). At this stage of the process Full Council delegated powers to the Licensing Committee to take decisions regarding matters relating to Street Trading and the constitution was amended to this effect.
- 1.09 The proposed Designations were published in a locally circulating newspaper and a copy was served on the chief officer of police and the highway authority responsible for the streets. No responses were received from the police or the highways authority. Towns and parishes were also notified.

1.10 After any representations have been considered by the licensing committee, a resolution may be passed.

1.11 A subsequent advertisement must be made specifying the resolution has been made.

Fees

1.12 The Licensing Committee are also asked to approve the related fees for the service. This will allow the Council to recover costs associated with delivery of the function.

2. PROPOSAL(S):

2.1 The Licensing Committee approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure the policy is aligned with the variation to Street Trading Designations.

2.2 The Licensing Committee pass a resolution to vary the proposed street trading designations as set out in the appendices of this paper after consideration of any representations and any appropriate amendments. The adoption will then be advertised in accordance with requirements.

2.3 The Licensing Committee approve the related fees to take effect 1 April 2022.

2.2 The Licensing Committee approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

3. OPTIONS:

3.1 To refuse to approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure it is aligned with the variation to Street Trading Designations.

3.2 To refuse to pass a resolution to vary street trading designations as set out in the appendices of this paper and advertise in accordance with requirements.

3.3 To refuse to approve the charging structure and fees to take effect 1 April 2022.

3.4 To refuse to approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

4. CONSULTATION:

A full public six-week consultation was undertaken, and feedback has been requested from Towns and Parishes and other groups (including Bognor Regis BID, Littlehampton Traders Partnership as well as internal Council departments as well as current consent holders and other interested parties).

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Other groups/persons (please specify)	✓	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		

6. IMPLICATIONS:**Financial**

A policy lays out processes and ensures that authorisations are administered in the correct manner.

If introduced post -consultation, it is anticipated that there will be an upturn in the number of consents issued. Fees will be charged at cost recovery which is the recognised process for charging of authorisations. The policy proposed a zero-fee payable for not-for-profit community and charitable organisations.

Legal

A policy lays out processes and ensures that authorisations are administered in the correct manner. Currently there is no mechanism for dealing with numbers of complaints being received due to outdated Designations.

Human Rights/ Equality Impact Assessment

EIA attached

Community Safety

Internal consultation with other departments has included Community Safety who have been asked if there are any areas of the district that may benefit from street trading presence to increase presence and drive down anti-social behaviour.

Asset Management/Property/Land

The new policy will set clearer parameters between what will be dealt with as street trading and what will be administered as a concession (by Property & Estates).

7. REASON FOR THE DECISION:

To facilitate the opportunity for enhanced street trading provision within the district in a way which supports the objectives of the policy and provides opportunity to further boost the local economy.

8. BACKGROUND PAPERS:

Revised draft policy

Consultation responses from the policy consultation

Consultation responses from the Designations consultation

Proposed Street Trading Designations

Proposed fees

Equality Impact Assessment

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1982/18/schedule-4)