

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

15 November 2024

TITLE:	Street Trading Policy
PORTFOLIO HOLDER:	Councillor Bill Cawley - Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	ALL WARDS

Appendix 1 – Proposed Street Trading Policy

Appendix 2 – Consultation Response

1. Reason for the Report

1.1 The report confirms the consultation responses received to the Draft Street Trading Policy 2024-2027 and recommends approval of the revised Policy.

2. Recommendation

2.1 That the Committee notes the consultation response received (appendix 2).

2.2 That the Committee accepts the amendments proposed in red of the attached Draft Street Trading Policy (Appendix 1).

2.3 That the Committee **RECOMMENDS** approval of the amended Street Trading Policy 2024-2027 to Full Council.

3. Executive Summary

3.1 The Council re-designated Derby Street in Leek, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and introduced a Street Trading Consent Policy to provide a transparent framework for the decision making process, and to ensure that the system operates within constitutional arrangements.

3.2 It is a requirement that licensing authorities regularly review and update policies to reflect changes in legislation, local circumstances and safeguarding issues.

3.3 A consultation exercise regarding a revised Policy was carried out between 23rd April 2024 to 10th June 2024, including specific consultation with existing street traders as well as the public. A proposed amendment to the Policy in response to the comments received after consultation is highlighted in red in Appendix 1.

4. How this report links to Corporate Priorities

4.1 Aim 1 Help create a safer and healthier environment for our communities to live and work.

Aim 4 – Protect and improve the environment.

5. Alternative Options

5.1 To amend the draft Policy as proposed together with any further amendments. (Recommended)

5.2 To note the consultation responses received and not to amend the Policy. (Not recommended)

6. Implications

6.1	<p><u>Community safety, including safeguarding and prevention of terrorism</u> The successful implementation of the Street Trading Policy should have a positive impact on community safety and assist in the reduction of crime</p>
6.2	<p><u>Workforce</u> None</p>
6.3	<p><u>Equality and Diversity/Equality Impact Assessment</u> This report has been prepared in accordance with the Council's Diversity and Equality Policies</p>
6.4	<p><u>Financial Considerations</u> The failure of the Council to review and consult on our policies on a regular basis may result in a judicial review proceedings being brought against the Council. Traders will be financially impacted due to the emission changes Proposed in the revised Policy and will need to fund conversions on their vehicles.</p>
6.5	<p><u>Legal</u> Staffordshire Moorlands District Council has adopted Section 4 of the Local Government Miscellaneous Provisions Act 1982, as a result all street trading in Staffordshire Moorlands requires a Street Trading Consent. Responsibility for street trading matters within the</p>

	Council sits with the Licensing Committee and the Environmental Health service.
6.6	<u>Climate Change and Sustainability</u> The Policy seeks to ensure that street vendors are responsible and where possible reduce waste and plastic use.
6.7	<u>Conservation and Enhancement of Biodiversity</u> No Matters arising from this report
6.8	<u>Consultation</u> A consultation has been carried out
6.9	<u>Risk Assessment</u> No Matters arising from this report

Mr Mark Trillo
Executive Director (Governance & Regulatory Services)

Web Links and Background Papers

Contact details

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7. Detail

- 7.1 Street trading means the selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land). Staffordshire Moorlands District Council ("the Council") has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") which means that consent is required before trading in certain places.
- 7.2 For the purpose of clarification the Committee may wish to note that the following are not street trading for the purposes of this Policy: a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871; b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980; d) trading as a news vendor; e) trading which – (i) 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; (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; f) selling things, or offering or exposing them for sale, as a roundsman; g) the use for trading under Part VIIA of the highways Act 1980

of an object or structure placed on, in or over a highway; h) the operation of facilities for recreation or refreshment under Part VIIA of the highways Act 1980; i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916.). The reference to trading as a news vendor in (d) is a reference to trading where: (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not: (i) exceed one metre in length or width or two metres in height; (ii) occupy a ground area exceeding 0.25 square metres; or (iii) stand on the carriageway of a street.

- 7.3 A consultation exercise was undertaken on a revised Street Trading Policy. A copy of the proposed revised Policy was made available to view on the Staffordshire Moorlands Council website, in addition a hard copy was available at the One Stop Shop reception in leek. All existing street trading vendors and event organisers were individually consulted on the proposals.
- 7.4 The Council has received one response to the consultation exercise, which is attached at appendix 2. The revised Policy, attached at Appendix 1, has a proposed amendment in red, in response to the consultation response received by the Council. The revised Policy is proposed for recommendation for approval to Full Council.