

## **Licensing Committee**

**Date of Meeting: 6 February 2024**

**Title of Report: Adoption of the Shared Licensing Service Street Trader Policy**

**Report of: Executive Director - Place**

**Cabinet Portfolio: Regulatory**

**Key Decision: No**

**Confidentiality: Non-Exempt**

### **Purpose of Report**

1. This report is for the Licensing Committee to adopt the Shared Licensing Service Street Trader policy following public consultation.

### **Recommendation**

2. Licensing Committee are recommended to:
  - adopt the Street Trader Policy, and
  - authorise the Executive Director – Place to make any necessary minor alterations / typographical corrections to the policy before it is published.

### **Background**

3. This policy sets out the details of the Councils' approach to the administration of the Street Trading Consent function under the Local Government (Miscellaneous Provisions) Act 1982.
4. The Licensing Committee in July 2023 approved the draft Shared Licensing Service Street Trader Policy for public consultation, which took place via email and on the Council's website from Monday 19 June to Monday 11 September 2023. No responses were received during the consultation.

### **Main Issues**

5. The Street Trader Policy provides clear advice and information to all persons involved in the consent process. The policy sets out the Councils' expectation of the street traders in the districts and provides a clear understanding of what the Councils will consider when administering applications, dealing with issues, and undertaking any enforcement activities.
6. It will support Licensing Officers in their day-to-day role in ensuring the Councils' licensing aims within this policy are met and ensuring good minimum standards are met and maintained.

### **Alternative Options Considered and Rejected**

7. By not approving a new policy potential difficulties and inconsistencies in decision making may occur. The application process will also remain less efficient and transparent for all parties.

### **Corporate Governance Considerations**

#### **Relevance to the Corporate Plan**

8. The Hart Corporate Plan 2023-2027 has three focus area:
  - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,

- People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
- Place - delivering warmer, better homes in sustainable locations that people can afford to live in.

9. This will be underpinned by providing a resilient and financially sound Council.

### **Service Plan**

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal? Yes, existing provision.

### **Legal and Constitutional Issues**

10. The Council is required to regularly review this Policy and this Policy has been added to the 5-year review cycle.
11. Street trading in Hart district is regulated under part III and schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This allows the Council to grant a consent upon receipt of a valid application and anyone trading in a consent street without authority commits an offence.
12. There is no formal right of appeal against refusal or revocation of a Street Trading consent, however an informal appeal in writing will be considered by the Council.

### **Financial and Resource Implications**

13. There are no financial implications identified within this report. The Council recovers the costs associated with any application and the application fees are set annually through the Council's general fees and charges process.

### **Risk Management**

14. There are no risk management implications identified within this report.

### **Equalities**

15. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.
16. There are no equality implications arising from the recommendations.

### **Climate Change Implications**

17. There are no climate change implications arising from the recommendations.

### **Action**

18. If the Licensing Committee approve the recommendation, the Council's website will be updated with the approved policy.

### **Appendices**

Appendix A – Street Trader Policy (Final)