

General Licensing Committee

23 October 2024

Street Trading Controls – Publication of New Street Trading Policy for consultation

For Decision

Portfolio Holder:

Cllr G Taylor, Health and Housing

Local Councillor(s):

All Councillors

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: John Newcombe

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Report Status: Public

Brief Summary:

To present the General Licensing Committee with a report to consider a new Street Trading Policy for public consultation.

Recommendations:

The committee is recommended to:

- (a) agree the proposed draft Street Trading Policy for public consultation.
- (b) authorise the Service Manager Licensing & Community Safety to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation

Reasons for Recommendations:

A new draft Street Trading Policy has been drafted by officers to be published for consultation which would be fair, consistent and equitable across the Dorset

Council area. This would give the Council, as Licensing Authority greater control over street trading and would ensure that all traders are subject to the same application, enforcement and licence conditions regardless of where they trade.

There are currently existing designations for Street Trading in the former Weymouth & Portland, West Dorset, Purbeck and East Dorset Council administrative areas.

Each of the former District and Borough Council's had their own policies and procedures for Street Trading and Officers intend to introduce a new Street Trading Policy covering the whole of the Dorset Council administrative area.

The Committee have previously considered a separate report detailing the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 across the Dorset Council area which would enable the introduction of an area wide Street Trading Policy.

1. Background

- 1.1 Street Trading is covered under the Local Government (Miscellaneous Provisions) Act 1982. This Act has not been adopted across the entire Dorset Council area however there were arrangements in place within several of the predecessor Council areas. Each predecessor Council area also had its own policy and procedures.
- 1.2 In addition to adopting the relevant schedule of the Legislation, a new overarching policy and procedure is required in order for Dorset Council, as Licensing Authority, to be able to exercise street trading functions in a fair, safe, well-regulated and equitable manner.
- 1.3 An overarching street trading control would also enable a new Street Trading Policy to be implemented which would take into consideration localised schemes managed through town and parish councils (where they exist) as well as any existing bylaws or other restrictions (where they exist).
- 1.4 Should the General Licensing Committee agree to recommend the publication of the draft Street Trading Policy for consultation. A full 12 week public consultation will take place which would also include Responsible Authorities, partner agencies and town and parish councils.
- 1.5 Once the consultation has ended, a further report will be brought before the General Licensing Committee regarding the adoption of streets in accordance with the new Street Trading Policy (as revised).

2. Financial Implications

- 2.1 The introduction of the Dorset Council wide adoption of the Act, consent streets, policy and associated administration and enforcement will utilise existing resources. There will be cost implications for adopting the Act advertising the intention to designate streets. However, additional licensing income may be generated as a result of the area wide Policy.

3. Natural Environment, Climate & Ecology Implications

- 4.1 There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

4. Well-being and Health Implications

- 5.1 There could potentially be an impact on the health and wellbeing of the public if street trading controls are not implemented with traders operating from unauthorised pitches at potentially undesirable or dangerous locations.

5. Other Implications

- 6.1 There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. Risk Assessment

- 7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
Current Risk: Low
Residual Risk: Low

7. Equalities Impact Assessment

- 8.1 An EqIA will be prepared as part of the Street Trading Policy consultation.

8. Appendices

Appendix A: Predecessor Council Street Trading Policies

Appendix B: Draft Street Trading Policy

9. Background Papers

Extract from the Local Government (Miscellaneous Provisions) Act 1982