

Somerset West and Taunton Council

Licensing Committee – 21 March 2022

Street Trading Policy Working Group

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

1 Purpose of the Report

- 1.1 The Council issues consents to permit street trading across the district on public and private land.
- 1.2 The Licensing Manager has begun reviewing the Council's policies on street trading and it is felt that the formation of a Working Group would enhance the review.

2 Recommendations

- 2.1 Resolve to form a Working Group, in accordance with Council protocols, to assist with the revising of the Council's policy on street trading.
- 2.2 Consider expanding the membership of the Working Group to include the Portfolio Holder for Asset Management and Economic Development, on account of the impact of street trading in town centres and how this links to the Corporate Strategy.

3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

4 Background and Full details of the Report

- 4.1 Somerset West and Taunton's predecessor councils both adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, permitting street trading where consent is given by the Council.
- 4.2 The 1982 Act defines street trading as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street'. It also defines 'street' as being 'any road, footway, beach or other area to which the public have access without payment' or 'a service area as defined in section 329 of the Highways Act 1980'. There are certain exemptions, which includes news vendors, pedlars and roundsmen.
- 4.3 The Council is not obliged, by law, to adopt a street trading policy as it must with the

licensing regimes for gambling and alcohol, entertainment and late night refreshment. Be that as it may, adopting a policy allows the Council to be clear about its approach to determining applications for consents, attaching conditions to consents and enforcement, amongst other things. It demonstrates good governance and supports the making of robust decisions.

4.4 The street trading policies have not been comprehensively reviewed for many years, long before the formation of Somerset West and Taunton even. A review is long overdue.

4.5 The Licensing Manager has begun drafting a new policy, combining the best elements of the existing policies and incorporating examples of best practice elsewhere in Somerset and further afield. It is felt that a Working Group would add value to the review and drafting of, a new policy, as well as deciding on the scope of a consultation and considering any responses that arise from that consultation.

4.6 The Council's ['Member Working Group Protocol' document](#) has guidance on the Licensing Committee forming working groups:

- A Working Group arising from the Licensing Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- The Committee will determine who is on the Working Group.
- The Working Group does not have to be politically balanced and the Licensing Committee shall determine the membership.
- The first item of business is to nominate a Chair but it should be a Member from the Licensing Committee.'

4.7 In accordance with the protocol, terms of reference have been drafted for the proposed working group, as part of draft 'scoping document'; see **Appendix A**. Completing the scoping document would be one of the first matters of business of the working group.

5 Links to Corporate Strategy

5.1 The Council has a statutory duty to control street trading within its administrative boundaries.

5.2 15 of the 39 consents currently in effect relate to traders and markets in Taunton town centre and a further one, Wellington town centre. Together, they represent 41% of all consents issued.

5.3 Allowing traders and markets to operate in town centre streets and spaces, backed by effective policies, processes and procedures, can support the following objective:

- Our Environment and Economy: support the town centres throughout the district to meet the challenge of changing shopping habits.

6 Finance / Resource Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 No legal implications identified.

8 Climate and Sustainability Implications

8.1 There are no climate and sustainability implications.

9 Safeguarding and/or Community Safety Implications

9.1 There are no safeguarding or community safety implications.

10 Equality and Diversity Implications

10.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

10.2 No equality and diversity implications were identified.

11 Social Value Implications

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

12 Partnership Implications

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications

14.1 No asset management implications were identified.

15 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 The review will involve a consultation but there are no direct consultation implications with this report.

17 Scrutiny Comments / Recommendation(s)

17.1 There are no scrutiny comments or recommendations as this is a Licensing Committee report only.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency: Once only

List of Appendices

Appendix A	Draft scoping document (with terms of reference)
------------	--

Contact Officers

Name	John Rendell
Direct Dial	01823 219491
Email	j.rendell@somersetwestandtaunton.gov.uk