

Part 1	ITEM NO.
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## REPORT OF THE STRATEGIC DIRECTOR PLACE

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TO LEAD MEMBER ENVIRONMENT AND COMMUNITY SAFETY

ON 9<sup>TH</sup> JULY 2018

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TITLE: Street Trading – Changes to Current Street Trading Scheme

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RECOMMENDATIONS: That the changes made following the formal consultation are agreed and the amendments to the street trading scheme adopted under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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### EXECUTIVE SUMMARY:

The Environmental Health (EH) team has recently taken back the operation of the street trading consent scheme from the Licensing section of Regulatory Services. In order for businesses to trade on the streets in Salford they have to obtain a street trading consent from the Council before trading. Consents are issued on an annual basis but there is also the provision for one or two day consents for temporary events and festivals.

The Service has taken this opportunity to review the policy and making it current and more flexible, to deal with the varying ways traders are now looking to operate. The review proposed to introduce a licensing scheme to complement the existing consent scheme to provide greater control on specifically where traders can operate from but from the comments received this proposal has now been discounted. However the revised conditions will tighten up existing controls and provide a more consistent approach to street traders who operate from temporary events and markets.

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BACKGROUND DOCUMENTS: Street Trading Conditions Revised 2018

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KEY DECISION: NO

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### DETAILS:

#### 1. Background

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 enables a Local Authority to adopt controls to regulate street trading within its district. Once Schedule 4 to the Act has been adopted by a Local Authority, the Act states that the Local Authority may choose to designate any street within its area as a prohibited, licence or consent street.

In terms of definitions, broadly speaking a prohibited street means no street trading can take place, a licence street is more suitable to streets where the strict control of trading is needed i.e. town centres, industrial estates, parks and a consent street are applicable to more infrequent types of trading, such as ice cream vans.

Schedule 4 makes provisions for the granting of two types of permission for street trading, those being:

- a) a street trading licence; or
- b) a street trading consent

Both permissions can have detailed conditions attached to them.

## 2. Salford's Current Position for Street Trading

Salford City Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on the 15<sup>th</sup> February 1984 and made all streets within the city 'consent' streets. This meant that anyone who wishes to trade on a consent street (which includes a street, highway, or other area to which the public have access without payment) must hold a street trading consent.

The Council did not adopt the provision to designate some of the streets within the city as licence streets. If it had, it would allow only specific licensed street traders to operate in these areas and thus place restrictions on where street traders can operate and the numbers that can operate within a small area.

## 3. Proposed changes

There is a range of changes that the review of the street trading scheme is looking to implement:

- a) To replace the current street trading policy with a list of clearly defined conditions, similar to other licensable activities within the Service. This is assist consent holders adhere to the street trading requirements as well as assisting Officers in determining appropriate enforcement action;
- b) Update the street trading exemptions to include an exemption for individual traders operating at approved events or markets on council land and for the street trading consent to be paid by the event organiser;
- c) Update application documents in line with taxi licensing, to include DBS checks. This will prove to be beneficial following an ice cream van driver who had his consent refused due to criminal convictions for aggressive behaviour;
- d) To align the hours of trading to be in line with late night refreshment licence requirements;
- e) To tighten controls regarding trading near schools to align with healthy weight strategies;
- f) Remove the prohibited street designation from Dronfield Road, Manor Road, Caldby Road, Longmead Road, Trenant Road, Denstone Road, Fairfield Street, Carlton Road, Doveleys Road (from its junction with Manor Road until its junction with Fairfield Street).

- g) To issue a plate scheme, similar to taxi's, this will clearly identify those street traders who do not have permission to trade and enable enforcement action to be directed more effectively;
- h) Introduction of ID cards for traders so that individuals who have been issued with a street trading consent can easily be identified; and
- i) Review of the fee structure to better align with the work involved and be more flexible with how traders are now looking to operate.

The Lead Member has the delegated power under the Councils Constitution to exercise any licensing functions relating to Street Trading and it the proposal that the final revised conditions are agreed by the lead member, in order to implement any changes to the street trading scheme.

#### 4. Consultation

Consultation took place between March and April 2018 and the proposed conditions have been reviewed and revised to take in to account the feedback received.

#### 5. Recommendation

The recommendation is to implement the proposed changes, summarised in points a) to i) above, to update the current street trading scheme.

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KEY COUNCIL POLICIES: Street Trading Policy (2012)  
Salford City Council Supplementary Planning Document Hot food Takeaways  
January 2014.  
Licensing Act 2003 Policy Statement

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EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:N/A

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ASSESSMENT OF RISK: Low

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LEGAL IMPLICATIONS Supplied by: Barbara Gora

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FINANCIAL IMPLICATIONS Supplied by: n/a

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PROCUREMENT IMPLICATIONS Supplied by: n/a

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HR IMPLICATIONS Supplied by: n/a

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OTHER DIRECTORATES CONSULTED: n/a

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WARDS TO WHICH REPORT RELATES: All