

# Revision of Street Trading Policy

**Licensing Committee**

**Date: 13<sup>th</sup> August 2014**

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Author: Licensing Manager

Wards: All

Locality Affected: All

Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 The Licensing Committee determined the Council's Street Markets Policy on 1 August 2013. This included a statement that the Policy should be reviewed within 12 months from the date of commencement (i.e. by 1 August 2014).
- 1.2 The Street Market Policy has thus been reviewed and incorporated in to Council's Street Trading Policy for ease of reference. The draft policy is attached as Appendix C.

## **2. Recommendations**

- 2.1 That the Licensing Committee approves the reviewed street trading policy attached to the report as Appendix C and recommends its adoption to Council.

## **3. Detail**

- 3.1 The Licensing Committee determined the Council's Street Trading Policy on 23 October 2008 and it became effective on 1 February 2009. The Committee also determined a policy specifically for street markets on 1 August 2013. These are attached to the report as Appendix A and B respectively.
- 3.2 The Street Markets Policy included a statement that the policy should be reviewed within 12 months of the date of commencement (i.e. by 1 August 2014).
- 3.3 In reviewing the Street Markets Policy, the two policies have been combined so that potential applicants now only have one document to refer to when preparing their applications. This is attached to the report as Appendix C.
- 3.4 The existing policies have proved effective in guiding applicants in making their applications and in helping to regulate street trading activities in the Borough of Swindon. There have been no challenges to any of the policies and therefore no major change to either policy is proposed.
- 3.5 However, InSwindon has requested that permission is given to allow music to be played during the street markets that they organise. They consider that this will enhance the customer experience at future markets by creating an ambience that has been lacking at previous markets. Such music would be authorised by the premises licence that Swindon Borough Council granted to InSwindon under the Licensing Act 2003. This has been incorporated in to the draft policy for

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consideration with the caveat that a request for permission to play music must be included in the application for the street trading consent.

- 3.6 It is further proposed that authority is delegated to the Licensing Manager to attach conditions to a street trading consent regarding the playing of music, where the applicant has already been granted permission by the Council to play such music under the Licensing Act 2003, in circumstances where such permission is required.
- 3.7 It is proposed that the draft policy will come in to effect on 01 August 2014 and that the policy will remain effective for no longer than 5 years but that it may reviewed at any time, as required. This is in line with the requirement to review the Council's Statement of Licensing Policy made under the Licensing Act 2003.

## **4. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 4.1 The costs associated with the implementation and enforcement of the policy will be covered by the street trading consent application fees.

### Legal and Human Rights Implications

- 4.3 There are no human rights implications.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 4.4 The implementation and enforcement of the policy will be carried out using existing resources. There are no other implications.

### Diversity Impact Assessment

- 4.5 No diversity impact assessment has been undertaken.

### Risk Management

- 4.6 The approval of the policy is within the Committee's power.
- 4.7 The policy is not intended to be rigid and will not fetter the Committee's discretion in determining any application for a street trading consent, which otherwise would be challengeable by way of judicial review.

## **5. Consultees**

- 5.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

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## 6. Background Papers

### 6.1 [Local Government \(Miscellaneous Provisions\) Act 1982](#)

## 7. Appendices

Appendix A – Existing Street trading policy effective as of 1 February 2009

Appendix B – Existing Street Markets policy effective as of 1 August 2013

Appendix C – Draft revised street trading policy (incorporating street markets)