

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 23rd March 2016

CONTACT OFFICER: Michael Sims - Licensing Manager
(For all Enquiries) (01753) 477387
Ginny de Haan – Head of Consumer Protection and
Business Compliance
(01753 477912)

WARD(S): All

PART I **FOR COMMENT AND DECISION**

REVIEW OF STANDARD TERMS AND CONDITION FOR STREET TRADING CONSENTS

1. **Purpose of Report**

To advise members on the review of and consultation on the revised standard terms and conditions for Street Trading Consents.

2. **Recommendation**

That the Committee;

- (a) Make comment on and approve the new revised standard terms and conditions for Street Trading Consents:
- (b) Approve the amended wording for condition 2.1, and
- (c) To recommend that the revised standard terms and conditions are approved by Full Council.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines that the Licensing Authority is empowered to specify conditions for Street Trading Consents. The existing conditions have been reviewed as they are considered to be outdated with some being no longer fit for purpose particularly with regards to food hygiene. The new 'Terms and Conditions' have been prepared to ensure and promote public safety and wellbeing.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The proposed new conditions, particularly with regards to food hygiene, will promote public safety and wellbeing as well as ensuring that all traders conduct their business in a proper and safe manner, this will contribute to the following

wellbeing themes.

- Health
- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The proposed new 'Terms and Conditions' will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The new 'Terms and Conditions' will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the recommendation.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	None	The Licensing Authority is empowered to specify conditions for street trading and in doing so have revised the existing condition to promote public safety and wellbeing as well as ensuring that traders operate their businesses in a proper and safe manner.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An EIA has been completed which indicates the proposed new terms and condition will have a positive impact on the traders, local consumers and all equality groups.

5. Supporting Information

- 5.1 Street Trading is governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which was adopted by the Council in 1986.
- 5.2 The responsibility of the Licensing Authority is to ensure that those individuals to whom permission to trade is granted are conducting their business in a proper and safe manner. In doing so, the Licensing Authority is empowered to specify conditions that must be complied with. These conditions reflect the need to protect the public and for the avoidance of nuisance.
- 5.3 The existing 'Street Trading Consents - General Conditions' for all street trading consents was last reviewed in 2011, and are contained in **Appendix A**.
- 5.2 In 2015 the Licensing Team conducted a full review of all the existing conditions as they were considered to be outdated with some being no longer fit for purpose particularly with regards to food hygiene.
- 5.3 A new set of 'Street Trading Consents – Standard Terms and Conditions' were prepared and an initial consultation was conducted with list of consultees as detailed in **Appendix C**. In light of comments and views from the initial consultation some amendments and additions were made and the new terms and conditions recirculated for approval. The final draft terms and conditions for approval are attached at **Appendix B**.
- 5.4 A formal consultation was conducted with all existing Street Trading Consent holders between 30th November 2015 and 4th January 2016 to which there were no responses. A copy of the consultation letter is attached at **Appendix D**.
- 5.5 Condition 2.1 currently states:

'No trading will be allowed within 250 metres radius of any school or children's nursery'.

It now felt that condition is too arbitrary and it is requested that this particular condition should be amended to read:

'No trading will be allowed within a distance of 50 metres from any school or nursery entrance'.

This will ensure the safety of the public and also that there is no obstruction of the highway or footpath.

- 5.6 Once approved the new 'Standard Terms and Conditions' will be incorporated into the current 'Street Trading Consent Guidance' and provided to all current consent holders and all new applicants.

6. Comments of Other Committees

None

7. Conclusion

The Committee is requested to comment on and approved the new 'Terms and Conditions', approve the amendment to condition 2.1 and recommend that they are adopted by Full Council

8. Appendices Attached

'A' - Street Trading Conditions 2011

'B' - Proposed Standard Street Trading Conditions 2016

'C' - List of initial consultees

'D' - Copy of formal consultation letter.

9. Background Papers

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982