



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Licensing (Regulatory) Committee
Council

3 August 2016
1 November 2016

WARDS AFFECTED: Hinckley Castle

STREET TRADING CONSENT POLICY REVISION

Report of Deputy Chief Executive (Community Direction)

1. PURPOSE OF REPORT

- 1.1 To secure a revised Council resolution requiring street traders to obtain a `Street Trading Consent` if they wish to trade in Hinckley town centre as per Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and, approval of a revised Street Trading Consent Policy. A copy of this revised Policy is attached to this report at Appendix A.

2. RECOMMENDATION

- 2.1 That the Council:

(i) adopts a revised resolution that "in accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Council resolves that Schedule 4 of that Act shall apply to its district as from 1 January 2017"; and

(ii) "the Council agrees to a designation of the streets set out in Appendix A to the report as consent streets and that, following the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 the appropriate officers be authorised to advertise and give notice of the Council's intention to make a resolution in respect of the streets in accordance with Schedule 4."

(iii) approves the revised policy (Appendix A to this report).

3. BACKGROUND TO THE REPORT

- 3.1 Hinckley & Bosworth Borough Council, at the Council Meeting of the 20 January 1987 resolved that the streets in Hinckley Town Centre and any associated pedestrianised areas be designated as Consent Streets for the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The effect of this meant that traders which sell their goods or services in these streets need the consent of the Council to do so and for which there is a fee, currently £970 per

annum. Certain exemptions apply for market traders on market days, roundsmen, charities and small community groups etc.

- 3.2 Currently there are three businesses trading with consent, one being a hot potato trader, ice cream mobiles from two locations and a newly granted consent for a snack bar.
- 3.3 Given that the street configuration in Hinckley Town Centre has changed due to the Crescent development, it is necessary for Council to revise the resolution of 1987 and at the same time revise the accompanying Street Trading Consent Policy last reviewed in 2009.
- 3.4 The process of reviewing the Council resolution is laid out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Essentially the Council is required to pass a resolution confirming the application of `Consent Streets` and this resolution takes effect one month after adoption.
- 3.5 Prior to passing the resolution the Council has to publish a notice in the local paper and consult with Police and Highway Authority and take into account any representations received before considering the resolution. This procedure has been followed and whilst no representations were received from the Police, the Highways Authority did request the addition of a condition that “ the applicant must comply with the local highway authority (Leicestershire County Council) in accordance with responsibilities vested under the Highways Act 1980 “. This has been incorporated into the revised policy (see section 11.2 of Appendix A)
- 3.6 Following adoption of the resolution by Council, a further notice has to be displayed in the local paper for two weeks advertising the resolution has been passed.
- 3.7 The accompanying Street Trading Consent Policy has worked well since 2009 and as such the revised version, apart from the alteration to the street layout has not been substantially changed. The only proposed changes therefore relate to:
 - updating the Equal Opportunities statement and including statements relating to large print and other language versions being available (Section 2 and Appendix 1):
 - removing Waterloo Road and Brunnel Road from the schedule of consent streets (Appendix 1):
 - requiring that any food businesses must maintain and provide evidence for, a rating equivalent to 3 or higher in the Food Standards Agency national Food Hygiene Rating Scheme (Section 11.2).
 - amending criteria for the requirement of a Basic Disclosure Notice from the Criminal Records Bureau in Scotland, so that the new policy will require a Basic Disclosure Certificate for an applicant offering any goods or services which may entice children, but discretionary otherwise (Section 12.6)
 - Highway Authority inclusion referred in 3.5 above (Section 11.2)
- 3.8 Licensing (Regulatory) Committee has previously considered the revised resolution and policy and it is planned to have the new resolution effective from 1 January 2017 if approved by Council.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 The report is to be taken in open session.

5. FINANCIAL IMPLICATIONS [AG]

5.1 At present it is difficult to foresee the numbers of businesses who would trade with consent. However, a budgetary provision as per the financial procedure rules will be required once we have definite information

6. LEGAL IMPLICATIONS [AR]

6.1 The body of this report has outlined the statutory requirements as set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

7. CORPORATE PLAN IMPLICATIONS

7.1 In controlling consents the policy will allow for local shopping needs, diversity, balance and conflict with nearby commercial shops to be taken into account and thereby contribute towards the Council aims of creating a vibrant place to work and live, support individuals in developing their business and providing value for money and pro-active services in enforcement of controls.

8. CONSULTATION

8.1 Consultees have included Police, Highways, existing traders, Town Centre Manager and the Hinckley Business Improvement District as well as open to the public through the council's web pages. Responses were received from the Highways Authority (see 3.5 above), one trader who endorsed the policy and comments from Hinckley Business Improvement District, which have been responded too, but required no alteration to the policy.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Legal compliance	Ensure actions in compliance with Central Government including EU Service Directive	Environmental Health Manager (Commercial)

Reputation with traders may be harmed if allow indiscriminate trading.	Application of policy in fair and consistent manner	Environmental Health Manager (Commercial)
Economic vitality of town centre may be at risk by allowing too many traders selling similar goods.	Application of policy in fair and consistent manner allowing account to be taken for local shopping needs, diversity, balance and conflict with nearby commercial shops.	Environmental Health Manager (Commercial)

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 No implications as the issue of Street Trading consent will be carried out in accordance of the policy to ensure consistency.

10.2 An Equality Impact Assessment has been undertaken on the revised policy.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Appendix A – Street Trading Consent Policy

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