

Cheltenham Borough Council
Cabinet – 16 June 2015
Revised Street Trading Policy

Accountable member	Councillor Andy McKinlay, Cabinet Member Development and Safety
Accountable officer	Mike Redman, Director of Environmental & Regulatory Services
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The council's current street trading policy was approved by Council on 22 February 2013 and came into effect on 1 April 2013.</p> <p>A review of the policy has been undertaken by officers and Cabinet is asked to consider the proposed policy amendments and approve these for consultation.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the amendments to the current policy; and 2. Approve the draft amended policy attached at Appendix 2 for consultation.

Financial implications	<p>There are no direct finance implications arising from this report.</p> <p>Contact officer: Sarah Didcot, sarah.didcot@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>There is no legal requirement for a Street Trading Policy. Policies can provide a sound platform for proper decision making in accordance with the relevant legislation. They can also assist in ensuring the consistency and transparency of decision making. However, policies must ensure that each case is judged on its own merits and any restrictions are properly justified.</p> <p>Contact officer: Vikki Fennell, vikki.fennell@teWKesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>No human resource or learning and organisational development implications as a result of this report.</p> <p>Contact officer: Richard Hall, richard.hall@cheltenham.gov.uk, 01242 77 4972</p>
Key risks	As Identified in Appendix 1

Corporate and community plan Implications	<p>Cheltenham has a clean and well-maintained environment.</p> <p>Cheltenham’s natural and built environment is enhanced and protected.</p> <p>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.</p> <p>Cheltenham has a strong and sustainable economy.</p>
Environmental and climate change implications	<p>Not applicable</p>
Property/Asset Implications	<p>None</p> <p>Contact officer: David.Roberts@cheltenham.gov.uk</p>

1. Background

- 1.1 The council's current street trading policy was approved by Council on 22 February 2013 and came into effect on 1 April 2013.
- 1.2 The current policy sets out a commitment to keep the policy under review and proposes revisions where they are deemed necessary, but in any event to review the policy at least every three years.
- 1.3 In accordance with the above, a review of the current policy was undertaken and Cabinet is asked to consider the policy revisions and approve the draft amended policy for consultation.

2. Statutory Framework

- 2.1 The council has adopted schedule 4 of Local Government (Miscellaneous Provisions) Act 1982 ("the Act") to apply in the borough. Schedule 4 of the Act enables the council to control street trading in the borough.
- 2.2 As part of the adoption, the council has designated all streets in the borough as consent streets meaning that no street trading can take place anywhere in the borough without the council's consent.
- 2.3 There is no statutory responsibility on the council to adopt a policy but it is considered good practice because it clearly sets out the council's approach to local street trading regulation and provides guidance to licence holders, prospective licence holders and Members.

3. Policy Review

- 3.1 The current policy approach is to deal with every application on its merits without being overly prescriptive.
- 3.2 A review of the current policy was undertaken by officers - from licensing, built environment and the development task force – and it is proposed that the broad policy approach be changed to one that is much more prescriptive in nature, primarily to:
 - a) prevent the obstruction of the streets by street trading activities;
 - b) sustain established shopkeepers in the town;
 - c) maintain the quality of the townscape and add value to the town;
 - d) encourage inward investment;
 - e) promote quality markets; and
 - f) promote more consistent decision making.
- 3.4 Members will note that the new policy seeks to define appropriate locations for street trading mainly in the town centre. These locations are associated with a range of permitted goods that can be sold or offered for sale. The locations and permitted goods will be kept under regular review – in consultation with Urban Design, Conservation and Development Task Force - to ensure that street trading activity does not conflict with the retail offer and investment but also to ensure it does not detract from the investment and improvement to the town centre.

4. New Policy Proposal

4.1 The proposed new policy identifies a number of locations deemed suitable for different types of street trading in the town. These locations have been identified as suitable and appropriate for the reasons mentioned above but particularly to:

- a) prevent the obstruction of the streets by street trading activities;
- b) sustain established shopkeepers in the town;
- c) maintain the quality of the townscape and add value to the town.

4.2 A copy of the proposed new policy is attached at **Appendix 2**.

5. **Alternative options considered**

5.1 Cabinet can resolve not to approve the amended policy for consultation if it chooses not to change the current policy approach.

6. **Consultation and feedback**

6.1 If Cabinet approves the amended policy for consultation, a 12 week consultation will be undertaken with:

- a) Existing consent holders
- b) The Licensing Committee
- c) Parish Councils
- d) Director of Environmental & Regulatory Services
- e) Cheltenham Development Taskforce
- f) Gloucestershire Highways
- g) Head of Planning
- h) Head of Public Protection
- i) Urban Design Manager
- j) Conservation & Heritage Manager
- k) Cheltenham Chamber of Commerce
- l) Chief Officer of Police
- m) Cheltenham Borough Council - Environmental Health
- n) The residents of Cheltenham

6.2 Cabinet will receive a further report following the consultation to consider consultation feedback received and any consequential policy amendments.

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Draft Amended Policy
Background information	<ol style="list-style-type: none">1. Schedule 4, Local Government (Miscellaneous Provisions) Act 19822. Policy on Measures to Control Street Scene Activities in Cheltenham (approved by Full Council on 22/02/2013)

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the draft policy is not adopted, the Council risks not being able to effectively discharge its licensing function to regulate street trading.	Licensing & Business Support Team Leader		2	4	8	Accept	Approve consultation		Licensing & Business Support Team Leader	
Explanatory notes											
<p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											