

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

27 September 2022

Report of the Director of Central Services and Deputy Chief Executive

Part 1 - Public

Delegated

1 STREET TRADING – RESULTS OF CONSULTATION

1.1 Introduction

1.1.1 Following meetings of the Licensing & Appeals committee on 8th March and 24th June 2022, Tonbridge & Malling licensing department have recently completed a consultation on proposed changes to the Councils Street Trading policy and re-designations of the Borough.

1.1.2 The purpose of the consultation was to give various groups a chance to have their say on the proposed re-designation and draft policy.

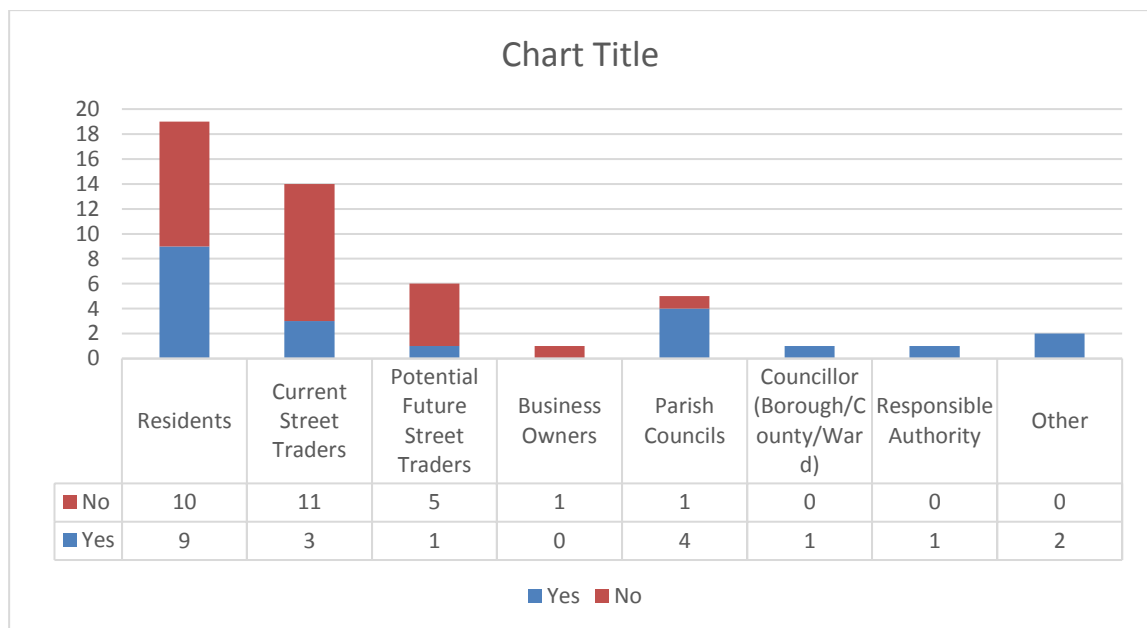
1.1.3 These groups included:

- Kent Police
- Kent Fire & Rescue
- British Transport Police
- Trading Standards
- Environmental Health
- Planning
- Kent County Council
- Highways
- Liberty (Kings Hill)
- Environmental Protection
- TMBC Members
- KCC Members
- Parish Councils
- Current Street Traders
- Potential Future Traders
- Residents (via social media)
- Businesses within TMBC

1.1.4 The consultation ran from 20 June 2022 until 29 August 2022. It was available on the council's website and was emailed to approximately 1000 email addresses. Social media messages were posted to raise awareness with residents.

1.1.5 50 responses were received in total and of those responses, 21 (42%) were in favour of the re-designation and draft policy and 29 (58%) were against.

1.1.6 A breakdown of the responses can be seen below.



1.1.7 A redacted copy of the responses and comments can be seen at **Annex 1** of this report.

1.2 Legal Implications

1.2.1 Without the re-designation of the street trading consents, businesses can continue to trade in areas of the Borough if they -

- have gained landowners' permission
- are not causing a nuisance
- are legally parked
- are food businesses based in the Borough and registered with the Council (non-food-based traders will not require food registrations).

1.2.2 They cannot trade in the areas prohibited under the current street trading policy –

- Bluebell Hill Village Area
- Hadlow Village Centre
- Tonbridge Town Centre

1.2.3 A copy of the current policy can be seen at **Annex 2** for reference.

1.3 Financial and Value for Money Considerations

1.3.1 By continuing with the planned re-designation and the introduction of the amended policy for street trading, the council will have greater scope to collect consent fees for those seeking to trade within the Borough.

1.3.2 The current fees (2022/23 are set out in the table below).

	Part A Fee	Part B Fee	Total Fee
Fixed pitch – annual consent	£778	£477	£1255
Fixed pitch – occasional consent	£200	£125	£325
Other – annual consent	£715	£435	£1150
Other – occasional consent	£38	£22	£60

1.3.3 The introduction of the new expanded street trading policy will have a financial impact on new and existing businesses wishing to trade within the Borough at what is considered to be an already difficult time financially.

1.4 Risk Assessment

1.4.1 Continuing with the proposed re-designation may generate additional fee income but may also result in dissatisfaction from the trade, whether existing or prospective businesses.

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact to end users.

1.6 Policy Considerations

1.6.1 None at the present time.

1.7 Recommendations

1.7.1 Members are asked to consider and AGREE one of the following options

- a) Continue with the re-designation and introduction of the new policy with the previous agreed timelines shown for reference at **Annex 3**;
- b) Postpone the re-designation until an agreed date in the future; OR
- c) Make no changes to the existing street trading policy at **Annex 2**

contact: Katie Shipman
01732 876027

Adrian Stanfield
Director of Central Services and Deputy Chief Executive