

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

14 June 2022

### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1 - Public

#### Delegated

#### 1 UPDATED STREET TRADING POLICY

##### 1.1 Introduction

1.1.1 At a meeting of the Licensing & Appeal committee on 8<sup>th</sup> March 2022, members agreed to the re-designation of the borough in respect of Street Trading. A copy of this report can be seen at **ANNEX 1**.

1.1.2 At the meeting, it was agreed that we would seek to re-designate the whole borough as Consent streets. An updated Street Trading policy would be written and brought back to this committee for approval prior to the consultation beginning. The current policy can be seen at **ANNEX 2**.

1.1.3 This DRAFT policy can be seen at **ANNEX 3**.

1.1.4 Following members approval of this new policy, we look to complete the following timetable and actions on the dates outline below:

ACTION	DATE	
10-week public consultation	Start 20.06.2022* End 29.08.2022*	The DRAFT policy will be shared with – <ul style="list-style-type: none"><li>• Ward Members</li><li>• Parish &amp; Town Councils</li><li>• Kent County Council Highways;</li><li>• Environmental Health;</li><li>• Economic Development;</li><li>• Property Services</li><li>• Planning;</li><li>• Kent Police;</li><li>• Kent Fire and Rescue;</li><li>• Trading Standards;</li><li>• Current Traders (list supplied by the councils Food Safety Team)</li></ul>

Review consultation responses	W/C 05.09.2022*	The responses will be reviewed by: <ul style="list-style-type: none"> <li>• Head of Service for Licensing, Community Safety &amp; Customer Services</li> <li>• Licensing Officers</li> </ul>
Licensing & Appeals Committee	27.09.2022*	<ul style="list-style-type: none"> <li>• L&amp;A committee to approve the policy following the public consultation prior to the resolution</li> </ul>
Publish Resolution with consultation	Start 10.10.2022 * End 07.11.2022	The council must publish a notice containing the DRAFT resolution with a <b>28-day consultation period.</b>
Review resolution consultations	W/C 07.11.2022*	The responses will be reviewed by: <ul style="list-style-type: none"> <li>• Head of Service for Licensing, Community Safety &amp; Customer Services</li> <li>• Licensing Officers</li> </ul>
Licensing & Appeals Committee	29.11.2022*	<ul style="list-style-type: none"> <li>• L&amp;A committee to approve the resolution consultation responses</li> </ul>
Full Council	21.02.2023*	<ul style="list-style-type: none"> <li>• Full Council approval prior to publishing the final resolution</li> </ul>
Publish 1 <sup>st</sup> Notice	01.03.2023*	The first notice must be published no later than 28 days before the date specified in the resolution for the new designation coming into force.
Publish 2 <sup>nd</sup> Notice	08.03.2023*	The second notice must be published within one week of the first public notice.
Resolution and new policy will come into force	01.04.2023*	Subject to all other actions being approved.
*All dates are subject to approval at each stage.		

## **1.2 Legal Implications**

- 1.2.1 The statutory regime for designating streets for the purposes of street trading and the granting of street trading consents and related matters is set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (see Annex I). There is no statutory requirement to have a licensing policy for street trading.
- 1.2.2 However, it is considered best practice and also a modern, effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications for street trading, the application process itself and the grounds for objection, refusal, the hearings procedure and the grounds for appeal.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 By going out on consultation to amend the current policy for street trading, the council will have greater scope to collect licence application fees for those seeking to trade within the Borough.
- 1.3.2 The re-designation of streets requires three separate newspaper adverts to be published.

## **1.4 Risk Assessment**

- 1.4.1 The introduction of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts

## **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 RECOMMENDED to approve the draft policy for consultation

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