

Meeting: Council

Date: 14th September 2022

Wards: All

Subject: Adoption of the Council's Street Trading Policy (2023 – 2028) under the London Authorities Act 1990 (as amended).

Lead officer: Adrian Ash, Interim Director of Environment and Regeneration.

Lead member: Edith Macauley, MBE, Chair of the Licensing Committee

Forward Plan reference number: N/A

Contact Officer: Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

Recommendations:

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- A. To adopt the Council's Street Trading Policy for 2023-2028 under the London Authorities Act 1990 (as amended) as approved by Members of the Licensing Committee on 28th June 2022 to come into effect on the 1st January 2023

1. **PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 Approve the Street Trading Policy attached at Appendix A of the report as recommended by the Licensing Committee on 28th June 2022 to come into effect on the 1st of January 2023.

2. **DETAILS**

- 2.1 This is the first Street Trading Policy for the Council recommended for Adoption.
- 2.2 The Licensing Authority is required to carry out consultation with a prescribed list of consultees before determining its Street Trading Policy under the London Local Authorities Act 1990 (as amended).
- 2.3 The public consultation on the draft Street Trading Policy took place between 11th March and 31st May 2022.

- 2.4 An electronic copy of the draft policy was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors were notified of the public consultation.
- 2.5 During the consultation period, the Licensing Authority received eight responses to the consultation through the on-line survey. In addition, three responses were received directly.
- 2.6 The majority of people responding to the consultation were supportive of the proposed Street Trading Policy. There was no dissent.
- 2.7 Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on 28th June 2022.

3 **DECISION**

- 3.1 Members of the Licensing Committee decided to approve the draft Street Trading Policy under the London Local Authorities Act 1990 (as amended) attached at Appendix A with a recommendation for adoption by full Council.

4. **ALTERNATIVE OPTIONS.**

- 4.1 None for the purposes of this report

5. **CONSULTATION UNDERTAKEN OR PROPOSED.**

- 5.1 A eleven-week public consultation was undertaken on the proposed Street Trading Policy between 11th March and 31st May 2022.

6. **TIMETABLE.**

- 6.1 Following adoption by full Council the Street Trading Policy will take effect from 1st January 2023.

7. **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS.**

- 7.1 None for the purposes of this report.

8. **LEGAL AND STATUTORY IMPLICATIONS.**

- 8.1 Sections 21 - 41 of the London Local Authorities Act 1990 (as amended) regulates trading on the street. Under section 27(3) a Borough Council can make regulations prescribing standard conditions which are attached to a Street Trading Licence or can be added to a Temporary Licence. The legislation states in section 27(4) that before the regulations are made the Borough Council has to consult on them. Section 27(4), (5) and (6) prescribes how the consultation process is to be carried out, whilst requiring the conditions to be reasonable. Section 23 provides that standard conditions apply to any person authorised by a street trading licence or a temporary licence.

9. **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS.**
- 9.1 These are statutory functions and are applied globally.
- 10.0 **CRIME AND DISORDER IMPLICATIONS.**
- 10.1 None for the purposes of this report.
11. **RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS.**
- 11.1 Failure to discharge its duties under the Act and implement a Street Trading Policy/regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.
12. **APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT.**
- 12.1 Appendix "A" Draft Street Trading Policy.
13. **BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT.**
- 13.1.1 London Authorities Act 1990 (As amended)
<https://www.legislation.gov.uk/ukla/1990/7/contents/enacted>
<https://publications.parliament.uk/pa/ld200405/ldprbill/003/05003--r.htm>
- 13.2 Consultation responses – directly received.
- 13.3 On-line consultation responses.

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