

To: General Purposes Licensing Committee
Date: Thursday 19 May 2022
Report of: Head of Regulatory Services and Community Safety
Title of Report: Interim framework for Street Trading Renewal Fee arrears cases

Summary and recommendations	
Purpose of report:	To seek endorsement of an interim approach for the management of street trading arrears cases
Corporate Priority	Enable an inclusive economy and Support Thriving Communities
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
1. Endorse an interim approach to be applied to those street trading renewal applications which are in arrears and stand to be referred to Sub-Committee for breach of a condition of street trading consent. This approach being temporary and pending review of the Street Trading Policy and changes to the Constitution.	

Introduction

1. The purpose of this report is to seek the General Purposes Licensing Committee's endorsement of an interim approach for the management of street trading arrears cases.
2. Under the Council's Constitution and Street Trading Policy, the General Purposes Licensing Casework Sub-Committee will decide applications to renew street trading permission where there has been a complaint about the trader or the trader has broken a condition of their street trading permission in the past year.

Background

3. During financial year 2021/22, officers became aware of breaches to existing consent conditions held by some street trading renewal applicants related to the non-payment of fees (arrears).
4. Following identification of the traders who were in arrears, some of these traders engaged with the Council's Finance Team to agree Payment Plans to settle their debts in accordance with the Council's Corporate Debt Management Policy. Officers suggested that, as their arrears were being formally managed through

Payment Plans, these traders' renewal applications should not be referred to the General Purposes Licensing Casework Sub-Committee. While considered a pragmatic approach by officers, this approach falls outside of the current decision-making framework as set out in the Council's Constitution and Street Trading Policy.

5. A small number of traders who were identified as being in arrears did not engage with the Finance Team to agree a Payment Plan or settle their debts in full. In accordance with the Council's Constitution and Street Trading Policy, officers referred these traders' renewal applications to the General Purposes Licensing Casework Sub-Committee.
6. A report was submitted to the General Purposes Licensing Casework Sub-Committee on the 11 April 2022 setting out the framework for making decisions about Street Trading Consent renewal, to assist the Sub-Committee in its consideration of specific renewal applications where there had been breaches of condition due to the non-payment of relevant fees (arrears). The Sub-Committee noted the contents of the report and resolved to make the following recommendation:

The Sub-Committee resolved to recommend that the framework for making decisions about Street Trading Consent Renewal be considered by the General Purposes Licensing Committee to determine and make a recommendation to Full Council on whether the Head of Regulatory Services and Community Safety has discretion only to refer significant debt that they feel is not being managed to the General Purposes Licensing Casework Sub-Committee as a breach of general condition 24.

7. Having given further consideration to the recommendation made by the General Purposes Licensing Casework Sub-Committee on 11 April 2022, officers have noted that this would depart from the Council's current decision-making framework related to Street Trading renewal applications as set out in the Constitution and Street Trading Policy. Therefore, any amendment should be sought through the next review of the Council's Constitution. Officers also note that a full review of the Council's Street Trading Policy is due this year and suggest that this also presents an opportunity to ensure alignment of the Constitution and Street Trading Policy and remove any discrepancies between the two documents. It is anticipated that a further report setting out the Street Trading Policy review recommendations following consultation and review will be brought forward for consideration by the General Purposes Licensing Committee in September 2022.
8. In the meantime, this report seeks the General Purposes Licensing Committee's endorsement of an interim approach for the management of street trading arrears cases pending review of the Street Trading Policy and Constitution:

That where street trading renewal applicants are in breach of conditions to their consent, as a result of being in arrears, renewal applications will only be referred to the General Purposes Licensing Casework Sub-Committee for consideration in cases where the trader has not agreed a formal Payment Plan with the Council's Finance Team or settled their debt in full. It is suggested that, in cases where a Payment Plan has been agreed but a trader has faltered on payments,

that case will be referred to the General Purposes Licensing Casework Sub-Committee.

9. If the General Purposes Licensing Committee was not minded to endorse the proposed interim approach outlined in paragraph 8, officers would refer all street trading renewal applications where traders were in arrears, regardless of whether or not that trader had agreed a Payment Plan or settled their debt in full, to the General Purposes Licensing Casework Sub-Committee for consideration until such a time as any amendments to the Council's Constitution and Street Trading Policy were agreed and adopted.

Legal issues

10. The proposed interim approach outlined in this report falls outside of the current decision-making framework as set out in the Council's Constitution and Street Trading Policy. However, Committee Members may regard the suggested approach as a pragmatic and temporary way forward which ensures fairness and consistency in the treatment of street trading renewal applicants to whom this applies.

Finance Issues

11. The framework referred to within this report makes reference to Payment Plans, these being an agreed potential arrangement for people in arrears to the Council and as set out in the Corporate Debt Management Policy 2019.

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