

To: General Purposes Licensing Committee
Date: 6th February 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: Consultation responses and proposed final version of revised Street Trading Policy 2023

Summary and recommendations	
Purpose of report:	To advise the Committee on the results from the public consultation on proposed changes to the Street Trading Policy and recommend a proposed Final Version of the Policy, for onward recommendation to Council.
Corporate Priority:	Enable an Inclusive Economy; Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
<ol style="list-style-type: none"> 1. Note the outcomes from the public consultation on the Street Trading Policy review timeline. 2. Endorse the Final Draft Street Trading Policy 2023 at Appendix B 3. Recommend the endorsed Policy to Council for adoption with effect from 1st April 2023, with section 5.9 (single use plastics) to take effect on 1st October 2023 	

Appendices	
Appendix A	Street Trading Policy Consultation Report
Appendix B	Street Trading Policy 2023 Proposed Final Version.

Introduction and background

1. At its meeting on 30 November 2022, the General Purposes Licensing Committee approved the draft Street Trading Policy Consultation Version presented to it, subject to amendments to be made by the Principal Lead Officer in consultation with the Chair of the General Licensing Purposes Committee.

2. These amendments were made and a public consultation subsequently was carried out between 12th December 2022 and 13th January 2023. A report on the Consultation is attached at **Appendix A**

Consultation Report

3. As the Report shows, nearly a hundred online representations were received, from members of the public, groups and street traders. In general, more respondents supported each of the changes covered in the Consultation Questions than respondents who did not. Most respondents gave contact details and permission for officers to respond to their enquiries and inform them of the outcomes from the consultation.

Government Ban on Single Use Plastics

4. On 14th January 2023 the Government announced plans for a ban on single-use plastic plates, trays, bowls, cutlery, balloon sticks, and certain types of polystyrene cups and food containers. The ban will be introduced from October 2023, allowing businesses time to prepare. Draft Regulations, to be enforced by County Councils in England, have been published.
5. From October, businesses will not be able to supply these products to customers and this includes retailers, takeaways, food vendors and the hospitality industry. However, the ban does not apply to plates, trays, and bowls that are used as packaging in shelf-ready pre-packaged food items. The announcement states that, for example it would include pre-packaged salad bowls and bowls filled with food at the counter of a takeaway.
6. The emerging legislation and guidance is likely to be relevant to the Street Trading Policy and Business Regulation Team officers will monitor their progress and advise Members and the trade if they become aware that further changes to the Policy are needed.

Provision of litter bins

7. Several respondents asked about the implementation of this requirement given that some street trading locations are better provided with public litter bins than others. Whilst officers consider that the provision of a trader-located bin is likely to help reduce street litter, the Committee may wish to consider that the requirement only applies when there is no existing public litter bin within 20 metres. To assist the committee a potential amendment would be that Annexe 1 Condition 17 is amended to read as follows: "*The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, including by making a bin available for customers to use where a public litter bin is not available within 20 metres from their vehicle.*"

Implementation programme

8. The current proposed implementation date for the revised Street Trading Policy 2023 is 1st April 2023. However, the proposed ban on the use of single use plastic and polystyrene is likely to require some traders to change how they present items for sale, to obtain new stock and perhaps new suppliers. They may wish also to use up existing stock items and materials. As noted in section 3.6 of the Consultation Report it was a repeated concern that time should be allowed to comply with the new requirement.

9. The current Street Trading Policy was introduced six months after publication, thereby allowing traders time to comply with the then new requirements concerning recycled/ part recycled packaging. Members may wish to recommended to Council a similar six months delay specifically for the new requirement in Section 6.6.

Proposed Street Trading Policy 2023 Final Version

10. The proposed final version of the revised Street Trading Policy is set out at Appendix B. There are no changes to the ban on the sale of e-cigarettes and plastic and helium balloons and sky lanterns which were proposed in the Consultation Version and are contained in paragraph 6.5.
11. The potential post-Consultation changes referred to in this Report (at Section 6.6 and Annexe 1 Condition 17 in the Policy) are highlighted by means of a shaded background in order to assist Members to identify them in context. The shading will be removed before publication.
12. Members are requested to endorse the Street Trading Policy 2023 Final Draft at Appendix B and to recommend the endorsed Policy to Council for adoption with effect from 1st April 2023, with section 6.6 (single use plastics) to take effect on 1st October 2023.

Financial implications

13. The Council is entitled to make reasonable charges for its licensing services, based on the costs of performing those functions. The Street Trading Policy Review 2022-23 is expected to deliver a Policy which will enhance the operation and management of the Street Trading service so that fee income is proportionate to costs.

Legal issues

14. The Street Trading Policy Review brings an opportunity to check on current legislation and best practice and ensure that the Council meets legal requirements. The legal issues arising from the proposed changes are included within this report.

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Background Papers: None

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