

To: Council
Date: 20 March 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: Street Trading Policy and Amendment to Constitution Part 5.7(b)

Summary and recommendations	
Purpose of report:	To adopt the Street Trading Policy following the review, public consultation process and recommendation from the General Purposes Licensing Committee and to agree a concurrent amendment to the Council's Constitution Part 5.7(b).
Key decision:	No
Cabinet Member with responsibility:	Councillor Diko Walcott, Cabinet Member for Safer Communities
Corporate Priority:	Enable an Inclusive Economy; Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendation(s): That Council resolves to:	
1. Adopt the Street Trading Policy at Appendix B with effect from 01 April 2023.	
2. Amend Part 5.7(b) of the Constitution as set out at Appendix C with effect from 01 April 2023.	

Appendices	
Appendix A	Street Trading Policy Consultation Report
Appendix B	Street Trading Policy [proposed final version]
Appendix C	Proposed amendments to the Council's Constitution Part 5.7(b)

Introduction and background

1. The Head of Regulatory Services and Community Safety submitted a report to the General Purposes Licensing Committee on 30 November 2022 seeking approval for a proposed draft Street Trading Policy to go out to public consultation. In

addition, the report sought an amendment to the Council's Constitution Part 5.7(b) on matters relating to street trading.

2. On the 30th November 2022 The Committee approved, subject to minor amendment, the draft Street Trading Policy and a public consultation was subsequently carried out between 12 December 2022 and 13 January 2023. The Committee also agreed to recommend the proposed amendment to Part 5.7(b) of the Council's Constitution to Council.
3. The Head of Regulatory Services and Community Safety submitted a report to the General Purposes Licensing Committee on 06 February 2023 to provide an update on the outcome of the public consultation and seek a Committee recommendation to Council for the adoption of the proposed final version of the Street Trading Policy.

Street Trading Policy

4. At its meeting on 18 July 2022, Council referred a motion on the topic of Sustainable Street Trading to the General Purposes Licensing Committee under the Council's Constitution Part 11.19(d). The General Purposes Licensing Committee considered the motion at its meeting on 26 September 2022 and resolved to request that officers update the consultation draft of the Street Trading Policy to reflect the points highlighted in the motion.
5. The points highlighted in the motion were incorporated into the Street Trading Policy Consultation Draft, alongside a proposed change to the way in which any significant debt among street traders is managed, amendments to the arrangements for decisions relating to new street trading applications, renewal applications and enforcement matters and a change relating to exemption from charges at charity or small community events.
6. Other more minor amendments were incorporated into the Consultation Draft to correct errors or inconsistencies, improve clarity, incorporate changes to other related regimes, policies and procedures and update references to other related documents. The General Purposes Licensing Committee approved the Consultation Draft to go out to public consultation at its meeting on 30 November 2022. The public consultation took place between 12 December 2022 and 13 January 2023.
7. At its meeting on 06 February 2023, the General Purposes Licensing Committee considered a report on the outcome of the public consultation exercise (see *Appendix A*). Throughout the consultation, nearly one 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.
8. Following consideration of the Consultation Report and proposed final version of the Street Trading Policy at its meeting on 06 February 2023, the General Purposes Licensing Committee resolved to recommend the proposed final version of the Street Trading Policy to Council for adoption, subject to minor amendments as detailed in the minutes of the meeting, with effect from 01 April 2023. The Committee agreed to recommend that the ban on single use plastic and

polystyrene in street trading should apply from 01 April 2023, rather than waiting for the Government ban which is due to come into effect in October 2023.

9. The proposed final version of the Street Trading Policy is set out at Appendix B.

Constitution Part 5.7(b)

10. At its meeting on 30 November 2022, the General Purposes Licensing Committee considered a report seeking an amendment to the Council's Constitution Part 5.7(b) on matters relating to street trading.
11. The current wording of Part 5.7(b) of the Council's Constitution states that the General Purposes Licensing Casework Sub-Committee will:
 - decide street trading applications that are for longer than three months.
 - decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.
12. The proposed amendments to Part 5.7(b) are set out at Appendix C. They seek to allow cases where a street trader is in arrears, which is a breach of condition, to first be investigated by the Finance Team in liaison with the Business Regulation Team and for steps to be taken in tandem to help the debtor to manage their arrears. This would divert some cases which were in arrears away from Sub-Committee attendance, meaning only those cases of arrears which were not being managed would be referred to the Sub-Committee for decision.
13. In addition, it is proposed that Part 5.7(b) be amended so that all new street trading applications are decided by the Sub-Committee. This is intended to bring greater certainty to new Street Trading Consent applicants, who may be considering significant capital outlay for vehicles, equipment etc. and improve street trading services as a whole, as traders would not be at risk of having an initial three month application approved but subsequently refused at Sub-Committee after the initial period.
14. Part 5.7(b) does not currently confer powers to suspend, vary or revoke Street Trading Consents to either the General Purposes Licensing Committee or the General Purposes Licensing Casework Sub-Committee where there is a breach of condition. It is proposed that an amendment be included to allow for this.
15. The General Purposes Licensing Committee agreed, at its meeting on 30 November 2022, to recommend the proposed amendments to Part 5.7(b) of the Council's Constitution to Council set out at Appendix C, with effect from 01 April 2023 (in accordance with the proposed date on which the Street Trading Policy would become effective).

Consultation and Communications

16. The proposed final version of the Street Trading Policy was subject to public consultation between 12 December 2022 and 13 January 2023. Nearly one hundred online representations were received from members of the public, groups and street traders.

Environmental implications

17. Review of the current Street Trading policy has brought the opportunity to incorporate measures to encourage sustainable street trading in the City. These include a ban on the use of single use plastics and the provision of trader-specific litter bins.

Financial implications

18. The Council is entitled to make reasonable charges for its licensing services, based on the costs of performing those functions. The revised Street Trading Policy 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

19. The review of the Street Trading Policy 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.

Level of risk

20. The delivery of the Policy will be managed within Oxford City Council by the Business Regulation Team. Changes to the current Policy have been made through a thorough and detailed review process with associated public consultation. As a result the resulting Policy contains small but significant improvements to policy and procedure which are supported by officers and members of the Licensing Committee.

Equalities impact

21. This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010: http://www.legislation.gov.uk/ukpga/2010/15/section/149_30.

22. The Public Sector Equality Duty has been considered at all stages of the engagement for and development of the Street Trading Policy 2023.

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Background Papers: None