

REPORT TO LICENSING COMMITTEE

DATE: 20 MARCH 2018

TITLE: STREET TRADING CONDITIONS: COMMUNITY EVENTS

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RECOMMENDED that:

- A** The Licensing Committee recommends to Full Council the adoption of proposals at paragraphs 7 and 8 of the report, to waive any Street Trading Licence fee in the case groups of traders taking part in a licensable event with a primarily non-commercial nature that has sufficient benefit to the community to warrant Council support.

BACKGROUND

1. In September 2001 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This made it an offence for any person to carry out certain street trading activities in Harlow without first obtaining a Street Trading Licence issued by Harlow Council.
2. In applying the legislation the Council determined that trading would not be permitted in some streets, termed Prohibited Streets, which include regional primary routes; principal urban, secondary, and local distributor roads; and in other places such as around the town centre, where street trading would not be appropriate. Applications will be entertained for trading on all other streets, known as Licence Streets, in Harlow.
3. Under the legislation the Council can make suitable licencing requirements and, in determining applications, may apply appropriate conditions within the scope of the law with a view to minimising any adverse impact of street trading.
4. To offset the cost of administering the licensing regime a suitable fee may be charged. The current fee for a street trading licence, which reflects the average cost of administering the process, rather than the commercial value of a licence, is £360.00.
5. Historically, licences were issued annually to individual traders. However, more recently the Council adopted policy to allow small groups of up to 20 traders acting together as a small "market" to trade with the benefit of a single licence, provided that trading was confined to single consecutive periods of not more than five days, except during December when a single licence may be issued for

a period of not more than 14 days; and provided that no more than five such licences would be issued in respect of the same land in any one year.

ISSUES/PROPOSALS

6. The arrangements outlined above provide for regulation of street trading, but may, because of the fee, represent a potential impediment to non-commercial events which involve some selling of goods on land where the law applies. Currently the fee is set by Full Council and there is no policy regarding waiving the fee. Where such events have in the past been judged by the Council to have sufficient community benefit to warrant the Council's support, inter-departmental recharging has been necessary to ensure that they could go ahead in compliance with the law. This is somewhat bureaucratic and may cause some uncertainty and delay.
7. It is therefore proposed that in the case of organised events involving groups of traders meeting the criteria set out in paragraph 5 above, which in other respects meet licensing requirements and are deemed in the individual circumstances of the case:
 - to be of sufficient benefit to the community to warrant Council support;
 - not to be of a primarily commercial nature;that the street trading licence fee be waived.
8. It is proposed that where an application for an event which appears to meet the description given in paragraph 7 is received by the Licensing Team, Heads of Service be consulted and, subject to the outcome of consultation and where appropriate, the decision to waive the fee be taken by the Licensing Team in consultation with Chair of the Licensing Committee.

IMPLICATIONS

Place (Includes Sustainability)

Although if approved the recommendation would entail some additional work for the Licensing Team without balancing fee income, it is anticipated that fees would be waived infrequently and therefore that existing resources will be sufficient.

Author: Graeme Bloomer, Head of Place

Finance (Includes ICT)

Implications to follow.

Author: Simon Freeman, Head of Finance

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

The proposals may allow events with community benefit to take place which would otherwise be prevented and so are welcomed.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Implications to follow.

**Author: Dimple Roopchand, Assistant Solicitor on behalf of Amanda Julian,
Legal Services Manager**

Appendices

None

Background Papers

None.

Glossary of terms/abbreviations used

None.