

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

4th December 2017

Report of the Head of Legal Services – David Michael

Matter for Decision

Wards Affected: All

Draft Street Trading Policy

Purpose of the Report

1. To consider adopting the draft Street Trading Policy following the end of the consultation exercise.

Executive Summary

2. This report is to consider a revised street trading policy.
3. Members are being asked to consider adopting the draft street trading policy following the end of the consultation period exercise.

Background

4. This authority adopted the legislation in respect of street trading on the 1st July 2001 and classified every street a "consent street". Effectively this means that anyone wishing to sell an article in the street within the Neath Port Talbot CBC area requires a street trading consent.

5. An existing street trading policy and existing conditions have been in place since the legislation was adopted, however it is recognised that both the policy and conditions require a complete review.
6. Members considered the draft street trading policy on the 13th February 2017 and determined to carry out a consultation exercise with interested parties.

Officer Report

7. The draft Street Trading Policy is attached at appendix 1.
8. The following interested parties were included in the consultation:
 - South Wales Police
 - Mid and West Wales Fire Authority
 - NPTCBC Environmental Health
 - NPTCBC Trading Standards
 - NPTCBC Planning Department
 - NPTCBC Highways Department
 - NPTCBC Estates Department
 - All existing street trading consent holders
9. Two responses were received from the Planning Department and the Environmental Health Department and as a result some minor amendments have been made to the policy. These changes are shown underlined and bold in the draft street trading policy.
10. The comments received from the Planning Department focused on the need to ensure that applicants are aware of their obligations to satisfy both the Licensing and Planning regimes before commencing trading. References to planning consent have therefore been added at paragraph 7.9 and at appendix 2 - application procedure.
11. Planning also noted the need to ensure that the street trading policy is compatible with a policy currently being developed to control general trading within the town centres e.g. street trading, canvassing, charitable

stalls etc. Whilst there is a presumption contained in the street trading policy that trading within the town centres will be refused, the policy does provide flexibility to enable such trading to take place, where it can be demonstrated that the proposal would have a positive impact on the surrounding area.

12. The comments received from Environmental Health were more for clarification purposes rather than requiring changes to the draft policy. A change however was made to Appendix 2 - application procedure, changing the 2 week consultation to "up to 4 weeks". This was to ensure that any food businesses can be inspected prior to determination of the street trading application.
13. Members are being asked to consider adopting the draft street trading policy for implementation on the 1st April 2018. This will allow sufficient time for existing traders to be notified of the changes and enable them to apply for and receive a basic disclosure certificate.

Equality Impact Assessment

14. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this procedure does not require an Equality Impact Assessment.

Legal Impacts

15. Not applicable

Risk Management

16. Not applicable

Consultation

17. A Consultation exercise has been carried out with interested parties.

Recommendation

18. That members approve the draft street trading policy for implementation on the 1st April 2018.

Reasons for Proposed Decision

19. Not applicable

Implementation of Decision

20. Not applicable

Appendices

21. Appendix 1 - Draft Street Trading Policy

List of Background Papers

22. Registration and Licensing Committee report 13th February 2017
23. Existing street trading policy and conditions
24. Equality Impact Assessment - Screening Assessment

Officer Contact

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