

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

30th September 2019

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: All

Street Trading Policy - Amendment

Purpose of the Report

1. To consider an amendment to the Street Trading Policy.

Executive Summary

2. This report is to consider amendments to the Street Trading Policy adopted on the 4th December 2017.
3. Amendments being made are in respect of providing an exemption from the street trading provisions for travelling fairs.

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. On the 4th December 2017, members determined to adopt a revised Street Trading Policy which became effective on the 1st April 2018.

Officer Report

6. Any person selling, exposing or offering for sale any article in a consent street is required to have a street trading consent.
7. The main purpose of a travelling fair is to offer the provision of rides and amusements, however as an ancillary most will also offer some provision for food and drink. In accordance with the existing street trading policy, these operators would require a street trading consent for each food and drink vendor.
8. Travelling fairs are however nomadic by nature and will often operate in an area for a very short period of time before moving to another location.
9. Where a travelling fair uses Council owned land, various permissions will have already needed to be obtained from the Council and would the event would have been considered by the Neath Port Talbot Safety Advisory Group.
10. It is considered that in such circumstances, the additional burden and cost of also obtaining a street trading consent is disproportionate. It is therefore proposed to provide an exemption for travelling fairs as set out in the recommendation below.

Integrated Impact Assessment

11. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016

The first stage assessment has indicated that a more in-depth assessment is not required.

The first stage assessment is attached at appendix 1

Legal Impacts

12. Not applicable

Risk Management

13. Not applicable

Consultation

14. Not applicable.

Recommendation

15. That members approve the amendment to paragraph 6 of the Street Trading Policy to include the following:
16. Trading as part of a travelling fair will not require a street trading consent where the following conditions are met:
 - The event has been considered by the Neath Port Talbot Safety Advisory Group and any recommendations proposed by the group are implemented, and
 - All relevant permissions have been obtained from the Council and partner agencies, including (but not limited to) the Police, Fire Authority etc.

Reasons for Proposed Decision

17. To ensure that travelling fairs that offer ancillary food and drink outlets are not subjected to unnecessary regulation.

Implementation of Decision

18. The decision is for immediate implementation

Appendices

19. Appendix 1 - First Stage Assessment

List of Background Papers

20. Existing Street Trading Policy

Officer Contact

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