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REPORT TO:	FULL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	22 <sup>nd</sup> SEPTEMBER 2016	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a>	DOC:
SUBJECT:	ADOPTION OF STREET TRADING	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

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## 1. Recommendations

- 1.1 That Members adopt the resolution detailed in paragraph 3.4 of this report so as to allow street trading in the area detailed to come into effect from 1<sup>st</sup> November 2016.
- 1.2 That Members approve the Street Trading Policy to come into effect from 1<sup>st</sup> November 2016.
- 1.3 That the proposed fees for street trading are approved.

## 2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in this report.

## 3. Detail

- 3.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, a Council has the power to adopt the Schedule enabling them to control street trading in their District. This Council adopted Schedule 4 in April 1991 and designated streets in Swadlincote as consent streets therefore any person trading in these streets would require a consent from the Council.
- 3.2 In light of the recent changes to Swadlincote Town Centre, it is proposed to pass a resolution to increase the number of designated consent streets to include all streets within the boundary of the Town Centre as detailed on the map attached as **Appendix 1**.
- 3.3 On 2<sup>nd</sup> June 2016, Environment and Developmental Services Committee approved the publication of a notice of the Council's intention to increase the number of streets designated as consent streets for street trading purposes.
- 3.4 The notice was published in the Burton Mail and Derby Telegraph on 26<sup>th</sup> July 2016. Copies of the notice were also served on the Chief Officer of Police, the

Highways Agency and the Council's Property Services Department. The notice states that the Council intends to adopt the following resolution:

"That pursuant to Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, South Derbyshire District Council, under this resolution, hereby designates the following streets plus all streets contained within the boundary of the below listed streets as consent streets for the purposes of street trading:

Civic Way, walkway to Toulmin Drive leading to Rowley Court to back of Belmont Street Industrial Estate to Belmont Street to Civic Way to back of Church Street to Hill Street to Sir Herbert Wragg Way to Coppice Side to back of Pipeworks Retail Park to back of Rink Road to Alexandra Road to back of West Street to Heathcote Road to back of Sainsburys to William Nadin Way to Darklands Lane to Darklands Road."

- 3.5 Anyone wishing to make representations in relation to the proposed resolution had to make such representations within 28 days of the date of the notice. No representations were received in relation to the draft resolution.
- 3.6 On adoption of the resolution, notices shall be published in the Burton Mail and Derby Telegraph for two consecutive weeks notifying the public that the resolution to adopt street trading has been passed.

### **Street Trading Policy**

- 3.7 To assist applicants and existing licence holders in applying for a street trading consent and Members in determining applications, a Street Trading Policy has been produced.
- 3.8 Officers conducted an initial 8 weeks consultation exercise on the draft Policy with all interested parties and members of the public via the Council's website. Representations were received from the Economic Development Department and the Community and Leisure Department with regards to protection of the market, fees and special event licences.
- 3.9 After discussion with both Departments, the draft Policy was amended and a further consultation exercise was carried out over a 4 week period on the draft Policy with all interested parties and members of the public via the Council's website. No responses were received in relation to this consultation. The proposed Policy is attached as **Appendix 2**.

### **Fees**

- 3.10 Under the legislation, the Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent. The current fee of £34 does not reflect the actual cost to the Council of issuing a street trading consent therefore the fees have been reviewed and the following fees are proposed:

Grant/renewal of consent:	Application fee - £206
	Consent fee - £166
Special events consent:	£179

In compliance with the Provision of Services Regulations 2009, the cost of the consent has been split between an application fee and a consent fee. The

application fee is payable on application and is non-refundable if the application is refused. The consent fee is payable if the application is granted prior to the issuing of the licence. The special events consent fee has not been split as this fee does not include any management or enforcement of the consent as the consent is for one off special events.

#### **4. Financial Implications**

4.1 There are no financial implications to the Council.

#### **5. Corporate Implications**

5.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.