

Licensing Committee

3 December 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Street Trading Policy - Consultation

Final Decision-Maker	Licensing Committee
Portfolio Holder(s)	Councillor Mathew Bailey – Portfolio Holder for Sustainability
Lead Director	Paul Taylor – Director of Change and Communities
Head of Service	Head of Housing, Health and Environment
Lead Officer/Author	Gary Stevenson - Head of Housing, Health and Environment
Classification	Non-exempt
Ward affected	Park

This report makes the following recommendation to the final decision-maker:

1. That the Committee authorises officers to undertake a public consultation on the Street Trading Policy to identify and consider the issues associated with the creation of a market style arrangement in Calverley Road precinct Tunbridge Wells.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- To support a Prosperous borough

Timetable	
Meeting	Date
Licensing Committee	3 December 2019

Street Trading Policy – Consultation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report proposes a consultation on potential changes to the Street Trading policy that would allow the creation of a market style arrangement in Calverley Road precinct Tunbridge Wells.
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2. INTRODUCTION AND BACKGROUND

- 2.1 In 2012 the Council reviewed its Street Trading policy (Appendix A) and established Calverley Road precinct as a Consent Street for the purposes of controlling street trading. Following a broad consultation a Street Trading Policy was also adopted. With respect to the Calverley Road precinct, the policy established five designated pitches that are available for use by street traders.
- 2.2 The Committee has previously considered the potential to increase the number of designated street trading pitches in Calverley Road but it is clear there is a desire for the area to be used for organised markets, or similar, rather than for discrete uncoordinated pitches for street trading.
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3. AVAILABLE OPTIONS

- 3.1 The Licensing Committee can decide to 1) carry out a consultation and consider the views of those that respond or 2) not conduct a consultation and retain the existing policy as it is.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to carry out a consultation on the proposal to facilitate the provision of a market or a market style arrangement, through changes to the street trading policy and/or designations under the legislation controlling the formal establishment of a market.
- 4.2 Conducting the consultation will enable all of the issues (including legal, logistical and/or any matter raised by the statutory consultees) associated with any change in the street trading policy to be identified and fully considered at the next of the Committee before any decisions are made.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The Licensing Committee previously reviewed the Street Trading Policy at its meeting in July and September 2015 and resolved to retain the policy.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 A consultation document will be produced to seek the views of the public, local businesses and other statutory stakeholders. Officers from the Economic Development Service will assist the Licensing Team with this process.

6.2 The findings of the consultation will be reported back to the next Licensing Committee for consideration.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The proposal to consult does not bind the authority in any way, however, there may be further legal issues to consider depending on the results of the consultation and subsequent decisions taken by Members.	Robin Harris Team Leader (Contentious) 29 November 2019
Finance and other resources	The proposal to consult on the existing Street Trading Policy does not have any financial implications	Gary Stevenson Head of Housing, Health and Environment 29 November 2019
Staffing establishment	The proposal to consult on the existing Street Trading Policy can be conducted within existing staff resources.	
Risk Management	The proposal to consult on the existing Street Trading Policy does not pose any operational risks.	
Data Protection	The proposal to consult on the existing Street Trading Policy is likely to result in the collection of personal information from those that respond. This information will be managed in accordance with existing consultation practices.	
Environment and Sustainability	The proposal to consult on the existing Street Trading Policy does not have any	
Community Safety		Gary Stevenson Head of Housing,

Health and Safety	implications. The implications of any proposed changes to the policy following the consultation will be assessed and reported to the next Licensing Committee.	Health and Environment 29 November 2019
Health and Wellbeing		
Equalities		

8. REPORT APPENDICES

- Appendix A: Tunbridge Wells Borough Council Street Trading Policy [link](#)
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9. BACKGROUND PAPERS

None