

RURAL, ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE

16 NOVEMBER 2011

REPORT OF HEAD OF REGULATORY SERVICES

STREET TRADING LICENCES

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to present to the Committee a request made by the Melton Highways Forum to consider the introduction of a licensing regime for street traders within Melton Borough.

2.0 RECOMMENDATIONS

2.1 **It is recommended that the current situation regarding Street Trading in Melton Borough be maintained and that Melton Borough Council should not adopt of the legislation which would allow the Council to licence Street Traders in the Borough of Melton.**

3.0 KEY ISSUES

3.1 The question of licences for street traders was raised by the Highways Forum at a meeting on 1st September 2011. The background to this request relates to a request from a trader that he receives exclusive rights to a position in the street.

3.2 Street trading is regulated by Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 Street Trading is defined as:

'the selling or exposing or offering for sale any article (including a living thing) in the street.'

3.3 A Street is defined in the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 as: "street" includes any road, footway, beach or other area to which the public have access without payment.

3.4 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 powers are discretionary and subject to adoption by the Local Authority. Melton Borough Council have never adopted the provisions of Schedule 4 and therefore are unable, at the present time, to licence street traders.

3.5 There are activities that would be exempt from the requirement to obtain a licence, should Melton Borough Council choose to adopt this legislation. The main exemption for the purposes of this report is:

'Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.'

3.6 Melton Town Estate were granted the Market Charter and which authorises them to licence all traders within six and two thirds miles of Melton Market place.

3.7 All of the traders currently operating in the Borough fall within the area covered by the Market Charter and are currently licensed by Melton Town Estate.

3.8 Where necessary any traders would also be licensed or registered by the Licensing or Environmental Health departments for food safety and/or late hours trading.

- 3.9 Any other itinerant persons selling in the street would be covered by the Pedlars Act 1871 and would be required to apply for a Pedlar's licence from the Police.
- 3.10 In view of the scope of the exemption resulting from the market charter it is considered that there would be negligible benefits from adopting the legislation.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 5.1 If the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 were adopted there would also be a policy to determine how matters relating to Street Trading would be dealt with and with relevant conditions for Street Traders.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 6.1 Due to the wide area covered by Melton Town Estate's Market Charter, it is not anticipated that there would be any significant financial or other benefit to Melton Borough Council if the legislation were to be adopted. In fact, the cost of adopting the legislation would outweigh any potential income for a considerable time.

7.0 LEGAL IMPLICATIONS/POWERS

- 7.1 The adoption of this legislation would enable Melton Borough Council to licence any street trader that falls outside the current Market Charter.

8.0 COMMUNITY SAFETY

- 8.1 Any Community Safety issues would be addressed in any policy drawn up in respect of Street Trading within Melton Borough.

9.0 EQUALITIES

- 9.1 There are no equalities issues to be considered.

9.1 RISKS

- 10.1 There are no risks associated with this report.

11.0 CLIMATE CHANGE

- 11.1 There are no implications for Climate Change.

12.0 CONSULTATION

- 12.1 Consultation would be carried out as part of the process of adopting this legislation.

13.0 WARDS AFFECTED

- 13.1 All.

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Date: 26th October 2011

Appendices :