

1 February 2023		ITEM: 5
Licensing Committee		
Review of Street Trading Policy		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams, Licensing Manager		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
Accountable Director: Mark Bradbury, Interim Director of Place		
This report is: Public		

Executive Summary

Thurrock Council has under The Local Government (Miscellaneous Provisions) Act 1982 adopted the provisions for Street Trading and has published a Street Trading Policy. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

1. Recommendation(s)

1.1 To consider the comments received during the consultation period and agree for the policy as in Appendix 1 to take effect from 1st April 2023.

2. Introduction and Background

2.1 Thurrock Council has under The Local Government (Miscellaneous Provisions) Act 1982 adopted the provisions for Street Trading. In order to set out how it will apply the provisions and administer and process applications it has published a Street Trading Policy.

2.2 In compliance with guidance to regularly review and keep up to date policies, a revised Street Trading Policy has been prepared and is attached as **Appendix 1.**

2.3 As part of this review comments made at the previous Licensing Committee were considered, as were the comments that were received during the public consultation of the revised policy.

3. Issues, Options and Analysis of Options

- 3.1 The current policy was last published in 2011. Since publication the responsibility for the administration and enforcement of street trading has moved from the Food Safety Team to the Licensing Team.
- 3.2 The draft revised policy was consulted upon which included all holders of Street Trading Consents issued by Thurrock Council being written to in line with the Licensing Committees request inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 3.3 The consultation only received 1 comment from Michelle Cunningham Community Safety Partnership Manager, Thurrock. Who wrote:

“Is it possible to include that all street traders should attend / complete online basic training with regards to exploitation so that they are able to recognise signs and understand how to report?”

I see some roads in W Thurrock are prohibited. With police consideration as well can we look at widening to reduce impact of street trading in relation to the car cruising in the area?

Why is possession of knives 7 years and drugs 10?

Is the restriction in relation to near schools in current policy? The ice-cream van parks in Mayflower Rd Chafford Hundred at school closing outside one of 3 schools where traffic and road safety is already an issue - can this be addressed as part of this review?”

- 3.4 Following the consideration of the comments received above and the views expressed at the previous licensing committee the following changes have been made to the revised policy:
- The requirement for all employees to be basic DBS checked by the consent holder has been replaced with “The applicant/consent holder will be required to ensure that any person that is employed to work on the stall associated with the consent is suitable to do so in relation to their behaviour and or previous convictions.”
 - For applicants who already hold a licence with Thurrock Council, an additional DBS check will not be necessary providing their previous DBS check is no more than 12 months old (this was previously only the case if the DBS check was no more than 3 months old).
 - Have required by condition that consent holders and or persons working on the stall authorised by a consent, shall participate in Thurrock Council’s exploitation training, at the request of the Licensing Department where it is deemed that the activity that consent is granted in relation to may benefit

from sexual or criminal exploitation training, such as an ice cream trader or a trader providing late night refreshment.

4. Reasons for Recommendation

- 4.1 This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before adoption.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation on the reviewed draft policy has been undertaken. All holders of Street Trading Consents issued by Thurrock Council were written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 5.2 Consultation was also be undertaken with other stakeholders and with Responsible Authorities, including police; Public Health; trading standards; Food Safety; and environmental health.
- 5.3 The draft policy was also be published on the Council's website for comments.
- 5.4 The consultation period ran for 6 weeks.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no financial implications for Thurrock Council as a result of these policy changes.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Street Trading Consents is a legal function of the authority the regular review of its Street Trading Policy is recommended in line with best practice.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community and Engagement Project
Monitoring Officer

A Community Equality Impact Assessment was undertaken, this identified no negative impacts. The conditions within the revised policy protect public safety, promote public health and reduce nuisance to neighbouring properties.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, and Impact on Looked After Children

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Reviewed Street Trading Policy.

Report Author:

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