

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Non-Statutory Licensing Committee</b> 17 March 2021
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<b>Report title</b>	Street Trading	
<b>Wards affected</b>	All wards	
<b>Accountable director</b>	Ross Cook, Director of City Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Jo Till Tel Email	Markets Manager 01902 555161 Joanne.Till@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None.	

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**Recommendation for decision:**

The Non-Statutory Licensing Committee is recommended to:

1. Approve the proposed changes to the scheme of delegation in relation to Street Trading Consents.

**Recommendations for noting:**

The Non-Statutory Licensing Committee is asked to note:

1. The change in operational responsibility for Street Trading.
2. The compliance and enforcement responsibilities.

## **1.0 Purpose**

- 1.1 To gain approval from Non-Statutory Licensing Committee for the proposed changes to the scheme of delegation in relation to Street Trading Consents.
- 1.2 To inform the Non-Statutory Licensing Committee of the new administrative arrangements for control of regulation of Street Trading Consents.

## **2.0 Background**

- 2.1 In 1986 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designating all streets in the City as “consent” streets, enabling the Council to control street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.
- 2.2 The Council’s Constitution delegates the Council’s functions relating to the processing, determination and management of Street Trading, under the Local Government (Miscellaneous Provisions) Act 1982, to the Non-Statutory Licensing Committee.
- 2.3 A variety of different consents are issued which set controls such as location and approved times of operation. All consent locations are determined by an officer group covering the disciplines of planning, highways design, highways enforcement etc.
- 2.4 Licensing Services are currently responsible for issuing consents (including the collecting of fees) for street trading and the enforcement responsibilities associated with street trading.

## **3.0 Proposal**

- 3.1 From 1<sup>st</sup> April 2021, Street Trading functions for process of applications (including the collection of fees) and compliance around traders will transfer to the Markets Service. The Markets Service have a long history and knowledge of dealing with traders of this nature. Many of the existing traders operate within the vicinity of markets therefore the engagement and ease of compliance is better suited to Markets Officers.
- 3.2 Enforcement of Street Trading such as non-compliance or illegal operations will remain with Commercial Regulation Services.

## **4.0 Delegations**

- 4.1 The Non-Statutory Licensing Committee have previously endorsed and approved the delegation of category 3 decision making to the Director of City Environment which will remain in place.

- 4.2 The delegations document attached at Appendix 1 has been updated and includes proposed delegations from the Director of City Environment to officers within the City Environment directive.
- 4.3 Should Councillors agree with recommendations within this report the proposed delegations document will be authorised by the Director of City Environment.

## **5.0 Financial implications**

- 5.1 The fees and charges for Street Trading Consents will, until the Street Trading Review is agreed by Non-Statutory Licensing Committee, remain unchanged for 2021-2022.
- 5.2 Financial reporting arrangements will transfer to Markets Service and cover the estimated cost of providing the service. There are no implications directly linked to this report.

[SB/02032021/Q]

## **6.0 Legal implications**

- 6.1 There are no direct legal implications arising from this report.

[DA/08032021/A]

## **7.0 Climate change and environmental implications**

- 7.1 This report does not generate any direct climate and environmental implications. However, the presence of street traders clearly impacts on the street scene environment.

## **8.0 Schedule of background papers**

- 8.1 Non-Statutory Licensing Committee – 20 May 2020 – Review of Decision Making 2020/2021
- 8.2 Non-Statutory Licensing Committee – 20 January 2021 – Review of Fees and Charges for Street Trading Consents for 2020/2021

## **9.0 Appendices**

Appendix 1: Delegation of Street Trading