

Title of Report: Draft Street Trading Policy	Officer Presenting: Director of Health and Community Author: Head of Community Health and Wellbeing
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1 Purpose of Report/Recommendations

- 1.1 For the Health and Community Committee to consider the development of a Street Trading Policy for the district, incorporating reviews of the designated streets within the district and the licensing fees.

2 Background

- 2.1 The Street Trading Act (Northern Ireland) 2001 enables district councils in Northern Ireland to regulate street trading in their districts, through the provisions of a licensing scheme, in order to prevent nuisance and inconvenience, to protect public safety and to prevent crime and disorder.
- 2.2 The Act imposes requirements on individuals engaged in street trading.
- 2.3. In addition, the Act prescribes the procedures Council when administering the legislation.

3 Key Issues

- 3.1 Council aims to support a vibrant street trading environment that complements premises-based trading, is sensitive to the needs of residents and provides diversity and consumer choice, while at the same time aiming to prevent nuisance and inconvenience, to protect public safety and to prevent crime and disorder.
- 3.2 The policy aims to increase consistency and transparency in the regulation of street trading by Council and to assist stakeholders in understanding what is required of them.
- 3.3 By providing a framework for the management of street trading applications, the policy will assist in ensuring fair and consistent decision-making.
- 3.4 By detailing the procedures that will be followed when determining applications for street trading activities, the policy will provide clarity and transparency in Council's decision-making process among all stakeholders.

- 3.5 Section 15 of the Act Council gives council the power to set fees sufficient to allow it to recover the full costs of administering the street trading licence scheme, as well as permitting Council to recover any charges it may incur in refuse disposal and cleaning of streets as a result of street trading.
- 3.6 The current fees and charges were set three years ago and it is recommended that a review of these fees and charges is commenced to ensure that they remain sufficient and suitable.
- 3.7 As part of this review, it is proposed that Council will set a standard charge for dealing with each application, to cover the costs involved in coming to a decision on the application. This fee will be non-refundable and will avoid the need to calculate the amount of fee that has to be refunded in each case where an application is refused. This will also permit the remainder of the fee, necessary for administering the scheme for the full duration of a licence, to be payable only after a determination has been made to grant a licence.
- 3.8 Under provisions set out in section 8(3) of the Act, a licence cannot be granted to permit street trading by stationary traders in any street within the district which has not been designated.
- 3.9 In order for a street to become designated Council must pass a "designating resolution".
- 3.10 The streets which are currently designated are the result of designating resolutions passed by the legacy councils in 2002.
- 3.11 Since then the landscape of the city and district has changed considerably and some of these designated streets may no longer be suitable, on account of, for example, road safety concerns.
- 3.12 In addition, in recent months Council has received requests to review the designated streets within the district in order to increase opportunities for persons wishing to obtain stationary street trading licences.
- 3.13 It is, therefore, proposed to commence a consultation exercise to seek the views of all key stakeholders in relation to what streets should be designated within the city and district for the purpose of stationary traders.
- 3.14 Following the consultation period, the statutory procedures that a district council must follow when it considers passing, rescinding or varying a designating resolution, as detailed in Section 4 of the Act, will be initiated.

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4 Financial, Equality, Legal, HR, Improvement and other Implications

4.1 Any costs associated with implementing the new policy will be met from within existing budgets.

5 Recommendations

5.1 That the Health and Community Committee agree to the proposed consultation of the Street Trading Policy, currently in draft form.

5.2 That the Health and Community Committee agree to commencement of a consultation exercise with key stakeholders, as part of the review of designated streets

5.3 That Health and Community Committee agree to a review of the fees and charges for the scheme as part of the consultation.

Background Papers

Appendix 1: Draft Street Trading Policy