

	AGENDA ITEM NO.
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Report Cover Sheet

Name of Meeting:	Regulatory Committee
Date of Meeting:	23rd January 2008
Report Title:	Changes to street trading consent consultations
Summary of report:	To inform the Regulatory Committee of changes in the consultation process and decision making for street trading consents.
For Further Information Please Contact (report author):	David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk
Would the recommended decision be contrary to the Policy Framework:	No
Would the recommended decision be contrary to the Budgetary framework:	No
Wards of the District directly affected by this decision:	No
Key Decision?	No
Included within the Forward Plan?	No
Is the report Private & Confidential	No
Background Papers:	None

Consultation Undertaken

Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.

Consultees	Yes/ No	Who
Other Committees	n/a	
Ward Councillors	n/a	
Portfolio Holders	Yes	Councillor Kinson
Other Councillors	n/a	
Warwick District Council recognised Trades Unions	n/a	
Other Warwick District Council Service Areas	n/a	
Project partners	n/a	
Parish/Town Council	n/a	
Highways Authority	n/a	
Residents	n/a	
Citizens Panel	n/a	
Other consultees	n/a	

Officer Approval

With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.

Officer Approval	Date	Name
Relevant Director(s)	03/01/2008	Robert Inman
Chief Executive		n/a
CMT		n/a
Section 151 Officer		n/a
Legal	03/01/2008	Simon Best
Finance	03/01/2008	Marcus Miskinis
Final Decision?		No
Suggested next steps (if not final decision please set out below)		

1. **RECOMMENDATION**

- 1.1 That the statutory consultees for applications for street trading consents should be the Police, the Highways Authority, appropriate Town Centre Manager(s) and Ward Councillor(s).

2. **REASONS FOR THE RECOMMENDATION**

- 2.1 Following the previous Committee meeting on 2nd January 2008, Members requested that officers look into the consultation process for street trading and summarise the decisions required.

- 2.2 This report takes into account suggestions made by the Committee and gives some background to the legislation for the Committee's information.

- 2.3 The legislation governing the issuing of street trading consents is contained within the Local Government (Miscellaneous Provisions) Act 1982

- 2.2 It was suggested by Members that Ward Councillors be included in the list of those informed of new applications for street trading consents. Officers can find nothing in the above legislation to prevent this being carried out. This would mean that the application form would state:

“The Council will consult with the Police, the Highways Authority, the appropriate Town Centre Manager and Ward Councillor to see if there are any objections to the grant of the consent. If any one or more of these makes representations against the application, the decision on whether to grant or refuse the consent will be made by the Council's Regulatory Committee. There is no right of appeal to this decision.”

- 2.3 It would appear that the Council may set fees and charges that reflect the type of trade carried out and the location of the area in which sales are made. The application form, after the current fees are shown, now has a new sentence which reads, “This may be increased for individual permits based on the sale location and items sold.”

- 2.4 The general conditions attached to consents are attached as appendix 1.

- 2.5 These conditions may be modified, adapted or added to for any individual consent either at the time of application, the time of renewal or at any time during the duration of the consent.

- 2.6 The Council may, under the legislative framework, grant or refuse an application on any grounds it sees fit. There is, apparently, no limitation on the grounds on which the application may be refused, subject to reasonableness and natural justice.

- 2.7 The legislation does not necessarily require an oral hearing in the event of representations, but officers feel that it in the interest of fairness and natural justice, applicants should continue to be allowed to put their case in person before the Regulatory committee.

3. **ALTERNATIVE OPTIONS CONSIDERED**

3.1 No alternatives may be considered as this report is for information only.

4. **BUGETARY FRAMEWORK**

4.1 This report has no budgetary considerations for the Council, save that there would be an increase in revenue if individual consent holders were required to pay more based on their geographical location and type of goods sold.

5. **POLICY FRAMEWORK**

5.1 None