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| <b>Meeting Date</b>     | 16 <sup>th</sup> March 2010                      |
| <b>Report Title</b>     | Street Trader consents at Faversham Hop Festival |
| <b>Portfolio Holder</b> | Cllr John Morris                                 |
| <b>SMT Lead</b>         | Mark Radford                                     |
| <b>Head of Service</b>  | Monica Blades-Chase                              |
| <b>Lead Officer</b>     | Samantha Potts                                   |
| <b>Key Decision</b>     | <b>No</b>  |
| <b>Classification</b>   | <b>Open</b>                                      |
| <b>Forward Plan</b>     | <b>Reference number: N/A</b>                     |

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| <b>Recommendations</b> | 1. That in view of the number of applications for street trading consents for Faversham Hop Festival members delegate the decision to approve consents to officers |
|                        | 2. That if recommendation 1 is not agreed, a sub committee be convened to consider the applications.   |
|                        | 3.   |

## Purpose of Report and Executive Summary

- 1.1 To request that members delegate the power to approve Hop Festival Street Trader Licences to an officer.

## 2 Background

- 2.1 As members are aware from the Council meeting on the 24<sup>th</sup> February, all but five streets in the borough have been designated as 'Consent Streets'. Thus means that street trading can only take place once a trader has obtained advance consent from Swale Council or has a street trading licence. Previously only five streets in the borough had been designated as licensed streets and street trading had actually been prohibited on the remainder.
- 2.2 With the passing of the resolution from 1<sup>st</sup> April 2010, Street Trader Consents can be granted for a specific period (ie: for a trader in one spot all year round) or for a one off event such as the Hop Festival. The council can attach conditions to the consent if it considers it 'reasonably necessary'.

- 2.3 Applications have to be heard by a Sub-Committee and there are currently no delegated powers for officers although these should be considered as part of the development of the Street Trading Policy.

The Hop Festival in Faversham is a unique, one off, annual event held in a number of streets, namely Preston Street, Stone Street, Market Place, Court Street, West Street and East Street. Applications are currently being made by stall holders who wish to trade at the Hop Festival. It is anticipated that at least 50 applications will be made and we have been advised that the Hop Festival Committee requires potential traders to confirm their pitch requests by 1<sup>st</sup> April, in order to do this they require the necessary consents from the Council. Although there is no prescribed criteria for granting a street trading consent, it is essential that decision making processes are timely and transparent.

### **3 Proposal**

- 3.1 It is proposed that prior to full delegated powers being passed the committee agree to allow the Licensing Officer to approve Street Trader Licences for the Faversham Hop Festival.
- 3.2 This would mean that applications made now could be approved and granted within the timescales set by the Faversham Hop Festival Committee and would negate the need for the sub committee to sit to hear multiple applications that are deemed as non contentious and low risk.

### **4 Alternative Options**

- 4.1 The Licensing Committee could decide not to grant the special powers outlined above and this would mean that a sub committee would be required to sit and hear every application. If this option is agreed members should note the time restraints involved.

### **5 Consultation Undertaken or Proposed**

- 5.1 N/A.

### **6 Implications**

| <b>Issue</b>                     | <b>Implications</b>  |
|----------------------------------|--|
| Corporate Plan                   | None identified at present   |
| Financial, Resource and Property | The Council currently charges £20.00 for each one off application. There will be no extra resource needed if the decision is taken by an officer as the application is already processed by the licensing team. There would be additional costs involved in convening a sub committee meeting and it is possible that more than one would be |

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|                                       | needed.                     |
| Legal and Statutory                   | None identified at present  |
| Crime and Disorder                    | None identified at present. |
| Risk Management and Health and Safety | None identified at present  |
| Equality and Diversity                | None identified at present  |
| Sustainability                        | None identified at present. |

## **7 Appendices**

7.1 None

## **8 Background Papers**

8.1 The following are relevant to this report:

- The Licensing Act 2003
- The Local Government Miscellaneous Provisions Act 1982
- Guidance issued by the DCMS (June 2007)
- Council Report 3<sup>rd</sup> December 2009
- Licensing Committee Report, 21<sup>st</sup> January 2010

### Notes for Report Authors:

1. A “key decision” means an Executive decision which, is likely -  
**(a)** to result in the local authority incurring expenditure which is, or making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates: or  
**(b)** to be significant in terms of its effects on communities living or working in an area comprising two or more wards in Swale.
2. The financial threshold in relation to the significant level for key decisions has been agreed as £100,000. (Minute No. 280(15)/7/05 refers).
3. Officers should aim to keep reports to a maximum of 4 sides of A4 plus appendices. Complex reports should include a summary of no more than one page written in plain English.
4. Report authors are not permitted to add any sections to this template, however, put sub-sections can be added in under ‘proposal’ as necessary
5. Ensuring that other key officers are consulted on the implications and given adequate time to comment is the report author’s responsibility.
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