

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	6 September 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Review of Street Trader Policy
<b>REPORT NUMBER</b>	COM/22/180
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER - Interim</b>	Vikki Cuthbert
<b>REPORT AUTHOR</b>	Arlene Dunbar
<b>TERMS OF REFERENCE</b>	17.3

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### 1. PURPOSE OF REPORT

- 1.1 To present the responses to the Street Trader Policy consultation and to seek approval to implement and publish the new policy.

### 2. RECOMMENDATION(S)

That the Committee

- 2.1 consider the responses received in respect of the Street Trader Policy consultation;
- 2.2 approves the Street Trader Policy and agrees that it takes effect from 1 November 2022; and
- 2.3 instructs the Chief Officer - Governance to publish the Street Trader Policy on the Council's website.

### 3. CURRENT SITUATION

- 3.1 Section 39 of the Civic Government (Scotland) Act 1982 (the Act) provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.
- 3.2 Street trading is defined as hawking, selling, or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.
- 3.3 For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued by the environmental health service of the Council.

- 3.4 The Licensing Committee last reviewed its Street Trader Policy at its meeting on 22 March 2022 and agreed to consult on a draft policy and amended conditions. (Appendices 1 and 2)

### **Consultation**

- 3.5 The consultation ran from 17/05/2022 to 28/06/2022. A total of 5 responses were received and the full consultation responses can be read at Appendix 3 of this report.
- 3.6 Officers have considered the response received and note that 4 out of the 5 respondents have no comment to make on the terms of the draft policy and 3 out of the 5 respondents had no comment on the proposed licence conditions.
- 3.7 With respect to the comments received regarding the conditions, one respondent objects to the introduction of the following condition “Mobile traders shall remain in the same place only for 20 minutes or the time it takes to serve the queueing customers, whichever is the later, and shall then move on. This condition is not applicable to general street traders.” The respondent seems to have misunderstood the condition and thinks that traders will be required to move on after 20 minutes even if there are customers waiting. However, the condition allows traders to remain in a location for 20 minutes or for the time it takes to serve queueing customers whichever is the later.
- 3.8 The second comment relates to the requirement to have employee licences. This however is not a policy matter, but a requirement set out in the Civic Government (Scotland) Act 1982.
- 3.9 It is therefore recommended that the draft policy be approved.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from the recommendations of this report, although an updated policy on Street Traders will assist the Council with its obligations under the Civic Government (Scotland) Act 1982.

## **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no direct environmental implications arising from the recommendations of this report.’

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified' against the category.			<b>N/A</b>
<b>Compliance</b>	An unconsolidated policy, which is not regularly reviewed may lead to non-compliance with the Councils obligations	The policy helps to ensure that the Licensing Authority complies with its resolution to licence street traders. The policy therefore reduces the risk of non-compliance	L	<b>Yes</b>
<b>Operational</b>	No significant risks identified' against the category.			<b>N/A</b>
<b>Financial</b>	No significant risks identified' against the category.			<b>N/A</b>
<b>Reputational</b>	An out-of-date policy may lead to incorrect decisions being made by the Licensing Authority and in turn have a negative impact on the Council	The policy and supporting documentation sets outs how the Licensing Committee will exercise its functions in respect of street in order to reduce the risk of inconsistent decision making that could lead to reputational damage	L	<b>Yes</b>

<b>Environment / Climate</b>	No significant risks identified' against the category.			<b>N/A</b>
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## 8. OUTCOMES

<u><a href="#">COUNCIL DELIVERY PLAN 2022-2023</a></u>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	<i>The proposals in this report have no impact on the Council Delivery Plan</i>

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	Not required

## 10. APPENDICES

- 10.1 Appendices 1 – Draft Policy
- 10.2 Appendix 2 – Amended Licence Conditions
- 10.3 Appendix 3 - Consultation responses

## 11. REPORT AUTHOR CONTACT DETAILS

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