



19 February 2024

LICENSING AND SAFETY COMMITTEE – 27 FEBRUARY 2024

A meeting of the Licensing and Safety Committee will be held at 6pm on Tuesday 27 February 2024 in the Council Chamber at the Town Hall, Rugby.

Members of the public may view the meeting via the livestream from the Council's website.

Mannie Ketley
Chief Executive

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the Licensing and Safety Committee held on 28 November 2023.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

4. Approval of the consultation for the proposed designated streets.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee: Councillors Mrs A'Barrow (Chair), Barnett, Miss Dumbleton, Mrs Garcia, D Keeling, J Keeling, Mrs Robinson, Mrs Roodhouse, Russell, Mrs Sayani, Srivastava and one vacancy

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail Linn.Ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

AGENDA MANAGEMENT SHEET

Report Title: Approval of the consultation for the proposed designated streets.

Name of Committee: Licensing and Safety Committee

Date of Meeting: 27 February 2024

Report Director: Chief Officer – Regulation and Safety

Portfolio: Regulation and Safety

Ward Relevance: All Wards

Prior Consultation: Prior consultation has been carried out with affected organisations, we are now looking to consult with the public.

Contact Officer: Emma Payne, Licensing Officer x3855

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: Yes

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)

Summary: Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. The Act does not currently apply to any areas of the Borough due to the requirement to designate streets. The Policy has been in effect since 15 January 2024 as agreed by the Licensing and Safety Committee on 28 November 2023. The

Council are now looking to designate streets as the final stage to allow the Council to regulate street traders.

Financial Implications:

Income will be generated from the Street Trading fees to cover the cost of providing the service. An income budget will be created from 2024/25.

Risk Management/Health and Safety Implications:

Risks have been outlined within the report.

Environmental Implications:

There are no significant environmental implications arising from this report.

Legal Implications:

Legislation requires a specific consultation process to be undertaken.

Equality and Diversity:

Equality Impact Assessment has been carried out, there are no significant equality and diversity implications arising from this report.

Options:

1. Approve the proposed designated streets for consultation.
2. Refuse the proposed designated streets for consultation.

Recommendation:

1. The consultation of the proposed streets for designation be approved;
2. delegated authority be given to the Chief Officer for Regulation and Safety and the Licensing and Parking Manager for the consideration of any valid/material objections received during the consultation period;
3. if, in the opinion of the Chief Officer of Regulation and Safety and the Licensing and Parking Manager, there are no valid/material objections that require further consideration by the Licensing and Safety Committee then the Chief Officer of Regulation and Safety and the Licensing and Parking Manager can recommend the adoption of the designation of streets to Council.

Reasons for Recommendation:

Approval of the designation of streets will enable fair, consistent and equitable trading across the Borough. This would give the Licensing Authority greater control over street trading.

Agenda No 4

Licensing and Safety Committee - 27 February 2024

Approval of the consultation for the proposed designated streets

Public Report of the Chief Officer – Regulation and Safety

Recommendation

1. The consultation of the proposed streets for designation be approved;
2. delegated authority be given to the Chief Officer for Regulation and Safety and the Licensing and Parking Manager for the consideration of any valid/material objections received during the consultation period;
3. if, in the opinion of the Chief Officer of Regulation and Safety and the Licensing and Parking Manager, there are no valid/material objections that require further consideration by the Licensing and Safety Committee then the Chief Officer of Regulation and Safety and the Licensing and Parking Manager can recommend the adoption of the designation of streets to Council.

1. Introduction

- 1.1. Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. Under the Act, streets may be designated as prohibited, licence or consent streets.
- 1.2. The Act defines street trading as selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway, beach or other areas to which the public have access without payment. This includes freely accessible private as well as public land.
- 1.3. For the purposes of the Act, the following matters are not deemed to be street trading:
 - Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871. Pedlars are itinerant traders who travel and trade on foot. Certificated Pedlars are free to trade without consent and may even trade in prohibited streets;
 - Anything done in a market or fair; (the exemption applicable to markets applies only to those chartered or statutory markets and where a market has been established under Part III of the Food Act 1984 or other statutory provision). For temporary markets, fairs or events operating on Council land, relevant fees will need to have been paid by the organiser of the market or fair before permission to trade is granted by Rugby Council.
 - Trading in a trunk road picnic area as defined in Section 112 of the Highways Act 1980;
 - Trading as a news vendor (newspapers and periodicals), trading which is carried on at premises used as petrol filling station or is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;

- Selling things as a roundsman e.g. milkman; and
- Trading in a location where members of the public cannot freely gain access;

2. Proposal

2.1. It is proposed that consultation be undertaken for the designation of streets under the Local Government (Miscellaneous Provisions) Act 1982. The designation of streets, in conjunction with the Council's current Street Trading Policy, will ensure that a Street Trading Licence or Consent is required where a trader sells, exposes or offers for sale any article in any non-prohibited street within the Borough to which the public have access without payment.

2.2. The Act states a district council may by resolution designate any street in their district as;

a) a prohibited street; b) a licence street; or c) a consent street.

2.3. The Council intends to designate all streets in the borough as consent streets with the exception of the following licence streets;

Market Place, Town Centre
 Sheep Street, Town Centre
 High Street, Town Centre.

2.4. A map of the above proposal can be seen at appendix A.

2.5. When dealing with Licence Streets and Consent Streets, the difference falls with how the applications are granted or refused.

2.6. For consent streets, the Council is under no duty to grant consent and does not need to specify any statutory grounds for refusal.

2.7. In respect of a licence streets, the Council is obliged to grant a licence unless an application ought to be refused on one or more of the statutory grounds set out in the Local Government (Miscellaneous Provisions) Act 1982, schedule 4.

2.8. The Act requires the Council, before designating streets, to publish a notice of the proposed designations in a local newspaper. The notice must be published for a reasonable period. A consultation notice will be published following this meeting should the Committee approve the consultation. The consultation will last for a period not less than 28 days after publication of the notice.

2.9. The Designation of Streets will allow the Council to apply the Street Trading Policy to enable fair, consistent and equitable trading within the Borough. This would give the Licensing Authority greater control over street trading and would ensure all traders are subject to relevant application, enforcement and conditions depending on where they trade in the Borough.

2.10. Furthermore, the designation of streets will help to shape the street trading environment, ensuring it remains sensitive to the needs of the residents, provides the public with good quality choice and compliments those premises-based businesses already trading in the area. The Council

recognises the important service street traders provide and the contribution they make to the local economy.

- 2.11. The purpose of regulating street trading activities is to mitigate risk and protect the public. Specifically, protect the public from street trading activities being unsafe or being conducted in association with crime. The designation of streets is the final stage for the Council to regulate street traders and promote lawful trading across the Borough.
- 2.12. There are no significant risks arising from the decision to consult, as there is the opportunity to review and respond. There is risk to the Council should the streets not be designated. The risks are; The Council will have no power to regulate street traders and act in line with the Policy.
- 2.13. The Environmental impact of street trading will be assessed, managed and mitigated through the robust application consultation procedure, involving all relevant regulatory agencies. The promotion of the Council's broader environmental aspirations is covered by the Corporate Strategy which shows how services will support the borough's economic recovery, address the climate emergency, and support residents' health and wellbeing.

Name of Meeting: Approval of the consultation for the proposed designated streets.

Date of Meeting: 27 February 2023

Subject Matter: Licensing and Safety Committee

Originating Department: Regulation and Safety

DO ANY BACKGROUND PAPERS APPLY YES x NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

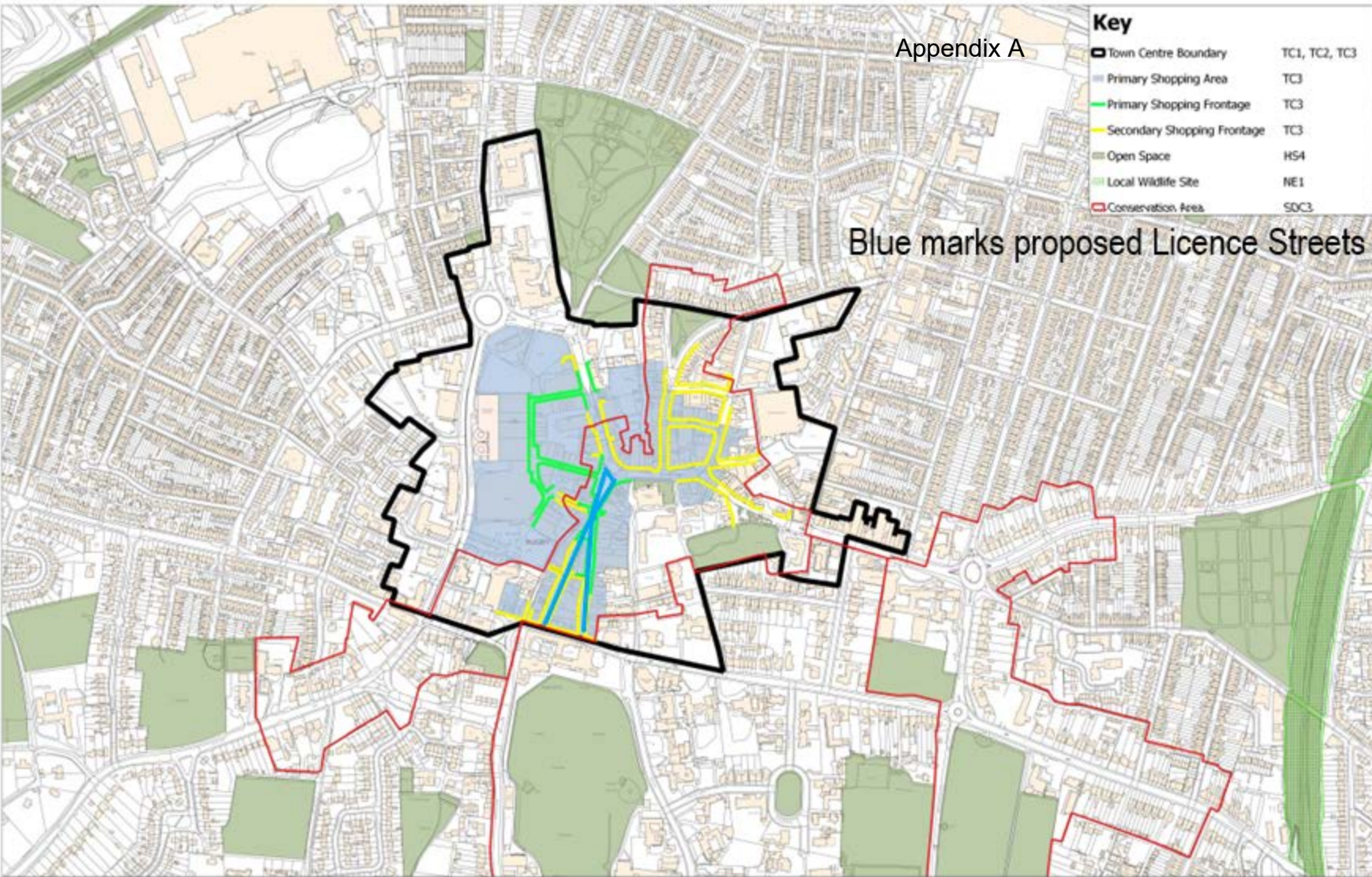
Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Appendix A

Key	
 Town Centre Boundary	TC1, TC2, TC3
 Primary Shopping Area	TC3
 Primary Shopping Frontage	TC3
 Secondary Shopping Frontage	TC3
 Open Space	HS4
 Local Wildlife Site	NE1
 Conservation Area	SDC3

Blue marks proposed Licence Streets





RUGBY BOROUGH COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading – Proposed Resolution to Designate Streets within Rugby Borough as Licence Streets and Consent Streets

Notice under s.2(9) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

Take Notice that Rugby Borough Council in accordance with paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 propose to designate all of the streets in their borough as consent streets, those streets where street trading is prohibited without the consent of the Council, for the purpose of street trading with the exception of Licence Streets as detailed in the Schedule below.

SCHEDULE

Market Place, Town Centre

Sheep Street, Town Centre

High Street, Town Centre

A person who engages in street trading in a consent/licence street without prior permission being issued by the Council shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The following are NOT street trading for the purpose of the Act:

- a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order;
- c) trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;
- d) trading as a news vendor.

The matter will be considered at a meeting of the Full Council on 24 April 2024.

Any representations about the proposed resolution must be received no later than 28 March 2024 either in writing to The Licensing & Parking Team, Rugby Borough Council, Evreux Way, Rugby, CV21 2RR, or by email to licensing@rugby.gov.uk. A copy of this notice will be displayed for public inspection at the main entrance to the Town Hall and on the Council's website.

EQUALITY IMPACT ASSESSMENT (EqIA)

Context

1. The Public Sector Equality Duty as set out under section 149 of the Equality Act 2010 requires Rugby Borough Council when making decisions to have due regard to the following:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation
3. In addition to the above-protected characteristics, you should consider the crosscutting elements of the proposed policy, such as impact on social inequalities and impact on carers who look after older people or people with disabilities as part of this assessment.
4. The Equality Impact Assessment (EqIA) document is a tool that enables RBC to test and analyse the nature and impact of what it is currently doing or is planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. The questions will enable you to record your findings.
6. Where the EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. Once completed and signed off the EqIA will be published online.
8. An EqIA must accompany all **Key Decisions** and **Cabinet Reports**.
9. For further information, refer to the EqIA guidance for staff.
10. For advice and support, contact:
Aftab Razzaq
Chief Officer for Legal and Governance
aftab.razzaq@rugby.gov.uk
01788 533521

Equality Impact Assessment

Service Area	Licensing & Parking Team
Policy/Service being assessed	Proposed Designation of Streets for consultation.
Is this a new or existing policy/service? If existing policy/service please state date of last assessment	New
EqlA Review Team – List of members	
Date of this assessment	09/02/2024
Signature of responsible officer (to be signed after the EqlA has been completed)	EJPayne, Emma Payne, Licensing Officer, x3855

A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Chief Officer for Legal and Governance.

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	The main aim of the designation of streets is to identify which streets are; Licence Streets, Consent Streets; or Prohibited Streets. The report proposes that The Council designates all streets in the borough as consent streets with the exception of the following licence streets; Market Place (Town Centre); Sheep Street (Town Centre); High Street (Town Centre). The Council are now looking to designate streets as the final stage to allow the Council to regulate street traders.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) Residents live healthy, independent lives, with the most vulnerable protected. (HC) Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024

<p>(3) What are the expected outcomes you are hoping to achieve?</p>	<p>Report Recommendation:</p> <ol style="list-style-type: none"> 1. The consultation of the proposed streets for designation be approved; 2. delegated authority be given to the Chief Officer for Regulation and Safety and the Licensing and Parking Manager for the consideration of any valid/material objections received during the consultation period; 3. if, in the opinion of the Chief Officer of Regulation and Safety and the Licensing and Parking Manager, there are no material objections that require further consideration by the Licensing & Safety Committee then the Chief Officer of Regulation and Safety and the Licensing and Parking Manager can recommend the adoption of the designation of streets to Council.
<p>(4) Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	<p>Wider Community</p>
<p><u>Stage 2 - Information Gathering</u></p>	<p>As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).</p>
<p>(1) What does the information tell you about those groups identified?</p>	<p>This report is for the Licensing and Safety Committee to approve the consultation.</p>

<p>(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?</p>	<p>Full consultation will be carried out if approved by the Licensing & Safety Committee.</p>		
<p>(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.</p>	<p>Full consultation will be carried out if approved by the Licensing & Safety Committee. This consultation will include all known affected organisations, the public, Warwickshire Constabulary, Highways Authority, Fire and Rescue Service, Trading Standards.</p>		
<p><u>Stage 3 – Analysis of impact</u></p>			
<p>(1) <u>Protected Characteristics</u> From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination? If yes, identify the groups and how they are affected.</p>	<p>RACE</p>	<p>DISABILITY</p>	<p>GENDER</p>
	<p>MARRIAGE/CIVIL PARTNERSHIP</p>	<p>AGE – applicants must be 17 or older to apply for a street trading consent/licence.</p>	<p>GENDER REASSIGNMENT</p>
	<p>RELIGION/BELIEF</p>	<p>PREGNANCY MATERNITY</p>	<p>SEXUAL ORIENTATION</p>

<p>(2) <u>Cross cutting themes</u> (a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?</p> <p>(b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	<p>None.</p>
<p>(3) If there is an adverse impact, can this be justified?</p>	<p>N/A</p>
<p>(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (This should form part of your action plan under Stage 4.)</p>	<p>N/A</p>
<p>(5) How does the strategy/service/policy contribute to the promotion of equality? If not, what can be done?</p>	<p>The designation of streets will not impact equality, the main policy document has already been approved and adopted.</p>
<p>(6) How does the strategy/service/policy promote good relations between groups? If not, what can be done?</p>	<p>The designation of streets will not impact the relationship between groups.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>To obtain consent/licence applicants must be 17 years old and above. The main policy document has already been approved and adopted therefore this matter has already been considered.</p>

Stage 4 – Action Planning, Review and Monitoring

If No Further Action is required then go to – Review and Monitoring

(1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.

EqlA Action Plan

Action	Lead Officer	Date for completion	Resource requirements	Comments

(2) Review and Monitoring
State how and when you will monitor policy and Action Plan

The designation of streets will be reviewed regularly, and amendments made when necessary.