

Item No. 6.	Classification: Open	Date: 20 June 2017	Meeting Name: Licensing Committee
Report title:		Markets Policy and Standard Licensing Conditions Food Act Part III 1984	
Ward(s) or groups affected:		All Wards	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing committee agrees to the markets policy and standard licensing conditions governing the operation of Southwark's markets under Part III of the Food Act 1984, as attached as Appendix A.

BACKGROUND INFORMATION

2. On 12 October 2011 council assembly agreed to the adoption of byelaws governing the operation of Southwark's markets under Part III of The Food Act 1984. The byelaws are attached as Appendix B.
3. Markets established under Section 50 of the Food Act 1984, applicable to all markets listed in the schedule of market locations contained at Appendix C, operate under agreed byelaws for markets.
4. The markets policy and standard licensing conditions were not formalised when change to the legislative framework was adopted on 12 October 2011. The standard licensing conditions for street trading were adapted from the London Local Authorities Act (LLAA) 1990 (as amended) to reflect the legislative changes required for licensing market trading. The markets policy is to protect and formalise Southwark's market rights. Both The policy and standard licensing conditions were agreed by the Southwark Association of Street Traders (SAST) when the Food Act was adopted.
5. The licensing committee can decide to:
 - a) Agree to formalise
 - b) Not agree to formalise.

KEY ISSUES FOR CONSIDERATION

6. That no significant differences in standard licensing conditions have been implemented as agreed between Southwark Council and SAST.
7. Officer error has resulted in the delay of formalising the standard licensing conditions and markets policy
8. The markets policy is required to protect all markets in Southwark and make transparent all licensing requirements.
9. The standard licensing conditions are required for Southwark to manage and control all market and street trading activities. As part of the policy it is recommended that the following condition be added to both Food Act part III and London Local Authority Act 1990 (as amended) on temporary licensing conditions under safety 9.13: For health

and safety and consumer protection reasons that no electrical goods be sold under a temporary licence.

10. For individual traders in Southwark markets the transition from the LLAA 1990 (as amended) to The Food Act III 1984 has not had any impact to trading practices and procedures.
11. The key change in the implementation now gives Southwark the right to licence private operators on both public and private land.

Policy implications

12. The markets policy and standard licensing conditions are required to protect all markets and market trading in Southwark.
13. The markets and street trading strategy supports the objectives and priorities of the sustainable community strategy and the council plan. The strategy also makes links between markets and street trading and the Southwark Plan.
14. The council is keen to work with the community to develop markets and street trading in Southwark to ensure they fulfil their potential to:
 - Increase the attraction for visitors and destination shoppers
 - Become successful economic, social and cultural institutions
 - Encourage more entrepreneurship, independence and innovation
 - Support an extraordinary range and variety of businesses
 - Promote distinctiveness and vibrancy in a well managed and maintained public realm
 - Provide access to affordable, healthy and high quality food and other commodities.

Resource implications

15. There are no additional resource requirements.
16. The fees and charges process would remain the same as at present with fee levels approved annually by the cabinet member through and individual decision maker (IDM).

Community impact statement

17. The markets and street trading strategy aims to ensure that markets are inclusive of all residents of the borough and meet all the criteria in the council's equalities policy. An equalities impact assessment was carried out in 2006 that identified gaps in equality of opportunity between black and minority ethnic communities and those with disabilities. There have been improvements introduced to promote markets as a fertile environment for black and minority ethnic entrepreneurs. A further review of the equalities impact assessment was completed in 2011 and further progress had been made in these areas.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and democracy

18. Under part 3 of the council's constitution, decisions on the council's licensing policies and registration are reserved to licensing committee.

Markets established under section 50 of the Food Act 1984, operate under agreed byelaws for markets, and under standard licence conditions.

19. The sub-committee can decide to:
 - a) Agree to formalise
 - b) Not agree to formalise

20. The council must have due regard to its public sector equality duty (“PSED”) under the Equality Act 2010 (“the 2010 Act”), in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.

Strategic Director of Finance and Governance

21. In regard to the temporary standard licence conditions casual traders cannot accrue debt against the street trading account.

22. In regard to the Market Policy additional income can be attained through licensing of all markets held in Southwark.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Food Act 1984	Street Trading Section SAST House Dawes Street London SE17 1EL	Lisa York 0207 525 6000
Markets Strategy	As above	As above

APPENDICES

No	Title
Appendix A	Southwark markets policy
Appendix B	Markets Byelaws
Appendix C	Markets Schedule

AUDIT TRAIL

Lead Officer	Nicky Costin, Road Network and Parking Business Manager	
Report Author	Lisa York, Markets and Street Trading Manager	
Version	Final	
Dated	22 May 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	6 June 2017	