

## EAST HERTS COUNCIL

### OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS

2014

### OFFICER DECISION WRITTEN RECORD

Reference:	OD/(to be added by Democratic Services)
Subject Matter:	Amendment to the legislative basis for East Herts Council's licensing and regulation of markets.
Date of Decision:	4 <sup>th</sup> July 2024
Exempt/Confidential information (Yes/No):	No.
If Exempt/Confidential – reason why:	Not applicable.
Name of Officer taking decision under delegated authority:	Jonathan Geall – Head of Housing and Health.
Source of delegated authority (constitution/express delegation/etc):	The decision is being made by the Head of Housing and Health under authority delegated to the postholder in the council's Constitution at paragraph 10.16.16 to <i>'exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set out in legislation pertaining to Licensing or Environmental Health matters unless in the case of contested matters reserved for determination by another body of the Council'</i> .

Reference:	OD/(to be added by Democratic Services)
Exercise of delegated authority approved by: <i>(if different from Officer taking decision)</i>	Not applicable
Decision:	To amend the legislative basis for East Herts Council's licensing and regulation of markets from use of powers under the Street Trading provisions in the Local Government (Miscellaneous Provisions) Act 1982 to those afforded the council under the Food Act 1984.
Reason(s) for Decision:	<p>In 2020, the council updated and consolidated its aged policies regarding street trading and market trading into a new Street Trading Consent Policy. At the time, the council chose to regulate markets under powers contained in the Local Government (Miscellaneous Provisions) Act 1982. This policy change unified and simplified the council's approach.</p> <p>Since introduction of the new policy in 2020, however, the council and other partners, notably several town councils in the district, have expressed a renewed interest in providing, developing and promoting markets. Indeed, the council's Corporate Plan, approved by Council on 28<sup>th</sup> February 2024, explicitly states that a key priority for council is to <i>'help create thriving high streets, by encouraging local markets...'</i></p> <p>Given this fresh focus, East Herts Council invited the National</p>

Reference:	OD/(to be added by Democratic Services)
	<p>Association of British Market Authorities (NABMA) to advise on market promotion, licensing and regulation and offer ideas for enhancing the local offer. Central to NABMA advice was that <i>'the Food Act 1984 contains the modern statutory framework for markets'</i>.</p> <p>In order to fully utilise the powers and freedoms afforded the council under the Food Act 1984 to introduce new incentives, fees structures and other market licensing policies and procedures, it is necessary to amend the council's legislative basis for market licensing and regulation from use of the Local Government (Miscellaneous Provisions) Act 1982 powers to those in the Food Act 1984.</p>
Details of alternative options, if any considered and rejected:	Not amend the legislative basis for the licensing and regulation of markets in East Herts – NOT RECOMMENDED as this would not allow the council to benefit from the powers and freedoms contained in the Food Act 1984 to promote, develop, license and regulate markets in a modern and flexible way.
Name of Officer who has confirmed with all Members involved in taking this decision whether they have pecuniary or non-pecuniary interest:	Not applicable as this decision is being taken by Jonathan Geall – Head of Housing and Health under authority delegated to the postholder in the council's Constitution.
Name(s) of any Member who has removed himself/herself from contributing to this	Not applicable.

Reference:	OD/(to be added by Democratic Services)
decision because of a conflict of interest:	
Signature of Decision Maker:	REDACTED
Signature of any Executive Member consulted by Decision Maker:	Not applicable as this decision is being taken by Jonathan Geall – Head of Housing & Health under authority delegated to him in the council's Constitution.

**SIGNATURES ARE REDACTED**