

TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011

STREET TRADING: DESIGNATED CONSENT STREETS
(Chief Officer: Environment and Public Protection)

1 PURPOSE OF REPORT

- 1.1 The Committee is asked to consider an amendment to the list of designated Consent Streets for the purposes of street trading in the Borough.

2 RECOMMENDATION(S)

- 2.1 **That the Committee approves the publication of a notice proposing to rescind the current list of Consent Streets and to designate all streets within the Borough as Consent Streets, to include any land within 50 metres of the highway; and**
- 2.2 **That the Committee consider any representations made at the next available meeting and determine whether or not to recommend the Council pass a resolution in the above terms.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 This proposed amendment seeks to ensure that all persons operating as traders on streets within the Borough are appropriately authorised so that street trading is only carried out in appropriate locations.
- 3.2 At present, there are a large number of residential streets within the Borough which are not designated as Consent Streets. This can make enforcement difficult, especially in respect of mobile traders. If all streets were Consent Streets this would address this issue and all street traders would be required to apply for street trading consents.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee may instead choose to prohibit street trading in the Borough by designating some or all streets as prohibited streets upon which no street trading may take place. Officers do not feel this approach is necessary as the use of Consent Streets would ensure that no street trading consent would be granted if the location was not suitable, whilst allowing flexibility for mobile street traders.
- 4.2 The Committee may also choose to retain the current position and keep the list of Consent Streets as it is.

5 SUPPORTING INFORMATION

- 5.1 Under 2(1)(c) of Schedule 4 of the Local Government (Miscellaneous) Provisions 1982, a district council may by resolution designate any street as a consent street, where a street trading consent is required to authorise street trading. Under this legislation the Council is required to publish notice in a local newspaper of the intention to pass such a resolution and allow at least 28 days for receipt of any comments. The notice must also be served on the chief officer of police and the highway authority.

- 5.2 If a resolution is passed at the next meeting of the Committee, the designation of the streets shall take effect on a stated date which must not be before the expiration of a period of one month beginning with the day on which the resolution is passed. A notice must also be published that a resolution has been passed for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 5.3 The current list of Consent Streets within the Borough is attached at Annex A. This list was last revised by the Committee in July 2002.
- 5.4 Annex B details the current traders authorised within the Borough.
- 5.5 On receipt of an application for a new street trading consent, officers have regard to matters such as the suitability of the location and responses from responsible authorities including Highways, Environmental Health and Ward Members. In respect of street trading within the town centre, the expectation is that any traders give added value to the trading environment. Any consent granted for a new site has a maximum duration of one month to allow opportunity for review. There is no statutory right of appeal in respect of refusal to grant or revocation of a street trading consent. Any aggrieved persons are required to appeal by way of judicial review.
- 5.6 It is important to note that this approach has successfully enabled the regulation of this trade over many years. Just because a street is designated a Consent Street it does not mean that a Consent would be given.
- 5.7 Street traders are subject to routine and non-routine inspections by Licensing and Environmental Health officers. Between 1 April 2010 and 31 March 2011, officers carried out 18 routine inspections. Of these inspections, 10 had no further action, and the remaining 8 had further actions as follows:

Letters and informal notices	9
Formal notices	0
Revisits	4
Simple cautions	0
Prosecutions	0

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report. Any new street trading sites may generate additional income which will offset expenditure required in the administration of the street trading consents.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no strategic risk management implications arising from the recommendation in this report.

Other Officers

- 6.5 Not applicable

7 CONSULTATION

Principal Groups Consulted

7.1 Not applicable at this stage.

Method of Consultation

7.2 Not applicable at this stage.

Representations Received

7.3 Not applicable at this stage.

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

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