

**TO: LICENSING AND SAFETY COMMITTEE
12 JANUARY 2012**

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

1 PURPOSE OF REPORT

- 1.1 The Committee received a report at its meeting on 13 October 2011 at which they agreed for officers to publish a notice declaring the intention to designate all streets as Consent Streets for the purposes of street trading in the Borough. The notice was published and no objections have been received. The Committee is therefore asked to consider an amendment to the list of designated Consent Streets.

2 RECOMMENDATION(S)

- 2.1 That the Committee recommends the Council pass a resolution to designate all Streets within the Borough as Consent Streets, to include any land within 150 metres of the highway, with effect from 9 April 2012.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 This proposal 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.
- 3.3 It is important to note that this approach has successfully enabled the regulation of this trade over many years. If a street is designated a Consent Street, it does not necessarily mean that a Consent would be given. Officers would continue to follow the same procedure of consultation to ensure the suitability of the location, and all consents granted for a new site have a maximum duration of one month to allow opportunity for review.

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. 'Street' is defined in the Act as 'any road, footway, beach or other area to which the public have access without payment...and also includes any part of a street'.

- 5.2 If a resolution is passed, 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.

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.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Consultation was carried out by way of public notice.

Method of Consultation

- 7.2 As required by the legislation, a public notice was published on 24 November 2011, and the notice was also served on the chief officer of police and the highway authority on 23 November 2011.

Representations Received

- 7.3 The chief officer of police and highway authority have both confirmed they have no objection to this proposal.

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Contact for further information

Laura Driscoll

Licensing Team Manager

01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\TSTANDRD\Laura\Committee\2012\201201\Street Trading.doc 20.12.11