

TO: COUNCIL
29 FEBRUARY 2012

STREET TRADING: DESIGNATED CONSENT STREETS
Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 The Council is asked to consider an amendment to the list of designated Consent Streets for the purposes of Street Trading in the Borough. This matter was considered at the Licensing and Safety Committee on 12 January who recommended that the Council make a resolution as detailed below.

2 RECOMMENDATION

- 2.1 **That the Council makes a resolution under section 2(1)(c) of Schedule 4 of the Local Government (Miscellaneous) Provisions 1982 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. 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.
- 3.2 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 Council 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. To date, the Council has chosen not to take this approach as the Consent Streets procedure is deemed to be more proportionate.
- 4.2 The Council 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, the Council may by resolution designate any street as a Consent Street. The effect is that street trading is only permitted provided a consent is granted and

various conditions are met. 'Street' is defined in the Act as 'any road, footway, beach or other area to which the public have access without payment'.

- 5.2 Currently, we already have the majority of the main roads so designated but the arrangements need to be changed to 'protect' the smaller roads and new ones as they are built. The approach taken seeks to allow trading to take place where it is appropriate relative to the potential impact to highway safety and any nearby residential premises particularly if the hours of trading are in the evening. Authority to grant consent subject to conditions is delegated and there is a right of appeal to a Licensing Panel.
- 5.3 If a resolution is passed, the designation of the streets shall take effect on the stated date. This date must not be less than 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. No objections were received to the public notice.

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Contact for further information

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