

STREET TRADING – DESIGNATION OF STREETS

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee has been asked to approve consultation on a draft revised street trading policy. The Committee is now also asked to approve the advertisement of a proposal to designate all streets in the Borough as consent streets for the purposes of controlling street trading.

2. RECOMMENDATIONS

- 2.1 That Members RESOLVE to authorise officers to publish notice of the Council’s intention to pass resolutions which will take effect on 1st September 2018 and will rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets.**
- 2.2 That Members RESOLVE to authorise officers to serve a copy of this notice on the Chief Officer of Police and the highway authority for the area.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs associated with publishing the required notices will be met from existing budgets held by Worcestershire Regulatory Services.**

Legal Implications

- 3.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 3.3 Schedule 4 also defines street as including:
- (a) any road, footway, beach or other area to which the public have access without payment; and
 - (b) a service area as defined in section 329 of the Highways Act 1980,
- 3.4 Paragraph 2 of Schedule 4 states that a district council may by resolution designate any street in their district as—
- (a) a prohibited street;
 - (b) a licence street; or
 - (c) a consent street.
- 3.5 “Prohibited street” means a street in which street trading is prohibited.
- 3.6 “Licence street” means a street in which street trading is prohibited without a licence granted by the district council.
- 3.7 “Consent street” means a street in which street trading is prohibited without the consent of the district council.

Service / Operational Implications

- 3.8 Council’s usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.9 The control of street trading can also be of benefit to traders who can obtain greater security over their “pitch” if they are the only person who has the Council’s consent to trade there.
- 3.10 The Licensing Committee have been asked to approve consultation on a draft revised street trading policy.

- 3.11 Alongside this, the Committee is also asked to review the current arrangements for designating where and how street trading is controlled under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.13 Currently the designation of streets is as shown at **Appendix 1**. Under these designations there are a number of named “prohibited streets” with all other streets in the Borough being designated by the Council as “consent streets.”
- 3.14 Officers consider that it would be preferable to designate all streets in the Borough as consent streets and remove any prohibited streets.
- 3.15 The rationale behind this is that such a change would allow every application to be considered on its merits and would enable street trading to be permitted in what are currently the prohibited streets, where it was felt appropriate to allow it. This could be for example to facilitate a short term community event or other similar event where the ability to allow street trading would enhance the event and provide a benefit to the wider community.
- 3.16 Additionally it is believed that the draft revised street trading policy would, if adopted, put in place a robust framework for consultation and consideration of all applications received on their own merits. Therefore the need to designate any streets as prohibited streets would be diminished.
- 3.17 There is a detailed legal procedure to follow in order to properly designate streets as consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The process to be undertaken can be summarised as follows:
- Council publishes notice of its intention to pass a resolution to designate streets as consent streets
 - Minimum of 28 days given for people to make representations relating to this intention
 - Any representations received are considered
 - Council passes a resolution to designate streets as consent streets
 - Notices published to advertise the making of the resolution (at least 28 days before resolution takes effect).
 - Resolution takes effect

- 3.18 At this stage Members are asked to authorise officers to publish notice of the Council's intention to pass resolutions which will take effect on 1st September 2018 and will rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets.
- 3.19 Members are also asked to authorise officers to serve a copy of this notice on the Chief Officer of Police and the highway authority for the area.
- 3.20 Any representations received in relation to this notice of intent would be brought back for consideration by the Licensing Committee after the period given for the making of representations expires.

RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Existing Street Trading Designations

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