

REDDITCH BOROUGH COUNCIL

LICENSING COMMITTEE

27th November 2023

STREET TRADING – DESIGNATION OF STREETS

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
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

- 1.1 The Licensing Committee has previously authorised officers to carry out the necessary process to advertise the Council’s intention to pass resolutions to amend the current designation of streets for the purposes of controlling street trading in the Borough.
- 1.2 Members are now asked to recommend to Council that the resolutions required to make these amendments are passed.

2. RECOMMENDATIONS

- 2.1 That Members **RECOMMEND TO COUNCIL** that the draft resolution shown at Appendix 2 be passed.
- 2.2 That Members **RECOMMEND TO COUNCIL** that, should the draft resolution shown at Appendix 2 be passed, officers be authorised to publish notice that the resolution has been passed in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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 Council has adopted a Street Trading Policy which took effect on 1st September 2018. Chapter 2 of the Policy sets out which streets have been designated as consent streets and which have been designated as prohibited streets. A copy of the Council's current Street Trading Policy can be seen at **Appendix 1**.
- 3.11 Under the current designations there are a number of named "prohibited streets" with all other streets in the Borough being designated by the Council as "consent streets."
- 3.12 On 17th July 2023, the Licensing Committee considered a report in which officers recommended that the Council should take the required steps to change its current designation of streets so that all streets in the Borough were designated as "consent streets" and that "prohibited streets" are removed.
- 3.13 The rationale behind this suggestion was 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.
- 3.14 However after consideration of the report and debate, Members ultimately felt that some prohibited streets needed to be retained.

3.15 Therefore Members resolved to authorise officers to publish notice of the Council's intention to pass resolutions which would take effect on 1st September 2024 and would 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, with the exception of the following streets which are to be designated as prohibited streets:

- Alvechurch Highway
- Alcester Highway
- Bromsgrove Highway
- Coventry Highway
- Redditch Ringway
- Warwick Highway

3.16 Officers were also authorised to serve a copy of the notice on the Chief Officer of Police and the highway authority for the area.

3.17 A public notice advertising the Council's intentions was published in the Redditch Advertiser on 27th September 2023.

3.18 A copy of the public notice has also been served on the Chief Officer of Police and the highway authority for the area, Worcestershire County Council.

3.19 No representations or objections in relation to the Council's intentions have been received since the public notice was published and sent to the Chief Officer of Police and the highway authority.

3.20 The remaining steps that need to be taken in order to change the street trading designations would be for Council to pass a resolution to designate the streets. This resolution must state when it will take effect.

3.21 After any resolution is passed it is then necessary to publish two further public notices to advertise the making of the resolution. The first such public notice must be published at least 28 days before the resolution takes effect.

3.22 As no representations or objections in relation to the Council's intentions have been received, Members are now asked to recommend to Council that the draft resolution shown at **Appendix 2** be passed.

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – Current Street Trading Policy

Appendix 2 – Draft Resolution

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799