

STREET TRADING – DESIGNATION OF STREETS

Relevant Portfolio Holder	Councillor P. J. Whittaker
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 previously approved the advertisement of a proposal to designate all streets in the District as consent streets for the purposes of controlling street trading. The Committee are now asked to note that no responses were received following this advertisement of the proposal and are asked to recommend to Council that the relevant resolution is passed.

2. RECOMMENDATIONS

2.1 That Members RECOMMEND to Council that the following resolution is passed:

“Bromsgrove District Council resolves to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.”

2.2 That Members RECOMMEND to Council that officers be authorised to advertise the passing of the resolution 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 Councils 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 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 District being designated by the Council as consent streets.

- 3.11 On 12 June 2017, the Licensing Committee approved the advertisement of a proposal to pass a resolution to rescind the current street designations and to designate all streets in the District as consent streets for the purposes of controlling street trading.
- 3.12 The rationale behind this proposed change is that it 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.
- 3.13 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
- 3.14 Following the Licensing Committee on 12th June 2017, a public notice was published in a local newspaper on 21st June 2017. A copy of the notice was also served on the Chief Officer of Police and the Highway Authority (Worcestershire County Council).
- 3.15 The notices gave people until 31st July 2017 to make any representations on the proposal to pass the draft resolution. Members are asked to note that no representations have been received from any party about the proposal to pass the draft resolution.
- 3.16 In light of this, Members are asked to recommend to Council that the following resolution is passed:

“Bromsgrove District Council resolves to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.”

- 3.17 Members are also asked to recommend to Council that officers be authorised to advertise the passing of the resolution in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Existing Street Trading Designations

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