

General Licensing Committee Report

Report of Head of Legal and Democratic Services

Author: Robert Draper

Telephone: 01235 422561

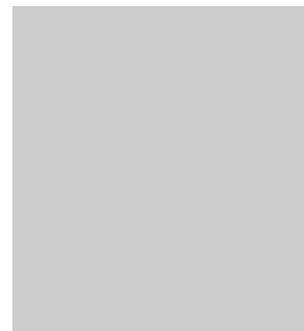
Textphone: 18001 01235 422561

E-mail: robert.draper@southandvale.gov.uk

Wards affected: All

To: General Licensing Committee

DATE: 31 May 2017



Street Trading Policy

Recommendations

That the committee:

- 1) adopts the resolution under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to do all things necessary to give effect to the said resolution.

Purpose of Report

1. To present the General Licensing Committee with a resolution to make all streets within the district consent streets for the purposes of street trading under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.
2. To present to the General Licensing Committee the results of the consultation on the draft resolution published on 27 March 2017.

Strategic Objectives

3. To promote economic development through a consistent street trading policy. In addition, it will improve the efficiency of the council licensing team by ensuring consistent and effective enforcement of the council's policy.

Background

4. The committee agreed on 9 March to publish a draft resolution regarding the designation of all streets within the district as consent streets for the purposes of street trading under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

5. The draft resolution was published in local papers on 27 March 2017 and letters were sent out to the Police, Highways Authority and Railtrack. The consultation period lasted 28 days.

Consultation responses

6. There have been no responses to the consultation.

Next steps and process

7. The committee is recommended to adopt the resolution and authorise the Head of Legal and Democratic Services to advertise the resolution confirming the designation of streets within the district.
8. The final resolution must be advertised in local papers for 14 days.
9. The designation of the streets shall take effect on the day specified in the resolution which must not be before the expiration of the period of 28 days beginning with the day on which the resolution is passed.

Proposed Resolution

10. The following resolution is proposed and is unchanged from the original consultation:

That with effect from 17 July 2017 for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all streets within the district shall be designated as consent streets for the purposes of street trading.

Financial Implications

12. Failure to designate all streets as consent streets will significantly undermine the council's ability to enforce the current Street Trading policy. A lack of enforcement could lead to traders refusing to pay for street trading consents and a subsequent loss of income.

Legal Implications

13. Failure to designate all streets as consent streets would significantly undermine the council's ability to enforce the current Street Trading policy and legislation within the district.

Risks

14. Failure to meet the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in the policy for street trading could result in the council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

Conclusion

15. That the committee:

- 1) adopts the resolution under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to do all things necessary to give effect to the said resolution.

Background Papers

None