

General Licensing Committee Report

Report of Head of Legal and Democratic Services

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Wards affected: All

To: General Licensing Committee

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Street Trading Policy

Recommendations

That the committee:

- 1) passes a draft resolution for public consultation 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:
 - a) make any further minor editorial changes to the resolution
 - b) advertise the proposed draft resolution.

Purpose of Report

1. To present the General Licensing Committee with a draft resolution to make all streets consent streets for the purposes of street trading under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Strategic Objectives

2. 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

3. Vale of White Horse District Council adopted the current joint Street Trading Policy in 2014. The new policy has been effective and welcomed by street traders and the public. The council currently has 18 street traders with consents across the district.

There have not been any complaints about these traders since the new policy was introduced. All traders are inspected once per year. An issue has come to light that the original work done on the designation of streets under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 does not designate all streets as consent streets as stated in the policy.

4. A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained. The resolution proposed states that all streets within the district shall be designated as consent streets for the purpose of street trading. Prohibited streets are streets where no street trading may take place. Although there are no prohibited streets within the district council area the A34 is designated as a trunk road and the A420 is a primary route. Oxfordshire County Council Highways department will not support any street trading applications for lay-bys or slip roads along the A34 or A420.

Process and next steps

5. The council's adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 came into force on 15 December 1987. This allows the council to designate streets for street trading purposes.
6. The council needs to approve a resolution that can be published in local papers to consult the public on this designation. The consultation will also be posted on the council's website.
7. The council needs to undertake a 28 day public consultation on the designation of all streets within the districts as consent streets. At the same time officers will serve a copy of the notice on the Police, Highways Authority and other relevant bodies, this notice will contain a draft of the resolution.
8. After the 28 day consultation period officers will consider the consultation responses and come back to the committee which may, if it thinks fit, pass the resolution for approval and publication confirming the designation of streets within the district.
9. The council needs to publish the final resolution in local papers and on the council website.
10. 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

11. The following resolution is proposed:

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) passes a draft resolution for public consultation 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:
 - a) make any further minor editorial changes to the resolution.
 - b) advertise the proposed draft resolution.

Background Papers

None