

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting:	8 th September 2014
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Designation of Streets within the Borough for the purposes of Street Trading
Portfolio Holder:	Cllr Les Gilbert – Localism and Enforcement

1.0 Report Summary

- 1.1 This report seeks Members' approval for amendments to the current designation of streets for the purposes of regulating street trading.

2.0 Recommendation

- 2.1 That Members consider the draft street trading designations (Appendix 1) and authorise the Licensing Team Leader to consult with relevant stakeholders (subject to any amendments the Committee may make).

3.0 Reasons for Recommendations

- 3.1 In accordance with the Council's Constitution, the Licensing Committee has delegated authority to determine the designation of streets for the purposes of street trading.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Licensing Committee has previously adopted a harmonised Street Trading Policy at a meeting on the 16th July 2013. This policy is set out at appendix 2 and includes information on the current designation of streets.

7.0 Financial Implications

- 7.1 None identified at this stage. However, if Members subsequently give authorisation for amendments to the Street Trading Designations, Notices in local newspapers would be required that attract associated costs.

8.0 Legal Implications

8.1 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) grants a Local Authority the power to adopt legislation to control Street Trading within its area.

8.2 Schedule 4 of the 1982 Act sets out the powers available, including

- § The designation of streets as prohibited, consent, or licence
- § Exemptions
- § Setting of fees
- § Applying conditions
- § Any offences

8.3 On the 13th October 2011 the Council resolved to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the Borough.

9.0 Risk Management

9.1 Members will need to carefully consider any consultation responses before reaching a final decision.

10.0 Background and Options

10.1 A street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas. In brief terms, street trading is defined as anyone selling or exposing or offering for sale any article (including a living thing).

10.2 The purpose of designating streets for the purpose of street trading is to ensure appropriate controls are in place to regulate and ensure that:

- § An area is not saturated with street traders to the detriment of permanent businesses
- § The highway is not obstructed
- § The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents

10.3 In relation to the designation of streets the Committee has the following options:

1. To leave a 'street' undesignated – This would have the effect of leaving any street trading unregulated in that street and a trader would not require any permission from the Council to conduct their business.

2. A prohibited 'street' – Street Trading would be prohibited from taking place at all times. If Street Trading were to be conducted an offence contrary to the 1982 Act may be committed.

3. A consent 'street' - Street Trading would be prohibited from taking place at all times unless the trader has been granted consent. If Street Trading were to be conducted without consent an offence contrary to the 1982 Act may be committed.

10.4 It would be the intention of the Licensing Team to consult over a 6 week period in the following ways:

- § Public Consultation via the Council's web site
- § With other relevant Council departments and the Council's Event Safety Advisory Group
- § With the Town and Parish Councils via the sharepoint site
- § Cheshire Police
- § Any other identified stakeholders

10.5 Following completion of the consultation, a further report will be presented to the Committee giving the opportunity for consideration of the responses received, setting out the statutory process for re-designation and seeking authorisation to continue the process.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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