

Wiltshire Council

Council

8 November 2011

Street Trading

Summary

- a) to adopt Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, allowing the Council to control street trading within its area.**
- b) to start the process to designate all streets in the Wiltshire Council area as Consent Streets**
- c) to adopt the revised Consent Street Trading Scheme, as attached to this report.**

Proposals

Council is asked

- a) to resolve that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the whole of the Council's area with immediate effect;**
- b) to authorise the commencement of the process to designate all streets within the Wiltshire Council area as Consent Streets by giving notice of its intention to pass a resolution to that effect and**
- c) to adopt the revised Street Trading Scheme, as attached.**

Reasons for Proposals

The adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 requires a resolution of Council. Once adopted, the process for designating consent streets in the Council's area can be started

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Purpose of Report

1. The purpose of this report is to recommend that the Council adopts Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, allowing it to control street trading within the Council's area. The Council is also recommended to authorise the commencement of the process for designating all streets in the Wiltshire Council area as Consent Streets and to adopt the revised Consent Street Trading Scheme, as attached to this report.

Background

2. The Local Government (Miscellaneous Provisions) Act 1982 allows local authorities to control street trading within their areas, by designating streets as either consent streets, licence streets or prohibited streets. Where streets have been designated as consent or licence streets, a person wishing to trade in those streets can apply to the local authority for the necessary consent or licence (as appropriate). The local authority can place conditions on the grant of a licence or consent. Where a street has been designated as a prohibited street, then no street trading is allowed.
3. The powers in the 1982 Act are adoptive. This means that they can only be used once the local authority has resolved to adopt them.
4. The former district councils in Wiltshire chose to control street trading in different ways. In North and West Wiltshire there were two different consent street trading schemes. There were also a small number of prohibited streets in the Kennet area. There was no control of street trading in the Salisbury D.C. area, as the District Council had not adopted the powers in Schedule 4 to the 1982 Act.
5. It was therefore considered appropriate to devise a new street trading scheme to cover the whole of the Wiltshire Council area. Under this scheme, all streets would be designated as Consent Streets, and the issue of street trading consents would be governed by a new set of guidelines and conditions. A wide consultation exercise was undertaken on the proposed guidelines between January and March this year. A report on those consultations was made to the Licensing Committee in April. At the request of that Committee, changes were made to the draft Guidelines and a further consultation exercise was carried out in July and August. The results of this second consultation were presented to the Licensing Committee and the Guidelines were approved for adoption, with minor amendments.

Issues

6. Before the street trading scheme, as set out in the attached Guidelines can be implemented, it will be necessary for the Council to formally adopt Schedule 4 to the 1982 Act and also to designate all streets within the Council's area as consent streets.
7. Once Schedule 4 to the 1982 Act is adopted, there is then a two-stage process that has to be undertaken, in order to designate all streets in the Council's area as Consent Streets. Firstly, the Council will need to publish notice of its intention to designate the streets in a local newspaper and also give notice to the Chief Officer of police. The notice gives an opportunity for members of the public to make representations on the proposals, which would then be considered before a resolution to designate the streets can be passed.
8. As well as recommending approval of the attached Street Trading Scheme, the Licensing Committee on 7th September also recommended that Council adopt Schedule 4 to the 1982 Act and designate all street within the Council's area as consent streets.

Environmental Impact

9. The adoption a street trading consent scheme as attached will enable to the Council to control trading in streets and to impose conditions on the grant of any consents regarding the removal of litter arising from the trading

Equality and Diversity

10. The public consultation carried out on the proposed trading scheme was compliant with the Council's principles for consultation

Financial Implications

11. The proposed levels of fees for trading consents will ensure that the scheme is a cost neutral service.

Legal Implications

12. There is a prescribed legal process to be undertaken to adopt the street trading legislation and to designate consent streets, as set out in this report. By undertaking this procedure, the Council will be able to control street trading and take legal action against unauthorised street trading.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

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Appendix A – Revised draft Street Trading Scheme