

**Meeting: GENERAL PURPOSES**

**Agenda Item: 6**

Portfolio Area: Safer and Stronger

**Date: 2<sup>nd</sup> July 2012**

## **Street Trading: Change to the scheme of Street Designations**

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### **1. PURPOSE**

To agree or make modifications to the proposals for a change to the street trading regime .

### **2. RECOMMENDATIONS**

2.1. To agree the proposals for a change to the street trading regime.

2.2. To note that formal consultation has been undertaken regarding the proposed modification of the Street Trading regime.

### **3. BACKGROUND**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 permits Local Authorities to control street trading within their districts, by defining streets as either prohibited or consent streets for this purpose. Street trading is defined as "the selling or exposing of articles for sale in any street".
- 3.2 A trader wishing to operate either from a vehicle or mobile stall or on a fixed site must apply to the Council for permission. Street traders who do not have a valid consent can be prosecuted for trading illegally. The Council can withdraw a street trading consent or not grant a street trading consent, if a trader does not fulfil his obligations. In this way the Council retains control over who can trade.
- 3.3 A resolution made by the Council is required to change the designation of a street from a prohibited street to a consent street under the street trading scheme. Prior to passing such a resolution various statutory consultation and notification requirements apply.

- 3.4 These include consultation with the Police and the Highways Authorities and the publication of a Public Notice in a local newspaper, giving details of the proposed changes and inviting written representation within 28 days.
- 3.5 Currently High Street is a prohibited area for street trading except for the service road between 29 and 35a High Street which has been designated a consent area to permit the use as a “Farmers’ Market” to be held on Saturdays between 8am and 6pm on not more than 12 occasions per year.

#### **4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

- 4.1. Stevenage Farmers’ Market has operated in the service road in the High Street since August 2012. It operates under the street trading regime not as a “market”.
- 4.2. The Farmers’ Market Committee has requested an expansion of the area available to them to allow 6 extra stalls to be placed on part of the blocked pavement area in front of the Cromwell Hotel (25-27 High Street). This will not obstruct any parking spaces.
- 4.3. A 28 day period of consultation has been underway since 19<sup>th</sup> September 2013 under powers delegated to the Head of Leisure, Environmental Health and Childrens’ Services.
- 4.4. This consultation is about changing the designation of the east side of the High Street between 25 and 27 from a Prohibited to a Consent Street to permit the use as a “Farmers’ Market” to be held on Saturdays between 8am and 6pm on not more than 12 occasions per year. A plan of this area is attached at appendix 1.
- 4.5. This area will remain a prohibited street at all other times.
- 4.6. The Police and Highways Authority have been consulted and the change has been advertised by a Public Notice in the Comet newspaper on 19<sup>th</sup> September 2013.
- 4.7. The Highways Authority, Herts County Council, and the Police have confirmed they have no objections to the proposal. Once the resolution has been confirmed the decision must then be advertised in the local press for two consecutive weeks, with the changes coming into force twenty-eight days after the date that the resolution is made.

#### **5. IMPLICATIONS**

##### **5.1. Financial Implications**

- 5.1.1. There are no financial implications.

##### **5.2. Legal Implications**

- 5.2.1. The power to licence street trading under Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 is delegated to General Purposes Committee.

## **6. APPENDICES**

- Appendix 1 – map of proposed area.

