

Meeting: GENERAL PURPOSES

Agenda Item: 5

Portfolio Area: Environmental Health and Licensing

Date: 2nd July 2012

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STREET TRADING: CHANGE TO THE SCHEME OF STREET DESIGNATIONS

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1. PURPOSE

That Members determine whether or not to agree or make modifications to proposals for a change to the current street trading regime.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1. Agree to the proposals for a change to the current street trading regime.
- 2.2. To note that formal consultation is being undertaken regarding the proposed modification of the Street Trading regime.
- 2.3. To agree that if any responses to the consultation are received following the meeting, delegated authority be given to the Head of Leisure, Environmental Health and Childrens' Services in consultation with the Chair of the General Purposes Committee to review the decision and decide on the next course of action.

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 the whole of the Old Town High Street is a prohibited area for street trading.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1. There have been demands for the return of a street market to its historic position in the High Street since Stevenage Market was moved from this site at the beginning of the 1960s.
- 4.2. The Stevenage Farmers' Market has operated since 2008 in the White Lion pub car park situated just behind the High Street. It operates under the street trading regime not as a "market".
- 4.3. The first three farmers markets were run by Stevenage Borough Council Estates and Markets team as a trial. Since then the Farmers Market has been run by a non profit making committee of local residents who are very keen to get the Farmers Market moved to the High Street thus restoring a market to its traditional position. It is hoped that this will help to enhance and help revitalise the local economy.
- 4.4. A 28 day period of consultation has been underway since 7th June 2012 under powers delegated to the Head of Leisure, Environmental Health and Children's Services.
- 4.5. This consultation is about changing the designation of the service road between 29 and 35a High Street 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.
- 4.6. This area will remain a prohibited street at all other times.
- 4.7. The Police and Highways Authority have been consulted and the change has been advertised by a Public Notice in the Comet newspaper.
- 4.8. Once the consultation process has been completed any representations will be considered. It is proposed that if any responses to the consultation are received after the date of this Committee Meeting, they will be delegated to the Chair and the Head of Leisure, Environmental Health and Children's Services to review and decide the next course of action. 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 at this juncture.

5.2. Legal Implications

5.2.1. The licensing of street trading under Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 is a function of the General Purposes Committee.

6. APPENDICES

- Appendix 1 – map of proposed area.