

<b>Title of Report:</b>	<b>Street Trading Consent</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	21 <sup>st</sup> December 2010
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To consider updating the Council's Street Trading Consent Policy and Authorisation

**Recommended Action:** Item for information at this time with approval to carry out further consultation.

**Reason for decision to be taken:** Changes to some parish boundries have affected the policy and authorisation and are therefore required to be reassessed.

**Other options considered:** None

**Key background documentation:** None

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:  
Ensuring that street trading within West Berkshire is carried out only by persons holding a valid permit and operating in areas which are not prohibited.

Portfolio Member Details	
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Date Portfolio Member agreed report:	

Contact Officer Details	
Name:	Brian Leahy
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## Implications

<b>Policy:</b>	The Council adopted a policy circa 1992. Since then there have been numerous slight changes of parish boundaries which need to be addressed
<b>Financial:</b>	None If there are any financial implications contained within this report this section <b>must</b> be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	The provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 have been adopted however border changes now mean that some parts of the district may be exempted from trading unreasonably.
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Equalities Impact Assessment:</b>	EIA carried out Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.
<b>Corporate Board's Recommendation:</b>	To be completed after the Corporate Board meeting.

***NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.***

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p>		

# Executive Summary

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## 1. Introduction

1.1 The Local Government (Miscellaneous Provisions) Act 1982 (the Act) Schedule 4 is the appropriate legislation for allowing a District Council to resolve that any street in its district be designated;

a) a prohibition street;

b) a licence street; or

c) a consent street

for the purposes of street trading.

1.2 By virtue of a resolution of the (then) Housing and Environmental Services Committee at a meeting held on the 16<sup>th</sup> June 1992, with effect from the 1<sup>st</sup> October 1992 all streets situated within the area administrated by the Council and not already subject to street trading control were designated as Consent Streets in accordance with the provisions of paragraph 2 of the Act. At the same time a number of Prohibition Streets were determined.

1.3 Due to some slight changes in parish boundaries over the years it has become obvious that areas that were originally within prohibition streets are now located in areas which are consent streets.

## 2. Proposals

2.1 It is now seen as appropriate by officers, for a re-appraisal of the Council's policy to re adopt Schedule 4 of the Act with parish boundaries being identified and corrected and to confirm those areas, identified through consultation with interested parties and in accordance with para 2 of section 3, schedule 4, as either consent streets or prohibition streets.

## 3. Conclusion

3.1 A re-adoption of the Act and thus the re drafting of the Council's policy would ensure that traders wishing to operating within the district would have a definitive knowledge of which areas are consent streets, thus requiring a formal consent from the Council, and which areas are prohibited.

# Executive Report

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## 1. Introduction

- 1.1 Street trading consents are required for any person wishing to trade in any goods within the district of the Council other than;
- a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
  - b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
  - c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
  - d) Trading as a news vendor;
  - e) Trading which
    - (i) is carried on at a premises used as a filling station; or
    - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
  - f) selling things, or offering or exposing them for sale, as a roundsman;
  - g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
  - h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
  - i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

## 2. Current Situation

- 2.1 Street trading within West Berkshire is carried out under the provisions provided for street trading consents and where any trader remains static, planning permission is required.
- 2.2 There are currently 19 static traders operating with consents and 9 which operate by trading from location to location. The latter type of traders are generally ice cream vendors and sandwich/snack providers.
- 2.3 There are "Prohibited Streets" where street trading is illegal. These are all of the motorway service areas along the M4 and the former parish of Theale.
- 2.4 Theale Parish was determined a prohibition street (Zone) at the request of the Parish Council in 1992 and has remained so to this day.

- 2.5 Since 1992 there have been a number of boundary changes to parishes along the A4 to the east of the district and this has brought about some confusion as to exactly where the Theale prohibition zone extends to.
- 2.6 Officers have carried out some consultation with parish councils which border the A4 as to whether or not those Parish Council's wish to allow street trading or not.
- 2.7 This initial consultation has resulted in a number of differing views. It is the opinion of officers that perhaps the time is now right to extend this consultation to all Parish and Town Councils with a view to re-adopting Schedule 4 and clarifying exactly which parts of the District are acceptable for the issuing of Street Trading Consents, either static or mobile.

### **3. Conclusion**

- 3.1 Members are asked to consider the option of re-adopting Schedule 4 following consultation with all Parish and Town Councils.
- 3.2 If these proposals are agreed a report will be brought back to this Committee during 2011 with a view to having a re drafted policy submitted to Council for approval.

There are no Appendices to this report.

### **Consultees**

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**Local Stakeholders:** Town and Parish Councils

**Officers Consulted:** Paul Anstey

**Trade Union:** None