



<u>Committee and Date</u>
Council
9 December 2010

<u>Item/Paper</u>
14
Public

STREET TRADING – DELEGATION OF POWERS TO TOWN COUNCILS

Responsible Officer Andy Goldsmith
e-mail: Andy.goldsmith@shropshire.gov.uk Tel: 01743 231017 Fax:

Summary

On 1st April 2009, Shropshire Council took on the street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 that had been adopted by the five former District/Borough Councils. These provisions are local in nature and only some of the towns in Shropshire have streets that have been designated as prohibited, consent or licence streets.

Following an enquiry from Shropshire Council, a number of Town Councils have requested that Shropshire Council delegate its power with regard to consent streets in their area.

To enable Shropshire Council's powers concerning street trading to be exercised more locally, delegation is required.

Recommendation

That pursuant to s101(1)(b) Local Government Act 1972, Shropshire Council delegate to Ludlow, Bishops Castle and Shifnal Town Councils all of its powers emanating from Section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading.

REPORT

1. The powers to control street trading are adoptive by the District, Borough or Unitary Councils for their particular areas. Where a local authority has adopted those powers, it can then determine which streets if any, within its area are to be designated as consent, licence or prohibited streets.
2. It is illegal to trade in those streets designated as prohibited streets, without a consent (from the local authority) in those streets designated as consent streets, or without a licence (from the local authority) in those streets designated as licence streets.
3. As of 1st April 2009, Shropshire Council automatically took on the street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 that had been adopted by the five former district/borough councils. The streets identified by those former councils are specified in Appendix 1.
4. Following a request from Ludlow Town Council all Town Councils were asked whether they wished for the function to be delegated to them. Ludlow, Bishops

Castle and Shifnal Town Councils requested that Shropshire Council delegate the administration of the street trading function to them.

5. The delegation of street trading to Town Councils will enable the powers to be exercised at the most local level. For this to happen, Shropshire Council must pass a resolution pursuant to s101 (1) (b) Local Government Act 1972.
6. The administration of street trading powers includes the setting of fees, the determination of prohibited, licensed and consent streets, the administration of licences and consents, and enforcement in the event of non-compliance.
7. During the period April 2009 to March 2010 there were 50 street trading consents issued for Ludlow, with an associated income of less than £1,500. This income would be received by Ludlow Town Council. Bishops Castle and Shifnal do not currently have any designated streets under the street trading provisions and thus no income is received.
8. On 29 September 2010, the Strategic Licensing Committee met and considered this issue. Committee recommended that pursuant to s101(1)(b) Local Government Act 1972, Shropshire Council delegates to Ludlow, Bishops Castle and Shifnal Town Councils all of its powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Local Government (Miscellaneous Provisions) Act 1982 s. 3 and Schedule 4; Local Government Act 1972 s101 (1) (b). Letters from Town Councils.</p>
<p>Human Rights Act Appraisal The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.</p>
<p>Environmental Appraisal There are no environmental implications arising from this proposal.</p>
<p>Risk Management Appraisal Town Councils can supply the service locally and would have the sole responsibility for the administration and enforcement of the provisions.</p>
<p>Community / Consultations Appraisal This Report results from specific requests, from Town Councils, that the powers be transferred to them.</p>
<p>Cabinet Member: Cecilia Motley</p>
<p>Local Member Rosanna Taylor-Smith, Martin Taylor Smith, Tracey Huffer, Peter Phillips, Gordon Tonkinson, Stuart West</p>
<p>Appendix Designated Streets</p>