

STREET TRADING – DELEGATION OF POWERS TO OSWESTRY TOWN COUNCIL

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1. Summary

- 1.1 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.
- 1.2 Oswestry Town Council has requested that Shropshire Council delegate its power with regard to the Oswestry consent streets. To enable Shropshire Council's powers concerning street trading in Oswestry to be exercised more locally, delegation is required.

2. Recommendation

That pursuant to the Local Government Act 1972, section 101(1)(b) all the functions concerning "consent streets" set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 be discharged by Oswestry Town Council in relation to the former Oswestry Borough Council's area but limited to the existing consent streets.

REPORT

3. Risk Assessment and Human Rights Act Appraisal

- 3.1 Oswestry Town Council can supply the service locally and would have the sole responsibility for the administration and enforcement of the provisions.
- 3.2 The recommendation contained in this report are compatible with the provisions of the Human Rights Act 1998.

4. Financial Implications

- 4.1 There will be a loss of income of just under £6,000.

5. Background

- 5.1 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.

- 5.2 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.
- 5.3 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 Council on 9th December 2010 resolved to delegate all of its powers in respect of street trading to Ludlow, Bishops Castle and Shifnal Town Councils in respect of those streets within their respective areas.
- 5.4 Oswestry Town Council has formally requested that Shropshire Council's street trading powers regarding the Oswestry consent streets, be delegated to the Town Council. Those streets are detailed in Appendix 1. This 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.
- 5.5 The administration of street trading powers includes the setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.
- 5.6 During the period April 2012 to March 2013 there were 22 street trading consents issued for Oswestry, with an associated income of £5,958.
- 5.7 On 5th June 2013, the Strategic Licensing Committee met and considered this issue. The Committee recommended that pursuant to s101(1)(b) Local Government Act 1972 Shropshire Council delegate to Oswestry Town Council with regard to the consent streets in Oswestry all of its powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading.

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).

Full Council Report and Minute 9th December 2010.

Letters and e-mails from Oswestry Town Council

Cabinet Member: Cllr Steve Charmley

Local Member Cllrs Nick Bardsley, Peter Cherrington, Robert Macey, Arthur Walpole, Keith Barrow, Joyce Barrow, David Lloyd, Vince Hunt, Martin Bennett, Steve Charmley and Steve Davenport

Appendix 1. Regulated Trading Streets In Oswestry Shropshire.

Appendix 1

REGULATED TRADING STREETS IN OSWESTRY.

Oswestry Consent Streets

- i) The car park and lay-by adjacent to Offas Dyke on the B4579 at Craignant.
- ii) The lay-by and access road running parallel with the B5070 adjacent to Tradsfield House, Nefod Lane and the Glerid roundabout on the A5.
- iii) All areas of land, including designated car parks forming part of the North and South commons at the Old Oswestry Racecourse, off the B4580.
- iv) The lay-by and access road running parallel with the A495 between the Green, The Elms and its junction with Drenwydd.
- v) The area known as The Cliffe within the Borough of Oswestry at Ruyton-X1-Towns.
- vi) The two lay-bys on the North and South sides respectively of the B4396 between its junction with the B4397 and Knockin Hall.
- vii) The whole of the lay-by on the Crew Green to Molverley road immediately to the north-east of the River Severn crossing.
- viii) The following roads and streets within the borough of Oswestry:-
 - All A and B class roads (including trunk roads).
 - All streets within the specified area of the Town of Oswestry.
- ix) The area within 100 metres of a school premises is a consent street.