



<u>Committee and Date</u>
Strategic Licensing Committee
25 January 2017

<u>Item</u>
7
Public

Street Trading - Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

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1. Summary

- 1.1** This report sets out the details of a proposal to regularise the adoption of the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') for the whole of the Shropshire Council administrative area. Schedule 4 of the 1982 Act contains provisions relating to the determination of Prohibited, Licensed, and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.

2. Recommendation

- 2.1** That the Committee pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') and in accordance with the delegations set out in the Constitution, resolve to adopt Schedule 4 of the 1982 Act which shall apply throughout the Shropshire Council administrative area with effect from 26 January 2017 or on such later date as is agreed by the Committee and agrees that all existing Street Trading delegations and designated streets shall remain in place subject to any future amendments.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1** It has become evident that whilst it is clear that some of the Shropshire Council's five predecessor district/borough councils undertook the process to adopt the provisions of Schedule 4 of the 1982 Act, there are some irregularities and there may be insufficient evidence available to fully demonstrate proper adoption of the provisions of Schedule 4 of the Act for the whole of the Shropshire Council administrative area. This appears to be simply as a result of the passage of time and the lack of retention of relevant records.
- 3.2** It is considered prudent to ensure that the provisions of Schedule 4 of the 1982 Act are properly adopted to ensure that the provisions for ongoing delegation are met; in effect adoption of the legislation at this stage provides a 'line in the sand' after which time it will be clear that Shropshire Council has adopted the legislation across the administrative area of Shropshire Council.
- 3.3** An Equalities Impact Needs Assessment has not been undertaken as the report does not concern the implementation of a new policy; it is concerned with a legal matter that is clearly set out in domestic legislation.
- 3.4** There is no anticipated environmental impact associated with the recommendations in this report. The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with current legal procedures laid down in the 1982 Act.

4. Financial Implications

- 4.1** There are no financial implications associated with this report.

5. Background

- 5.1** The legislative provisions relating to Street Trading is contained within Part III and Schedule 4 of the 1982 Act. Schedule 4 of the Act is adoptive; consequently, if a

local authority wishes Schedule 4 of the Act to apply in its area it must pass the appropriate resolution.

5.2 In summary, for the authority to properly adopt the legislation the authority must pass a resolution specifically adopting the legislation in its area and the resolution must specify a date upon which the legislation will come into force.

6. Additional Information

6.1 The Strategic Licensing Committee has the power to adopt the legislation under the terms of the Constitution.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) None
Cabinet Member (Portfolio Holder) Councillor Malcolm Price – Portfolio holder for Planning, Housing, Regulatory Services and Environment
Local Member Applicable to all Members
Appendices None