



<u>Committee and Date</u>
Strategic Licensing Committee
16 th June 2010

<u>Item/Paper</u>
7
Public

STREET TRADING – DELEGATION OF POWERS TO TOWN COUNCILS

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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.

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

Recommendations

That the Committee recommend that Council:

- A pursuant to s101(1)(b) Local Government Act 1972, delegate to Ludlow Town Council with regard to the consent streets in Ludlow all of its powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982;
- B pursuant to s101(1)(b) Local Government Act 1972, upon request from further Town Councils with regards to any consent/licence/prohibited streets in that particular Town, delegate to that Town Council all of its powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

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. Ludlow Town Council has formally requested that Shropshire Council's street trading powers regarding the Ludlow consent streets, be delegated to the Town Council. 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. 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.
6. 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 and this loss of income is offset by the administration involved.
7. A consistent approach would be achieved if any future requests by Town Councils, where there are designated streets within that town, were to be addressed by the Council in a similar manner to the request of Ludlow Town Council.

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).

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

Environmental Appraisal N/A

Risk Management Appraisal

Town Council's can supply the service locally and would have the sole responsibility for the administration and enforcement of the provisions.

Community / Consultations Appraisal

This Report results from a specific request, from Ludlow Town Council, that the powers be transferred to them.

Cabinet Member: Cllr Mike Owen

Local Member All Members, but particularly Cllr Rosanna Taylor-Smith, Cllr Martin Taylor Smith, Cllr Tracey Huffer

Appendix 1. Regulated Trading Streets In Shropshire.

Appendix 1

REGULATED TRADING STREETS IN SHROPSHIRE.

Ludlow Consent Streets

Bull Ring, Broad Street (from Buttercross to Lloyds Bank), Castle Street, Castle Square (excluding Market Square), Upper Dinham, Harp Lane, Church Street, High Street, Market Street, King Street, Tower Street

Wem Consent Streets

Crown Street, High Street, Noble Street, Aston Street, Market Street, Mill Street, New Street, Chapel Street, Leek Street

Ellesmere Consent Streets

Church Street, Talbot Street, Watergate Street, Trimpley Street, High Street, Wharf Road, Cross Street, Birch Road, Scotland Street, Brownlow Road, Victoria Street, Pinfold Lane, Sparbridge, Mereside, Willow Street.

Market Drayton Consent Streets

High Street, Queen Street, Cross Street, Cheshire Street, Towers Lawn, Frogmore Road, Shropshire Street, Stafford Street, Great Hales Street.

Whitchurch Consent Streets

High Street, Watergate Street, Bull Ring, Mill Street, Green End, Brownlow Street and car park

Shrewsbury

Prohibition of Street trading in all streets within the boundary of the Conservation Area (approved by the former County Council on 12th May 1970 and extended by resolution of the former Borough Council on 31st March 1981) subject to (a) and (b) below:

- (a) The following area streets are designated as streets in which trading is prohibited without Council consent.

The Square

St Chad's Terrace – outside the main entrance gate to the Quarry

Priory road – the western end close to the children's playground

- (b) The designation specified in (a) above does not have effect in the following areas:

i. The Quarry

ii. Mardol Gardens

iii. The Parade

- iv. Riverside Shopping Centre
- v. Victorian Arcade

The use of the Square is permitted for the following purposes and for such other exceptional purposes as may be considered appropriate by the Council:

- Charitable or similar non-profit making associations
- Armed Forces
- Certain local organisations – Shropshire Horticultural Society, and West Midlands Horticultural Society.

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 Tradfield 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 Drenewydd.
- 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.