



Committee and Date

Strategic Licensing Committee

5 October 2022

Item

Public

Proposed Variation of the Designation of Licenced Streets

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1. Synopsis

1.1 The purpose of this report is to seek the Committee's approval for the variation of some Licenced Streets previously designated as Licence Streets on 1 April 2018 in accordance with Local Government (Miscellaneous Provisions) Act 1982.

2. Executive Summary

- 2.1. The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 2.2. The administration of Street Trading includes the determination, variation and rescinding of Prohibited, License and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 2.3. The Council's existing Designated Streets came into effect from 1 April 2018.
- 2.4. Work has been undertaken to review the existing Street Trading Policy, rationalise and align Street Trading controls across the whole administrative area of the Council. The responses to this review have led to proposed variations to designated streets.
- 2.5. A revised Street Trading Policy is currently being drafted in response to a public consultation that was undertaken between the 27 June 2022 and the 21 August 2022; this will form the subject of a future report to the committee and will include any variations to the designated streets.

3. Recommendation

- 3.1 That the Strategic Licensing Committee resolve to vary the list of designated streets that are currently contained in the policy by removing those streets identified as set out in **Appendix A, documents 1 to 5** of the report.

- 3.2** That the Committee instructs the Transactional and Licensing Team Manager to publish and serve the relevant notices, setting out the designation of streets, as required by Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.3** That where there are representations that object to the designation of streets as set out in **Appendix A, documents 1 to 5** the Committee instructs the Transactional and Licensing Team Manager to bring a further report before the Committee to enable those representations to be considered in accordance with Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4** That where no representations or only supporting or neutral representations are received, the Council resolves through delegated authority granted to the Strategic Licensing Committee, to pass a resolution designating the streets as set out in **Appendix A, documents 1 to 5** with effect from 1 April 2023 and further instructs the Transactional and Licensing Team Manager to make the necessary arrangements as set out within Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to give effect to the designations.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 4.2. Following the formal adoption, it is now necessary to ensure that the streets have the appropriate designation. For this purpose a consultation process was undertaken. Initially this related to a revised Street Trading Policy together with a review of the existing designated streets. This was to determine whether the existing Prohibited, Licenced and Consent Streets were fit for purpose; particularly given the very different economic climate within which Street Trading is now undertaken in comparison to when the legislation was originally adopted forty years ago.
- 4.3. A decision has subsequently been taken to separate the development of the policy from the designation of specific streets and as a result this report focuses on the designation. However, the responses to the consultation, as set out at **Appendix B**, relate to both on the basis that separation was impractical without losing the necessary context.
- 4.4. The responses to the consultation and officer comments are set out at **Appendix C**.
- 4.5. Town and Parish Councils were contacted and asked to consider the requirements of the existing Policy and how this has affected the running of some of their events since it came into effect. A copy of the email sent to all Town and Parish Councils can be found at **Appendix D**.

- 4.6. Bridgnorth Town Council responded to the consultation with a request to vary the Licenced Streets of Severn Park (WV15 5AE), Crown Meadow (WV16 4HL) and Castle Grounds (WV16 4AB) and make them areas where Consent or Licenced Streets do not apply. This was to allow Bridgnorth Town Council to run their own events without any Street Trading Restrictions.
- 4.7. Oswestry Town Council responded to the consultation with a request to vary Cae Glas Park in Oswestry and make this an area where Consent or Licenced Streets do not apply. This was to allow the Cae Glas Charity to run their own events to raise fees for the use of the park to offset the running costs, without any Street Trading Restrictions.
- 4.8. A street which has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council.
- 4.9. Enabling Bridgnorth Town Council and the Cae Glas Charity to run their own events without any Street Trading restrictions at a local level has clear benefits, allowing for more independent decisions on how they run events in accordance with the nature of the local area. Furthermore, enabling them to reinvest any money raised back into the area.

5. Financial Implications

- 5.1. Consideration has been given for the possible loss of licensing fees to Shropshire Council for the areas requested in paragraphs 4.6 and 4.7 above by Bridgnorth Town Council and the Cae Glas Charity. A review of the Street Trading Licence fees was undertaken for the financial years 2019/20, 2020/21 and 2021/22 for the associated licence fees. No applications for a Street Trading Licence were received in any of the areas listed for each of the financial years.

6. Climate Change Appraisal

- 6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

7. Background

- 7.1. The legal controls relating to Street Trading are contained in Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. These include the designation, variation and rescinding of streets, setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.
- 7.2. Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licence or consent and they are defined as:
 - Prohibited Street' means a street in which street trading is prohibited.

- ‘Licence Street’ means a street in which street trading is prohibited without a licence granted by the Council.
 - ‘Consent Street’ means a street in which street trading is prohibited without the consent of the Council
- 7.3. Where a street has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council. However, Street Traders must always seek permission to use the land from the land owner. This includes Shropshire Council’s Highways Service or the Highway Authority for the Strategic Road Network (SRN) (National Highways) where the land is a highway.
- 7.4. It is illegal to trade in those streets designated as Prohibited Streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a Licence or Consent Street, traders must apply for a Street Trading Licence or Consent and be granted permission to trade. Within the Council this process is undertaken by the Licensing Team.
- 7.5. Prior to submitting an application, the Street Trader must ensure they have permission to use the land from the land owner. The permission to use the land is separate from gaining permission to trade.
- 7.6. Any area or street identified as an area or street where consent does not have an effect would still require permission to use the land from the land owner. Bridgnorth Town Council and the Cae Glas Charity would like the streets/areas as set out at paragraphs 4.6 and 4.7 above or Appendix XX to be areas or streets where consent does not have an effect. This would result in Bridgnorth Town Council and the Cae Glas Charity being able to solely manage these areas without the application of the Street Trading provisions.

8. Conclusions

- 8.1. The recommendations make it clear that the resolution to designate the streets will only become effective where there are no objections received as part of the legal process. If objections are received this will come before the Committee for a final decision.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government Act 1972 s101 (1) (b)

Local Government (Miscellaneous Provisions) Act 1982 s.3 and Schedule 4

Strategic Licensing Committee, 4th October 2017: Street Trading Adoption of Streets. <https://shropshire.gov.uk/committee-services/documents/s16627/Agenda%20Item%205%20Street%20Trading.pdf>

Strategic Licensing Committee, 25th January 2017: Street Trading Policy Consultation <https://shropshire.gov.uk/committee-services/documents/s14166/Item%207%20Adoption%20of%20Misc%20Provisions%201982%20Act%20-%20Street%20Trading.pdf>

Strategic Licensing Committee, 22 June 2022: Review of the Street Trading Policy 2023 to 2028 [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#)

Cabinet Member (Portfolio Holder)

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

Local Member

Not applicable – report has county wide application

Appendices

- Appendix A, documents 1 to 5 – List of Streets and associated maps
- Appendix B – Individual Formal Consultation Responses
- Appendix C – Officer Summary of Consultation Responses
- Appendix D – Email sent to Town and Parish Councils