



Ward: All

Key Decision: No

Designation of Consent Streets for Street Trading

Report by the Executive Head of Recycling and Waste Management

1.0 Summary

1.1 This report seeks a decision on formally designating streets as 'consent streets' following a previous review by the Policy and Strategy Committee on 22nd November 2005, which was referred to full Council on 21st February 2006 and further revisited by the Street Scene Working Group at various meetings during 2008. Although a decision had been taken to adopt the powers, streets had not been identified where trading could be allowed by consent. The Cabinet Member is now asked to recommend which streets are to be included.

2.0 Background

2.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out powers for local authorities to control street trading and when considering the new powers conferred to the Council under the Clean Neighbourhoods and Environment Act 2005, the Policy and Strategy Committee considered how these powers should be adopted. The Policy and Strategy Committee recommended that street trading be subject to these powers and referred the issue to full Council on 21st February 2006 for a decision.

2.2 At the meeting held on 21st February 2006, it was decided by full Council that there should be controlled street trading in the Town Centres and that public highways should be prohibited to trading. Unfortunately, progress was not made at this time and this only became apparent during a review carried out in April 2008.

3.0 Proposals

3.1 The Street Scene Working Group held on 23rd June 2008 considered that the following streets should be adopted as consent streets where trading could be permitted under licence:

Lancing

Culver Road
Meadow Lane
North Farm Road
North Road
Penstone Park
South Street

Shoreham-by-Sea

Brunswick Road
Church Street
East Street
High Street
John Street
Middle Street
New Road
Old Shoreham Road
Pond Road
Ship Street
St Mary's Close
St Mary's Road
Tarmount Lane
West Street
Western Road

Southwick

Southdown Road
Southwick Square
Southwick Street
The Green

- 3.2 By definition all other streets in Adur District not included on the above list should be considered as 'prohibited streets' where street trading will not be permitted in any circumstances.

4.0 Legal

- 4.1 Once a decision has been reached on which streets should be included, there is a procedure that needs to be implemented before the powers come into effect. These are as follows:
- 4.1.1 Need to publish notice of intention to pass a resolution to designate streets in a local newspaper circulating in the area.
 - 4.1.2 Need to serve a copy of the notice on chief officer of police for which the street is situated.
 - 4.1.3 Need to serve copy of notice on any highway authority responsible for the street.
 - 4.1.4 Notice needs to give details of how to make representations and give 28 days for these to take place.
 - 4.1.5 Council needs to consider representations and after doing so may pass the resolution if it sees fit.
 - 4.1.6 The notice of resolution needs to be published in a local newspaper for 2 consecutive weeks.

5.0 Financial implications

- 5.1 The permitting of street trading is not likely to affect existing activities such as Shoreham Farmers' Market where the event is already controlled. It is not expected that introducing these measures will lead to increased street trading activities, but will enable the Council to enforce against illegal street trading activities such as exposing vehicles for sale on the public highway by traders. Fixed penalty notices could be used as an enforcement tool, which could generate small amounts of income. Ultimately, introducing these measures is not seen as an income generator, or requiring additional resources to administer.

6.0 Recommendation

- 6.1 The Cabinet Member is asked to recommend the above list of streets within the Consent Street powers to the next available full Council meeting.

Local Government Act 1972

Background Papers:

Planning and Strategy Committee Report 22/11/05

Adur District Council Report 21/2/06

Street Scene Working Group Report 28/4/08

Street Scene Working Group Report 23/6/08

Street Scene Working Group Report 28/7/08

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Schedule of other matters

1.0 Council Priority

- 1.1 To promote a clean and green environment, by reducing illegal street trading activity such as exposing large numbers of vehicles for sale on the highway.
- 1.2 To revitalise, regenerate and create lively economies by permitting street trading within specified areas already at the heart of retail areas.
- 1.3 To support and contribute to the health, safety and wellbeing of the area by ensuring that traders are subject to regulatory controls that protect the public.

2.0 Specific Action Plans

- 2.1 P2 A, D E Improve the appearance and cleanliness of the District, work in partnership to reduce crime and the fear of crime and protect and enhance the environment.

3.0 Sustainability Issues

- 3.1 Addressing illegal street trading activities will improve the wellbeing and reduce fear of crime with any given area. Allowing street trading by consent in certain areas will enable the Council to licence the activity and put in conditions to reduce environmental impact of the activity eg litter generation, increased demand for car parking.

4.0 Equality Issues

- 4.1 There are no particular equality issues raised by the report.

5.0 Community Safety Issues (Section 17)

- 5.1 The enforcement of illegal street trading may impact on the anti-social activity of offering vehicles for sale on the highway.

6.0 Human Rights Issues

- 6.1 This report does not raise any significant human rights issues.

7.0 Reputation

- 7.1 [Is the proposal likely to have an impact on the reputation of the Council(s)]

8.0 Consultations

- 8.1 Public consultation and with statutory consultees is outlined within the body of the report

9.0 Risk Assessment

- 9.1 In the last two years the number of cars being offered for sale on the public highway has increased significantly. By turning a blind eye to this activity, the Council could be at risk of legal action brought by a member of the public who buys a dangerous car from an unscrupulous trader.

10.0 Health & Safety Issues

- 10.1 There are no particular health and safety issues raised by the report

11.0 Procurement Strategy

- 11.1 There are no procurement issues relating to this report

12.0 Partnership Working

- 12.1 Adopting Consent Streets within Adur District will align the policy with Worthing Borough Council, which has operated Consent Streets for a number of years.