

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 10 DECEMBER 2021

REPORT

SUBJECT: Street Trading Designations

REPORT AUTHOR: Sarah Meeten, Licensing Manager

DATE: 23 November 2021

EXTN: 37680

AREA: Technical Services

EXECUTIVE SUMMARY:

The Licensing Committee are asked to recommend to Full Council that an intention is made to pass a resolution to vary Street Trading Designations as set out in the appendices of this paper. This intention is made by agreeing to the advertising of the proposed Designations attached to this paper.

The paper also seeks delegation of Street Trading matters to the Licensing Committee.

RECOMMENDATIONS:

The Licensing Committee recommend to Full Council:

to make an intention to pass a resolution to vary Street Trading Designations as set out in the appendices of this paper. This intention is made by agreeing to the advertising of the proposed Designations attached to this paper;

that future matters relating to Street Trading Designations, Policy and Fees are delegated to the Licensing Committee.

1. BACKGROUND:

- 1.1 Street Trading Controls were originally adopted by Arun in the 1980's. The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.
- 1.2 Since this time there has been dramatic change to the local area but no review of, or changes to street trading designations and the way that Street Trading is administered within the District.
- 1.3 Street Trading Designations and policy require review. A draft policy has been published and consulted upon.
- 1.4 Advice has been taken from Counsel regarding policy and procedural matters.

- 1.5 Prior to the policy being brought back for consideration, the process to vary Street Trading Designations requires approval to proceed.
- 1.6 The Licensing Committee are asked to recommend to Full Council to make an intention to pass a Resolution regarding the proposed Street Trading Designations. The current Designations require variation to align them with the proposed new policy.
- 1.7 The current Designations were last considered in the 1980's and are no longer fit for purpose. The council receive numbers of complaints regarding street trading in currently undesignated areas which leaves no mechanism for the management and control of traders.
- 1.8 It is proposed that all streets within the district shall be designated as consent streets with some exceptions. Several streets are proposed as prohibited streets where no street trading will be permitted. Areas managed by the Parks & Greenspace and Property & Estates teams are proposed to be undesignated as these teams manage the areas independently. A notice of intention has been drafted and appended to this paper which provides full details. The Designations are being proposed as a result of informal consultation as well as in response to complaints that have been made regarding areas where no controls currently apply.
- 1.09 The proposed Designations must be published in a locally circulating newspaper and a copy must be served on the chief officer of police and the highway authority responsible for the streets.
- 1.10 After any representations have been considered by Members, a resolution may be passed. A subsequent advertisement must be made specifying the resolution has been made.
- 1.11 After the intention to make a resolution has been made in accordance with Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, the matter will be referred for consideration alongside the policy and consultation comments and a charging structure.
- 1.12 The Licensing Committee are also asked to recommend to Full Council that Street Trading matters including policy, designations and fee setting are delegated to the Licensing Committee.

2. PROPOSAL(S):

- 2.1 The Licensing Committee recommend to Full Council:
- 2.2 to make an intention to pass a resolution to vary Street Trading Designations as set out in the appendices of this paper. This intention is made by agreeing to the advertising of the proposed Designations attached to this paper;
- 2.3 that future matters relating to Street Trading Designations, Policy and Fees are delegated to the Licensing Committee.

3. OPTIONS:

- 3.1 To refuse to recommend to Full Council to resolve to advertise the proposed street trading designations as set out in the appendices of this paper.
- 3.2 To amend the proposed street trading designations as set out in the appendices of this paper and recommend to Full Council to resolve to advertise them.
- 3.3 To refuse to recommend to Full Council that future matters relating to Street Trading Designations, Policy and Fees are delegated to the Licensing Committee.

4. CONSULTATION:

A full public six-week consultation was undertaken with regard to the draft street trading policy (which essentially encompasses these proposals).

Prior to the formal policy consultation informal consultation has been undertaken with interested parties including internal departments, the Bognor Regis BID and Littlehampton Traders Partnership.

The publishing of the intention to make a resolution is a consultation in itself.

| Has consultation been undertaken with: | YES | NO |
|---|-----|----|
| Relevant Town/Parish Council | ✓ | |
| Relevant District Ward Councillors | ✓ | |
| Other groups/persons (please specify) | ✓ | |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below) | YES | NO |
| Financial | | ✓ |
| Legal | ✓ | |
| Human Rights/Equality Impact Assessment | ✓ | |
| Community Safety including Section 17 of Crime & Disorder Act | | ✓ |
| Sustainability | | ✓ |
| Asset Management/Property/Land | ✓ | |
| Technology | | ✓ |
| Other (please explain) | | ✓ |

6. IMPLICATIONS:

The designations if made will apply district wide. This will facilitate the provision of effective street trading controls as well as affording opportunities for street trading to contribute to regeneration and enhancing opportunities.

Street Trading Designations must be made before policy can be applied.

Property and estates are aware that the areas under management will remain undesignated and under their control.

Counsel has provided advice regarding policy and procedural matters.

7. REASON FOR THE DECISION:

To facilitate the opportunity for enhanced street trading provision within the district in a way which supports the objectives of the policy and provides opportunity to further boost the local economy.

8. BACKGROUND PAPERS:

Proposed Street Trading Designations (newspaper advert)

Equality Impact Assessment

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)