

Report to:	Cabinet	1 September 2021
Lead Cabinet Member:	Councillor Brian Milnes	
Lead Officer:	Head of Climate, Environment and Waste (Acting)	

Street Trading Controls – Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and Designation of Consent Streets

Executive Summary

1. That the Cabinet agree to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the District, and to agree to advertise an intention that all streets in the District should be designated consent streets (with the exception of A11 and A14).

Key Decision

2. Yes, it is a significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

The key decision was first published in the July 2021 Forward Plan.

Recommendations

3. It is recommended that Cabinet approve the adoption of the Local Government (Miscellaneous Provisions) Act 1982 (“The Act”) for the whole of the South

Cambridgeshire District, and designate all roads and streets within the District as Consent Streets (with the exception of the A11 and A14).

Reasons for Recommendations

4. Adoption of the Act District-wide, together with designating the whole of the District (with the exception of the A11 and A14), would enable a new Street Trading Policy to be implemented which would be fair, consistent and equitable across the District. This would give the Licensing Authority greater control over street trading and would ensure that all traders are subject to the same application, enforcement and conditions regardless of where they trade in the District.

Details

5. Street trading legislation is covered under the Local Government (Miscellaneous Provisions) Act 1982. This Act was never adopted District-wide by South Cambridgeshire District Council (SCDC) as historically it was left to Parish Councils to individually determine whether they request that SCDC adopt the legislation within their villages.
6. Whilst there was merit in allowing Parish Councils to determine what controls exist within their area, this restriction has proven to be a challenge for the Licensing Authority, as it has not been able to exercise street trading functions in a fair, safe, well-regulated equitable manner. For example, one trader had had to pay thousands of pounds for a licence to trade in one part of the District, whilst other traders have been able to continue trading without a licence being required whatsoever in another part of the District.
7. The result of this inequality sees well-regulated traders in some areas of the District, whilst in other areas, unlicensed traders who have not undergone any form of background or insurance checks legally operating in the District, without being subject to operating conditions or restrictions on times of trading or location.
8. A blanket street trading control would enable a Policy to be implemented which still seeks the views of the Parish Council on application and would adhere to any existing bylaws or other restrictions.

9. Should Cabinet agree to adopt the Act and designate all areas as Consent Streets, then the intention would be advertised by way of public notice, and consultation with the Police, Cambridgeshire County Council Highways and Parish Councils. The Cabinet would then meet to consider such representations and may resolve or refuse the full adoption. Further advertisement would then be necessary.

10. From this point, Officers would then be able to work on revising the current Street Trading Policy to implement a fair, robust, clear and well-regulated approach to licensing of street traders across the District.

Options

11. The Cabinet may agree to:
 - a) Adopt the legislation District-wide to enable a blanket licensing policy and regime to be formulated.
 - b) Refuse to adopt the legislation and retain the current licensing regime.

Implications

12. The introduction of the District-wide adoption of the Act, Consent streets, policy and associated administration and enforcement will utilise existing resources. There will be cost implications for adopting the Act advertising the intention to designate streets. However, additional licensing income may be generated as a result of the blanket Policy.

Financial

13. Finance have been consulted in the production of this report but at this stage no financial implications can be foreseen.

Legal

14. None for the purposes of this report.

Risks/Opportunities

15. There is a risk that existing traders in uncontrolled areas may not wish to apply for a licence and those areas would lose that facility. In addition, it may mean that as a result of street traders being better regulated and more effectively controlled, we may see an increase in licence fee income and costs could be recovered in a clearer more defined way. However, the risks are not currently considered significant enough in terms of impact of probability to warrant inclusion on the risk register.

Alignment with Council Priority Areas

Growing local businesses and economies

16. The introduction of a District-wide street trading regime would seek to enable business to be supported by way of introduction of a flexible street trading policy.

Background Papers

17. Current Street Trading Policy (March 2010)

Appendices

Appendix A: Current Street Trading Control areas in South Cambridgeshire

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