

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 31 March 2009
AUTHOR/S: Executive Director / Corporate Manager Health & Environmental Services

DESIGNATION OF CONSENT STREETS FOR WHOLE OF SOUTH CAMBRIDGESHIRE

Purpose

1. To advise Members of the results of a survey to all Parish Councils on whether to designate the whole of South Cambridgeshire District as Consent Street status.
2. This is not a key decision.

Background

3. 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) and historically has been left to Parish Councils to individually determine whether they request that SCDC adopt the legislation within their villages. Since the introduction of the legislation a total of 22 villages out of 102 have adopted consent street status, list attached as **Appendix A**.
4. A request was made by the previous Portfolio Holder for Housing & Environmental Services as part of the forward plan to consult with Parish Councils on whether there was any support to designate the whole of SCDC as a consent street trading area.
5. The last consultation on the adoption of street trading legislation was carried out in 2001/2002 and the view then was that Parish Councils did not wish to change the current procedures.
6. During 2008 the Licensing section conducted a further survey asking whether Parish Councils wished to see the adoption of the legislation across the entire District. In total 48 Parish Councils replied out of 92, of the 48 replies 28 were not currently covered by the consent status. Of the 28 not covered by consent status, 16 were against adoption, 10 were in favour and 2 were undecided. Comments made during the consultation exercise are attached, as **Appendix B**. The consultation provided that the majority of the Parishes appear to wish to retain the status quo.
7. The adoption of a district wide consent street status would place a statutory onus on SCDC to consider applications for licences which may affect local small scale trades, such as private individuals who sell goods at the front of houses, farms etc on a regular basis. There would also be a requirement to commence with enforcement action where necessary.
8. The procedures for adoption are broadly similar whether SCDC adopts an individual Parish or adopts the legislation district wide, however there would be a significant cost difference due to the requirements to advertise publicly (See financial implications).

Considerations

9. Consideration should be given to the views of the Parish Councils in respect of their villages and the fact that less than half of the Parish Councils expressed any opinion. Of those that did express an opinion the majority wish to keep with the status quo. Those in favour of adoption could still apply for their village under the current adoption arrangements.
10. Should a district wide scheme be considered then a further consultation would be required with as many of the traders that can be identified as potentially being affected, before any resolution is passed.

Options

11. Members may:
 - (a) Take note of the views of the Parish Councils and agree to continue with the current procedures for adoption of street trading consents within South Cambridgeshire.
 - (b) Take note of the comments of the Parish Councils but pursue further consultations with a view to adopting district wide consent street trading status within the district of South Cambridgeshire.

Implications

12. Financial	The income generated from any licenses must be for covering the cost of administering the service only. The cost of advertising a district wide resolution would be £5225.60 (Inc VAT)
Legal	Any adoption of the legislation district wide may be subject to legal challenge. Under the EU Services Directive consent scheme policies cannot be used to restrict trade alone unless there are environmental, safety or other reasons for doing so.
Staffing	There may be an increase in enforcement costs
Risk Management	There is no risk assessment required
Equal Opportunities	None arising from this report.

Consultations

13. Contained in the body of the report.

Effect on Annual Priorities and Corporate Objectives

14.	Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
	N/A
	Deliver high quality services that represent best value and are accessible to all our community

It is not thought that any tariff change will adversely affect this objective
Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
The introduction of controls would enable SCDC to better control the types and standards of trade operating within currently uncontrolled areas

Conclusions/Summary

15. The current procedures for controlling street trading within South Cambridgeshire appear to be working satisfactorily and Parishes are quite able to approach South Cambridgeshire District Council should they wish the legislation to be enforced within any given village or area. The majority of Parishes responding wished to retain the status quo.

Recommendation

16. It is recommended that the Licensing Committee requests that the Portfolio Holder for Environmental Services does not seek Cabinet's approval for a district wide consent street trading scheme and that the current procedures for adoption of street trading consents with the district of South Cambridgeshire is retained.

Background Papers: the following background papers were used in the preparation of this report: Town Police Clauses Act 1847

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