



# Licensing Committee

## 18 June 2014

**Report Title** City Centre Street Trading Designation of Licensed Streets

**Accountable Strategic Director** Tim Johnson  
Education and Enterprise

**Originating service** Licensing Services

**Accountable employee** Colin Parr                      Licensing Manager  
Tel 01902 550105  
Email colin.parr@wolverhampton.gov.uk

### Recommendations:

The Licensing Committee are recommended to:

- (i) Approve the commencement of the process to re-designate the streets within the ring road of Wolverhampton city centre as licensed streets for the purpose of street trading.
- (ii) Approve the commencement of the process to rescind the existing designation relating to consent streets within Wolverhampton city centre ring road for the purpose of street trading.
- (iii) Publish a notice in a local newspaper containing the draft resolution on the proposed designations.
- (iv) Receive a further report following the end of the consultation period.

## **1.0 Purpose**

- 1.1 The Licensing Committee is recommended to commence the statutory process to designate the streets within the ring road of the City Centre as licensed streets rather than consented streets for the purpose of street trading.

## **2.0 Background**

- 2.1 Street trading is regulated under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4. The Act allows by way of resolution to designate any street in their district as a “prohibited street”, “licensed street” or “consent street”.
- 2.2 On 6 July 1983 Wolverhampton Metropolitan Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 designating all streets within Wolverhampton as “consent streets”.
- 2.3 Therefore any person engaging in street trading must obtain a consent from the Council to trade.
- 2.4 On 29 January 2014 Licensing Committee received a report on the review of city centre street trading.
- 2.5 The Committee agreed a number of policy revisions to the city centre street trading function.
- 2.6 One of the revisions was to commence the statutory process to designate streets within the ring road as “licensed streets” as opposed to “consented streets”.
- 2.7 This would allow traders the security of a licence rather than a consent with a right of appeal to the courts for failure to offer renewal and provide traders with more security to invest in their businesses.
- 2.8 The relevant matters that can be taken into account when considering an application for a street trading licence are more comprehensive, as follows:
- (a) that there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street; or
  - (b) there are already enough traders in the street from shops or otherwise in the goods in which the applicant desires to trade; or
  - (c) the applicant desires to trade on fewer days than the minimum number specified under the resolution; or
  - (d) the applicant is unsuitable to hold a licence as they have been convicted of an offence or for any other reason; or

- (e) the applicant has been granted a street trading licence and has persistently refused or neglected to pay the fee or charges required under paragraph 9(6) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; or
- (f) the applicant has been granted a street trading consent and has persistently refused or neglected to pay the fees; or
- (g) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

2.9 It is proposed the existing designation remains unchanged for the rest of the city.

### **3.0 Consultation**

3.1 The proposal is to commence the statutory consultation process to:-

- (a) authorise Licensing Services to commence the consultation process to designate all streets within Wolverhampton city centre ring road as licensed streets.
- (b) authorise Licensing Services to commence the consultation process to rescind the existing designation relating to consent streets within Wolverhampton city centre ring road.

3.2 It is proposed to maintain the existing consented streets for all areas outside the ring road.

3.3 Members of the public and trade will have the opportunity to make representations when the statutory notice is published.

3.4 A further report will be presented to Licensing Committee following the end of the 28 day consultation period requesting Committee to recommend the Council to adopt the resolution for the new street trading process subject to any variations of the draft proposals that arise as a result of the consultation process.

3.5 It is anticipated that the whole process will take between six to nine months to complete.

### **4.0 Financial implications**

4.1 There are limited financial implications from this report in that the Council will be required to publish a notice advertising their intention to re-designate streets and, in due course, the fees for street trading licences. There will be a need to publish three notices at a cost of approximately £750 for each notice. The cost will be met through approved Licensing budgets 2014/15. [TK/05062014/Y]

## **5.0 Legal implications**

- 5.1 Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the procedure for the re-designation of the city centre as a licensed street trading area. Briefly, the steps to be followed are:
- 5.2 The publication of a notice of intention to pass a resolution designating a particular street. The notice must contain a draft resolution to be passed and must be published in a local newspaper. A copy is then served on the Chief of Police and any highway authority responsible for a particular street. The consent of the highway authority is required where a street is to be designated a licence street. Where the land is owned by one of the bodies specified in the Act, for example the British Railway Board, consent from that body is also required.
- 5.3 A period of at least 28 days must elapse from the time of initial publication of the notice to the time when the Council passes a resolution confirming the proposed designation. This is to allow for objections to be made to the Council, which must be considered before a resolution is passed to designate a particular street.
- 5.4 Once a resolution has been passed, the Council are obliged to publish the fact for two consecutive weeks in a local newspaper.
- 5.5 The Council will also be required to rescind the designation relating to consent streets. The same procedure as outlined above must be followed (paragraph 9 (13) of Schedule 4). [KR/05062014/V]

## **6.0 Equalities implications**

- 6.1 The process for the re-designation of the city centre has been incorporated into the statutory consultation process.

## **7.0 Environmental implications**

- 7.1 This report will have environmental implications. The revisions to the city centre street trading function will have a positive impact on the city centre's public realm.

## **8.0 Schedule of background papers**

- 8.1 Licensing Committee - Street Trading Various Issues, 26 September 2007  
Licensing Committee - City Centre Street Trading, 29 January 2014