
Meeting: Regulation Committee
Date: 16 February 2011
Subject: Adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982
Report of: Jane Moakes, Assistant Director Community Safety, Public Protection, Waste and Leisure
Summary: Adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Street Trading.

Contact Officer: Jo Borthwick (Service Manager) Patricia Davies (Licensing Co-Ordinator)
Public/Exempt: Public
Wards Affected: ALL
Function of: Council

RECOMMENDATIONS:

That the Regulation Committee recommend that Full Council resolve to adopt the relevant provisions to enable regulation of street trading

CORPORATE IMPLICATIONS

Council Priorities:

Creating safer communities- The Council will be able to set conditions for consent to be granted which will help ensure that street trading is carried out safely and in a way which minimises risk of crime and disorder.

Managing growth effectively- The Council will be able to control the number and location of street traders,

Financial:

The costs of licensing street traders will be met by the fees paid for their consents.

Legal:

Compliance with the requirements of the Local Government (Miscellaneous Provisions) Act 1982.

Risk Management:

To ensure street trading is undertaken in a safe and regulated manner

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law and each application would be considered on merit.

Community Safety:

The adoption of the legislation to regulate street trading will allow the Council to take all reasonable steps to reduce crime and disorder within Central Bedfordshire under Section 17 of the Crime and Disorder Act 1988.

Sustainability:

In adopting this legislation Central Bedfordshire Council will be able to develop a policy to ensure a vibrant and thriving leisure culture with safe and well run premises. Compliant businesses can be supported and resources can be focused at those businesses that fail to comply.

Introduction

1. Adoption of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 will enable the Council to control the numbers and quality of street traders in the area.
2. The Council published a notice of its intention to adopt the provisions of Schedule 4 in the Beds on Sunday on 28 November 2010 and in the Herald and Post on 2 December 2010 as required by legislation. Copies were also served on the Police and Highway Authority.
3. There followed a 28 day representation period, from which we received no comments.

Adoption

4. The resolution to adopt Schedule 4 must now be passed or rejected.
5. If passed, the Council must then publish a notice in a local newspaper for two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the provisions are due to come into force.
6. If the Council resolves to adopt the legislation, the operator of a premises under the Act must apply for consent to trade.

Conclusion

7. Adoption of this legislation will:

- Allow the Council to control the number and quality of street traders in the area.
- Highlight the requirements and standards expected of street traders
- Add vitality and choice to town centres
- Allow the local authority to set reasonable fees to cover administration and enforcement costs. (Suggested fees will be proposed during the consultation period, for agreement by the relevant working group).

Appendices: None