

**Subject :** Street Trading within the Borough of Rossendale. **Status:** For Publication.

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**Report to:** Licensing Committee

**Date:** 5<sup>th</sup> August 2009

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**Report of:** Executive Director for Business

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**Portfolio**

**Holder:** Well Managed Council

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**Key Decision:** Yes

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**1. PURPOSE OF REPORT**

- 1.1 To request the committee to formally recommend that the Council adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to undertake the control of street trading in the Borough of Rossendale and to agree the fees, conditions and locations.

**2. CORPORATE PRIORITIES**

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.
- Delivering Quality Services to Customers
  - Keeping our Borough Clean, Green and Safe
  - Providing Value for Money Services

**3. RISK ASSESSMENT IMPLICATIONS**

- 3.1 There are no specific risk issues for members to consider arising from this report.

**4. BACKGROUND AND OPTIONS**

- 4.1 Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 makes provisions for the regulation of street trading. This allows a Local Authority to designate particular streets as prohibited, consent or licensed streets. These are defined as follows: a Prohibited Street means a street where trading is prohibited; a Consent Street is where street trading is prohibited without the consent of the Council and a Licensed Street is where street trading is prohibited without a licence granted by the Council.

4.2 Surrounding local authorities have all adopted the powers and there is a potential vulnerability to Rossendale, particularly when the redevelopment of Rawtenstall Town Centre moves forward, without the ability to control street trading on busy thoroughfares.

4.3 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as “the selling or offering for sale any article (including a living thing) in a street”. The only parties not affected by the street trading regime will be those contained in Section (1)(2) of the schedule, as reproduced below.

- A pedlar holding a current Pedlar’s Certificate and acting as a pedlar, under the authority of the Pedlars Act 1871.
- A trader as part of an authorised market or fair.
- A trader at a petrol station.
- A trader in association with an adjoining shop premises.
- A roundsman.
- Trading in a trunk road picnic area provided under Section 112 of the Highways Act 1980.
- Trading as a news vendor where, the only articles sold or offered for sale are newspapers and periodicals.

4.4 The interpretation of a “street” is extended to include any “other area to which the public have access without payment”.

4.5 It should be highlighted that the exemption for the holder of a pedlar’s certificate is quite significant. A person of good standing may apply to his local police station for a certificate, which lasts for 12 months and costs £12.50p. The holder of the certificate can then travel anywhere in the country and sell his goods quite legally and, in practical terms, providing he does not remain static on one street corner for too long (say half an hour maximum) street trading conditions will not apply.

4.6 On a similar note, sellers of the ‘Big issue’ are also exempted.

4.7 It is recommended that the whole of the Borough would comprise of “Consent Streets” with the exceptions of streets and roads to be determined as prohibited streets as follows:

- **Rawtenstall,**  
Bank Street from its junction with St Mary’s Way to the junction with Newchurch Road, encompassing Rawtenstall Market.

Kay Street – whole length

Lord Street – whole length

Bacup Road from junction with St Mary’s Way to Bochholt Way

Bury Road from the junction with New Hall Hey Road to the junction of Lomas Lane.

## **Edenfield**

Burnley Road from the junction with Blackburn Road to the junction of Exchange Street.

- **Haslingden**

Manchester Road from the junction of Warner Street to the junction of John Street.

Higher Deardengate from its junction with Blackburn Road to the junction of Regent Street.

Lower Deardengate from the junction of Grange Road to the junction of Blackburn Road.

- **Bacup**

Union Street – whole length

Burnley Road from the junction of Market Street to Rosebank Street.

St James Street – whole length

St James Square.

Irwell Terrace – whole length

Kay Street – whole length.

- **Whitworth,**

Market Street from the junction of Tong Lane to the junction of Hall Street.

- **Waterfoot**

Bacup Road from the junction of Church Road to the junction of Cowpe Road.

Burnley Road East to the junction of Stag Hills Road.

4.8 The streets classified as Prohibited Streets are to “protect” the main shopping areas and markets within the Borough. It may be that when the re-development of the Rawtenstall town centre is achieved, a number of commercial pitches are allowed which may add to the attractiveness of the town centre.

4.9 There will obviously be cost implications to the Council in respect of administration and enforcement.

4.10 Neighbouring authorities have in place the annual fees detailed below:

- Hyndburn £469
- Wigan £489
- Wyre Borough Council £540
- Ribble Valley £366
- Chorley £415
- Bury £371
- Burnley £541

It is proposed that Rossendale Council charge a fee of £75 to accompany the application for the grant of a licence. If the grant is rejected, no further fee is payable. If the licence is granted, there will be a further charge of £275 and thereafter, an annual fee of £350.

4.11 It is proposed that authorised street trading is allowed only between the hours of 9am to 10pm Monday to Sunday inclusive. The provision of hot food and drink between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003.

4.12 Proposed conditions that will be attached to consents and licences in respect of street trading are appended.

4.13 In October 2007, the licensing unit sent a consultation document to local Chambers of Commerce, Police, Fire and Rescue, Trading Standards, community groups, Members and various departments within the Council. A copy of the letter is appended as Appendix A.

4.14 Only a few responses were received. The Police fully support the proposal, one respondent thought that the proposed fee should be raised above the minimum fee of the surrounding authorities and one respondent would like to be made aware of licenses granted that would affect their particular locality. The remainder that responded had no comment to make.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **5. SECTION 151 OFFICER**

5.1 The level of charges set are intended to cover the administrative costs associated with the granting of the licence. The overall costs of this activity on the Council Tax should be neutral.

#### **6. MONITORING OFFICER**

6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies

**7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

7.1 There are no specific human resources implications.

**8. CONCLUSION**

8.1 Whilst street trading is not a significant problem at this time, it is prudent that the ability to control street trading within the Borough is in place for the future. Planned improvements within the Borough, particularly the Rawtenstall town centre area, and a lack of street trading control could raise potential problems.

**9. RECOMMENDATION(S)**

9.1 That the Council adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the proposed fees, locations and conditions.

**10. CONSULTATION CARRIED OUT**

10.1 As illustrated at Appendix A.

**11. EQUALITY IMPACT ASSESSMENT**

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached No

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Appendices	
Document	Appendix Number
Copy of consultation letter to all interested parties.	Appendix A
Street Trading Consent Conditions	Appendix B
Report of University of Durham into street trading in Great Britain.	Appendix C