

**Subject:** Licensing Committee Procedure for Street Trading Consent Applications. **Status:** For Publication

**Report to:** Licensing Committee **Date:** 27<sup>th</sup> January 2010

**Report of:** Director of Business

**Portfolio**

**Holder:** Environmental Services.

**Key Decision:** No

Forward Plan  General Exception  Special Urgency

**1. PURPOSE OF REPORT**

1.1 To propose a procedure for the hearing of applications for Street Trading Consents by the Licensing Committee.

**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 (Customers, Improvement)
- Keeping Our Borough Clean and Green (Environment)

**3. RISK ASSESSMENT IMPLICATIONS**

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

**BACKGROUND AND OPTIONS**

4.1 On the 7<sup>th</sup> October 2009, Rossendale Borough Council adopted Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982, which 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

- A Licensed Street is where street trading is prohibited without a licence granted by the Council.
- 4.2 When an application for a street trading consent is received, the following organisations are consulted upon:
- Lancashire Constabulary
  - Whitworth Town Council (if the applicant proposes to trade in Whitworth)
  - Lancashire County Council – Highways Section
  - Lancashire County Council – Trading Standards Section
- 4.3 Following consultation, where an objection to an application for a street trading consent is received, the application will be determined by the Licensing Committee
- 4.4 A proposed procedure for dealing with these applications is attached at Appendix A

**COMMENTS FROM STATUTORY OFFICERS:**

**5. SECTION 151 OFFICER**

- 5.1 There are no specific financial implications

**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 Committee procedures should be clear, unambiguous and fair to all parties.
- 8.2 The proposed procedure follows other Licensing Committee procedures in respect of public matters.
- 8.3 The Council has the right to grant ‘Consent’ but there is no right of appeal against a decision not to grant ‘Consent’ at a magistrate’s court. However, an applicant can instigate a Judicial Review.

**9. RECOMMENDATION(S)**

- 9.1 That the Committee adopts the proposed procedure, with immediate effect, for determining applications for street trading consents.

**10. CONSULTATION CARRIED OUT**

10.1 Nil

**11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Proposed procedure for Street Trading Consents.	Appendix A