

To: COUNCIL

Date: 19 December 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Designation of Streets for Street Trading

Summary and Recommendations

Purpose of report: To seek Council's approval of the Designation of Streets for Street Trading.

Report Approved by:

Finance: Paul Swaffield (Approved)

Legal: Daniel Smith (Approved)

Policy Framework: Vibrant, sustainable economy

Council is recommended to:

(a) designate all streets within the Oxford City Council trading boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st February 2012.

Introduction

1. At its meeting on 19th October 2011, General Purposes Licensing Committee considered a report following public consultation on the Designation of Streets for Street Trading. Committee resolved to:
 - (1) Note the responses to the consultation;
 - (2) Recommend that Council designates all streets within the Oxford City Council trading boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st February 2012.

Background

2. The Street Trading Scheme was reviewed in 2010 by General Purposes Licensing Committee which, resulted in the Council adopting the current Street Trading Policy following consultation. At the same time, Committee looked at the designation of streets and resolved

“to change in principle, the Street Trading designation of streets in the City, and request a further report be submitted to the Committee outlining the proposed changes.”

3. This request arose from issues of inconsistency with some streets being undesignated; and the Westgate Centre walkways, Clarendon Centre walkways and the Covered Market being Prohibited Streets, although they are actively managed enclosed shopping locations where street trading has not been enforced.
4. Also the unregulated sale of used cars by traders on public highways has become a problem in parts of the City. The so called “nuisance parking” is causing issues for local residents. The Clean Neighbourhoods and Environment Act 2005, which aims to deal with car dealers using the highway for business purposes has proved ineffective in dealing with this issue.
5. This report was taken to General Purposes Licensing Committee on the 15th June and resolutions were passed to recommend Council designates all streets within the Oxford City Council boundary as Consent Streets; remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways and for the Head of Environmental Development to carry out the required consultation.

Consultation

6. Public consultation began on Thursday 11th August with a statutory Public Notice in the Oxford Times. A letter was sent to 70 stakeholders, and an email was sent to ‘Councillors All Members’ on Friday 12th August. Two responses were received via the Oxford City Council website and four responses were received in writing.
7. The two responses received via the website were against extending the designation of Consent Street to the whole of the City and against removing the designation of the shopping centre walkways. They do not give reasons for their views.
8. Christ Church, Pembroke College, St Aldate’s Church and Commonwealth House made a joint response. They are opposed to redesignating the whole of the City as Consent Street and support retaining the designation of Prohibited Street. This was one of the options considered by Committee on 15 June.
9. The Street Trading Policy contains the criteria for deciding applications for Street Trading Consents and makes it clear that there is a process of consultation to adhere to, before any new pitches are approved. If the current distinctions of Consent Street and Prohibited Street is maintained this may create an expectation that all applications for street trading consents in Consent Streets are likely to be successful. It also does not

give the flexibility in allowing street trading to take place during special events in streets.

10. If all streets become Consent Streets, then existing traders on or adjacent streets that are currently undesignated will require a Street Trading Consent. Alan Joyce is the only one of such traders to respond to the consultation. He is concerned that should the scheme be extended with the current Consent fees being applied to all traders then his business would not be financially viable. However, from the content of his letter, it could be interpreted that he operates as a “rounds man” and would be exempt for the requirement for a Street Trading Consent
11. Oxford Streets for People and Headington Action raised queries concerning street parties, farmers’ markets and park based events. Small charitable activities associated with street parties and community events, fairs etc within parks do not normally require a Street Trading Consent.
12. Farmers’ markets held on Consent Streets would require a consent. These are not charitable activities they are commercial ventures however, they are to be encouraged therefore; an appropriate modest fee will be proposed at the annual fees and charges review that will be considered at the February General Purposes Licensing Committee.
13. John Church (Bursar of Pembroke College) addressed General Purposes Licensing Committee on the 19th October and expressed concern about the proposals. Tony Payne (Service Manager, Environmental Development) explained that the issue with having some streets designated as “prohibited” streets for trading meant that it could be seen to imply that street trading would be welcomed elsewhere. In fact, street trading was only permitted with the consent of the local authority, and this should be clearly defined every time the phrase “consent street” was used. Councillor Brundin added that unless a specific application was granted by the local authority, then everything was prohibited, and that this was a clearer message to send out. Each application would therefore have to be decided on its merits.
14. These responses were considered by the Committee before making the resolutions in 1. above.

Legal implications

15. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as ‘Consent Streets’, ‘Licence Streets’ or ‘Prohibited Streets’.
16. Should the Council decide to designate or change the designation of streets within its area, it must follow the procedure laid down in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

17. The remaining part of the procedure to be followed before the Council can formally change the designation of streets is as follows;

“Once the resolution is passed, the Council must publish notice of the fact on 2 consecutive weeks in a local newspaper. The first publication date must be no later than 28 days before the date specified in the resolution as the date on which the designation comes into force.”

Financial implications

18. The Council collects licence fees for the Street Trading function. Fees are reviewed annually prior to the Council setting its budget. The Council has no power to raise general revenue from the scheme. Predicted income from licence fees is included in the Council’s budget.

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Background papers:

Version number: 1.4