



# Walsall Council

## LICENSING AND SAFETY COMMITTEE

### REPORT OF THE INTERIM REGULATORY SERVICES MANAGER

16 OCTOBER 2013

### STREET TRADING – WALSALL TOWN CENTRE

### RE-DESIGNATION OF ALL STREETS IN WALSALL TOWN CENTRE AS LICENCE STREETS

#### **1.0 PURPOSE OF REPORT**

- 1.1 To ask members to agree to correct the minutes of the Licensing and Safety Committee held 27 February 2013.
- 1.2 To ask members to consider any representations relating to the proposed resolution received by the Council within the relevant period
- 1.3 To ask members, if they think fit, having regard to the representations to pass a resolution designating streets in Walsall Town Centre as licence streets. This designation to take effect on the 1 December 2013.

#### **2.0 RECOMMENDATIONS**

- 2.1 That members approve the amendment to the minutes of the Licensing and Safety Committee held on 27 February 2013 to include under item 1486/13 **Street Trading Review** to read:-

#### **Resolved**

To approve:-

1. The redesignation of all streets within Walsall town centre as licence streets.
2. The draft resolution attached as **Appendix 1**.
3. The authorisation of the Regulatory Services Manager to publish a prescribed notice of intention to pass the draft resolution and to implement the procedure under paragraph 2 “Designation of Streets” of Schedule 4 to the Local Government (Miscellaneous

Provisions) Act 1982 including serving a copy of the notice and seeking consent as required.

4. Undertake consultation as outlined in paragraph 8.2\* below.

(\*That is paragraph 8.2 of the report dated 27 February 2013)

2.2 That members if they think it fit, having considered the representations made relating to the proposed resolution, to resolve to pass the resolution set out in **Appendix 7** designating all streets in Walsall Town Centre as licence streets.

2.3 The Regulatory Services Manager be authorised to place the statutory adverts and to deal with any other matters which arise.

### **3.0 BACKGROUND INFORMATION**

3.1 On the 27 February 2013 the Licensing and Safety Committee resolved the following:

1. The re-designation of all streets within Walsall town centre as licence streets.
2. The draft resolution attached as Appendix 1.
3. The authorisation of the Regulatory manager to publish a prescribed notice of intention to pass the draft resolution and to implement the procedure under paragraph 2 "Designation of Streets" of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 including serving a copy of the notice and seeking consent as required.
4. Undertake consultation as outlined in paragraph 8.2 below.

Paragraph 8.2 required consultation with the following:-

- Area Partnership
- Town Centre Business Partnership
- Chamber of Commerce
- West Midlands Fire Service
- West Midlands Police
- Internal services including Planning, Highways, Legal and Street Pride
- Existing street traders and those who have registered an interest.

3.2 **Statutory Requirement for Advertisements** Statutory advertisements were published in the local press on the 28 February 2013 and are attached as **Appendix 2**.

3.3 **Statutory Requirement to Serve Notice.** As well as consultation with the bodies listed in 3.1 of the report, additional draft resolution notices were displayed within Walsall Town Centre. Copies of the Notice were served on the Chief Officer of Police and the Highway Authority. The Notices are attached as **Appendix 3**.

- 3.4 All councillors were informed of the proposal by memorandum.
- 3.5 Information was also displayed on the Council's licensing web page during the entire consultation period.
- 3.6 Formal consultation took place between the 28 February 2013 and the 1 April 2013.
- 3.7 **Statutory Requirement to Obtain Consent.** The statutory procedure requires that any Council wishing to designate streets, obtains the consent of 'relevant corporations' as defined within the Act. We have obtained the consent of the Highways Authority, the Homes and Communities Agency and Network Rail Infrastructure Ltd. These consents are attached as **Appendix 4.**
- 3.8 In total the licensing unit received four written representations about the resolution, these are attached as **Appendix 5.**
- 3.9 No adverse comments on the resolution were received from telephone enquiries that were merely seeking clarification. All such enquirers were encouraged to submit written comments on the proposal.

#### **4.0 RESOURCE CONSIDERATIONS**

- 4.1 **Financial:** The current annual fee for a licence to trade within Walsall town centre is contained within our Schedule of Fees.
- 4.2 **Legal:** A district council may by resolution designate any street in their district as a licence street, provided it complies with the procedural requirements as laid down in **Appendix 6.**

The pre-resolution procedure has been followed. Members must now consider any representations and pass the resolution, if they think fit. Once passed the resolution must be advertised in two consecutive weeks in the press, starting no later than 28 days before the day the resolution takes effect. In this case before the 1 December 2013.

The Council may if the draft resolution is passed, refuse a licence application if it considers:

(a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;

(b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

(a) that the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4;

(d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(e) that the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 for services rendered by them to him in his capacity as licence-holder;

(f) that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;

(g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

Any person aggrieved by the decision of the Council not to grant a licence has right of appeal to Magistrates Court.

4.3 **Staffing:** Nothing arising from this report.

#### **5.0 CITIZENS IMPACT**

5.1 Nothing arising from this report.

#### **6.0 COMMUNITY SAFETY**

6.1 Nothing arising from this report.

#### **7.0 ENVIRONMENTAL IMPACT**

7.1 Nothing arising from this report.

#### **8.0 PERFORMANCE AND RISK MANAGEMENT ISSUES**

8.1 Nothing arising from this report.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 None arising from this report.

#### **10.0 CONSULTATION**

10.1 As detailed within the report.

#### **11.0 APPENDICES**

11.1 Appendix 1 – Draft resolution (27 February 2013)  
Appendix 2 – Statutory Advertisements  
Appendix 3 - Statutory Notices Served on Police and Highways  
Authority

Appendix 4 – Highways Authority and relevant corporations consents  
Appendix 5 – Written Representations on the Resolution  
Appendix 6 – Legal Procedural Requirements  
Appendix 7 – Draft Resolution (16 October 2013)

**12.0 CONTACT OFFICER:-**

12.1 Steve Knapper, Principal Licensing Officer. 01922 653073