

	AGENDA ITEM NO.																																								
Report Cover Sheet																																									
Name of Meeting:	Regulatory Committee																																								
Date of Meeting:	30 th July 2007																																								
Report Title:	Extending consent streets																																								
Summary of report:	To consider the officer's suggestion to extend the areas designated as consent streets to all streets in the district.																																								
For Further Information Please Contact (report author):	David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk																																								
Would the recommended decision be contrary to the Policy Framework:	No																																								
Would the recommended decision be contrary to the Budgetary framework:	No																																								
Wards of the District directly affected by this decision:	All																																								
Key Decision?	Yes																																								
Included within the Forward Plan?	Yes																																								
Is the report Private & Confidential	No																																								
Background Papers:	None																																								
Consultation Undertaken																																									
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.																																									
<table border="1"> <thead> <tr> <th data-bbox="137 1429 520 1469">Consultees</th> <th data-bbox="520 1429 724 1469">Yes/ No</th> <th data-bbox="724 1429 1449 1469">Who</th> </tr> </thead> <tbody> <tr> <td data-bbox="137 1469 520 1509">Other Committees</td> <td data-bbox="520 1469 724 1509">n/a</td> <td data-bbox="724 1469 1449 1509"></td> </tr> <tr> <td data-bbox="137 1509 520 1550">Ward Councillors</td> <td data-bbox="520 1509 724 1550">n/a</td> <td data-bbox="724 1509 1449 1550"></td> </tr> <tr> <td data-bbox="137 1550 520 1590">Portfolio Holders</td> <td data-bbox="520 1550 724 1590">n/a</td> <td data-bbox="724 1550 1449 1590"></td> </tr> <tr> <td data-bbox="137 1590 520 1630">Other Councillors</td> <td data-bbox="520 1590 724 1630">n/a</td> <td data-bbox="724 1590 1449 1630"></td> </tr> <tr> <td data-bbox="137 1630 520 1738">Warwick District Council recognised Trades Unions</td> <td data-bbox="520 1630 724 1738">n/a</td> <td data-bbox="724 1630 1449 1738"></td> </tr> <tr> <td data-bbox="137 1738 520 1823">Other Warwick District Council Service Areas</td> <td data-bbox="520 1738 724 1823">n/a</td> <td data-bbox="724 1738 1449 1823"></td> </tr> <tr> <td data-bbox="137 1823 520 1863">Project partners</td> <td data-bbox="520 1823 724 1863">n/a</td> <td data-bbox="724 1823 1449 1863"></td> </tr> <tr> <td data-bbox="137 1863 520 1904">Parish/Town Council</td> <td data-bbox="520 1863 724 1904">Yes</td> <td data-bbox="724 1863 1449 1904">All</td> </tr> <tr> <td data-bbox="137 1904 520 1944">Highways Authority</td> <td data-bbox="520 1904 724 1944">n/a</td> <td data-bbox="724 1904 1449 1944"></td> </tr> <tr> <td data-bbox="137 1944 520 1984">Residents</td> <td data-bbox="520 1944 724 1984">n/a</td> <td data-bbox="724 1944 1449 1984"></td> </tr> <tr> <td data-bbox="137 1984 520 2024">Citizens Panel</td> <td data-bbox="520 1984 724 2024">n/a</td> <td data-bbox="724 1984 1449 2024"></td> </tr> <tr> <td data-bbox="137 2024 520 2069">Other consultees</td> <td data-bbox="520 2024 724 2069">No</td> <td data-bbox="724 2024 1449 2069">Consultation will take place if the Committee agree in principle to the report.</td> </tr> </tbody> </table>			Consultees	Yes/ No	Who	Other Committees	n/a		Ward Councillors	n/a		Portfolio Holders	n/a		Other Councillors	n/a		Warwick District Council recognised Trades Unions	n/a		Other Warwick District Council Service Areas	n/a		Project partners	n/a		Parish/Town Council	Yes	All	Highways Authority	n/a		Residents	n/a		Citizens Panel	n/a		Other consultees	No	Consultation will take place if the Committee agree in principle to the report.
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Officer Approval With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	21/6/07	Chris Elliot
Chief Executive		n/a
CMT		n/a
Section 151 Officer		n/a
Legal	21/7/07	Simon Best
Finance	21/7/07	Marcus Miskinis
Final Decision?		No
Suggested next steps (if not final decision please set out below)		

1. RECOMMENDATION

- 1.1 Members are asked to consider whether they wish to agree in principle to extend the current streets which are designated consent streets to include all of the streets within the district and to consider more appropriate fees.

(A report will be submitted to the further meeting at which the Committee will be asked to formally pass the necessary resolution.)

2. REASONS FOR THE RECOMMENDATION

- 2.1 The Council is permitted to make a resolution to make streets consent streets under the Local Government (Miscellaneous Provisions) Act 1982. That is to say, anyone who exposes goods for sale on a designated street will need a street trading consent. A street is defined in the Act as “any road, footway, beach or other area to which the public have access without payment”.
- 2.2 The Regulatory Committee has delegated power to act for the Council in this matter in the Scheme of Delegation.
- 2.3 The current streets that are designated consent streets are attached as Appendix 1. These are limited to streets in the centre of Leamington Spa. No other parts of the district have restrictions at present.
- 2.4 There is now a general proliferation of cars being sold at the roadside as well as burger and fast food sellers throughout the district. Making all streets consent streets would ensure that all such operators would have to submit an application to the Council to enable them to continue trading.
- 2.5 The Committee may add conditions or refuse consent applications, or revoke an existing consent if it sees fit in the circumstances. Provided that the Council operates fairly and in the general good, there is no appeal to conditions or refusal.
- 2.6 If the Committee agree, in principle, to the report, consultation with the chief officer of police and the highways authority will take place.
- 2.7 Following the consultation with the two organisations above, a notice will be published in a local newspaper with the draft resolution, giving 28 days for comments.
- 2.8 At the end of the 28 days, the comments and the final report will be submitted to the Committee for final approval of the resolution.
- 2.9 If the resolution is adopted, a notice of the adoption will be placed in a local newspaper on two consecutive weeks to that effect; with the adopted resolution taking effect after 28 days of the publishing of the first notice.
- 2.11 The annual fee payable to Warwick District Council for all consents, which includes ice cream vans and the flower stall and potato seller on the Parade, Leamington Spa is £68.00.

2.12 Charges made by neighbouring Councils are:

Stratford upon Avon charge an annual fee of £1299.00 for mobile traders such as ice cream vans and £614.00 for static traders. For occasional traders there is a £40 per day for mobile traders and £26 per day for static traders.

Solihull Council charge an annual fee of £2511.00 for inside the town centre and £1250 for outside the town centre

Rugby Council charge £30 per day with a minimum of 5 days, making the minimum charge of £150.00. If a trader wants a yearly licence the fee would be £30 x 365 which is £10,950.00

- 2.11 The consent fees are due in October. It is proposed to increase the fees to £395 for motorised mobile traders (ice cream vans, burger vans, jacket potato sellers etc.), £225 for none motorised mobile traders (ice cream cycles, etc) and £175 for static traders (flower stalls, etc.). The administration of the licences, together with enforcement activity easily justifies the increase in fees, which will still be considerably less than that of our neighbouring Councils.

- 2.12 It is also proposed to subject ice cream vendors to a Criminal records Bureau check due to their work giving them a unique close relationship with children.

3. **ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 The only alternative is not to extend the area covered by consents, but still to consider the fees.

4. **BUGETARY FRAMEWORK**

- 4.1 The suggested fee increase will increase the Council's income.

5. **POLICY FRAMEWORK**

- 5.1 There will be a considerable effect on the way that the Council is able to control street trading within the District, as all streets will be consent streets and require a street trading consent to be applied for if someone wishes to expose goods for sale on it.