

		<b>AGENDA ITEM NO.</b>																						
<b>Report Cover Sheet</b>																								
<b>Name of Meeting:</b>		Regulatory Committee																						
<b>Date of Meeting:</b>		27th September 2007																						
<b>Report Title:</b>		Extending consent streets																						
<b>Summary of report:</b>		To pass a resolution to designate all street within Warwick District Council's area as consent streets and to accept the added conditions.																						
<b>For Further Information Please Contact (report author):</b>		David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk																						
<b>Would the recommended decision be contrary to the Policy Framework:</b>		No																						
<b>Would the recommended decision be contrary to the Budgetary framework:</b>		No																						
<b>Wards of the District directly affected by this decision:</b>		All																						
<b>Key Decision?</b>		Yes																						
<b>Included within the Forward Plan?</b>		Yes																						
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>		No																						
<b>Background Papers:</b>		None																						
<b>Consultation Undertaken</b>																								
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>Consultees</th> <th>Yes/ No</th> <th>Who</th> </tr> </thead> <tbody> <tr> <td>Other Committees</td> <td>n/a</td> <td></td> </tr> <tr> <td>Ward Councillors</td> <td>n/a</td> <td></td> </tr> <tr> <td>Portfolio Holders</td> <td>Yes</td> <td>Councillor Kinson</td> </tr> <tr> <td>Other Councillors</td> <td>n/a</td> <td></td> </tr> <tr> <td>Warwick District Council recognised Trades Unions</td> <td>n/a</td> <td></td> </tr> <tr> <td>Other Warwick District Council Service Areas</td> <td>n/a</td> <td></td> </tr> </tbody> </table>				Consultees	Yes/ No	Who	Other Committees	n/a		Ward Councillors	n/a		Portfolio Holders	Yes	Councillor Kinson	Other Councillors	n/a		Warwick District Council recognised Trades Unions	n/a		Other Warwick District Council Service Areas	n/a	
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Project partners	n/a	
Parish/Town Council	Yes	All
Highways Authority	Yes	Gerald Brooks
Residents	Yes	The Observer newspaper advertisement 9.8.07
Citizens Panel	n/a	
Other consultees	Yes	Chief officer of Police
<b>Officer Approval</b>		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director(s)	6/9/07	Robert Inman
Chief Executive		
CMT		
Section 151 Officer		
Legal	6/9/07	Simon Best
Finance	6/9/07	Marcus Miskinis
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## **1. RECOMMENDATION**

- 1.1 Members are asked to consider whether they wish to agree to pass the resolution, agreed in principle at a meeting of the Regulatory Committee on 30th July 2007 to designate all of the streets within the district as consent streets, and to approve the conditions to be added to any consent issued.

## **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 limited to certain 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 The proposal to make all streets in the District into consent streets was advertised in the Observer on 9th August 2007 and the statutory 28 days for representations is now finished. No representations were received. (Appendix 1)
- 2.7 The Committee is now asked to pass the resolution and agree the conditions that should be added to any consent issued (Appendix 2)
- 2.8 If the resolution is accepted two further advertisements will have to be arranged on consecutive weeks with the date of the commencement of the resolution being 28 days from the first advertisement.

## **3. ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 None

## **4. BUDGETARY FRAMEWORK**

- 4.1 None

## **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.