

Agenda Item No: 6 **Report No:** 176/13
Report Title: Street Trading in Lewes District
Report to: Licensing Committee **Date:** 22 October 2013
Lead Councillor: Cllr Tony Nicolson
Ward(s) Affected: All
Report By: Director Planning and Environmental Services
Contact Officer: Ed Hele, Principal Environmental Health Officer
01273 484354 ed.hele@lewes.gov.uk

Purpose of Report:

1. To report the findings of the 28 day consultation on the Committee's preliminary decision to designate all streets as Consent Streets in the Lewes District Consent Streets in accordance with Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.

Officer's Recommendations:

1. That the Committee notes the responses to the 28 day consultation period.
 2. That the Committee confirms its preliminary decision to designate all streets in the Lewes District Consent Streets in accordance with Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.
 3. That the Committee authorises officers to advertise/publicise the Committee's decision in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
 4. That the committee authorises officers to undertake the necessary steps to designate all streets in the Lewes District Consent Streets in accordance with Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.
-

1. Information

- 1.1** On 30 August 2013 the Committee considered Report No 137/13, which sought the Committee's approval to regulate street trading in the Lewes District.
- 1.2** The Committee resolved that officers be authorised to publicise the Committee's preliminary decision, to designate consent streets, in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. It was also resolved that the Licensing Committee be requested to reconvene once the 28 day period has elapsed following publication of the Committee's statement of intention in order to consider the representations (if any) that are received and to pass a final resolution.

2 Summary of comments received

- 2.1 An advertisement was placed in the Sussex Express on 13 September 2013 and the 28 day period has now expired. The consultation was also published on the Council Website for the duration of the consultation period. During the consultation period comments were received from Lewes District Council Planning Department. No other comments were received regarding the Committee's resolution.
- 2.2 In addition both Sussex Police and the Highways Authority at East Sussex County Council have been notified and no comments have been received from them at the time of writing this report.
- 2.3 The Planning Department have advised that any street trading that continues in the same location for over 28 days would require planning application.

3 Financial Appraisal

- 3.1 It was reported in the previous report that there would be an initial outlay for setting up the Consent Street system and thereafter enforcement costs for unlicensed traders. It is anticipated that enforcement costs will tail off once street traders become aware of the prohibition that exists. The Consent system will be self financing after an initial period of education and enforcement.

4 Legal Implications

- 4.1 A person who engages in street trading in a Consent Street without being authorised to do so by the District Council, or who contravenes a condition imposed by the District Council on any consent granted shall be guilty of an offence and may face prosecution at the Magistrates Court.

5 Environmental Implications

- 5.1 I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

6 Equality Implications

- 6.1 An Equality Impact Assessment screening exercise has been undertaken and all due regard has been given to equalities issues. This report is not found to have a negative impact upon equalities.

7 Risk Management Implications

- 7.1 I have completed the risk management Assessment and have identified the following risks.
- 7.2 It is important that the Council is seen to consider the regulation of street traders in an open and transparent process. The Council has a duty to protect residents going about their daily activities in the locality and promoting the economic wellbeing of existing businesses in Lewes District. It is paramount that the Council is seen to be addressing the issue in order to retain a good reputation with the public and businesses. Failure to consider the impacts of street trading upon the community appropriately may adversely affect the reputation of the Council.

7.3 Health and Safety. Street traders may create an obstruction to both pedestrian and vehicular traffic. Allowing street trading to be unregulated may lead to significant disruption and puts pedestrians and drivers at risk of injury.

7.4 These risks can be mitigated by introducing Street Trading Controls.

8 Background Papers

8.1 Licensing Committee Report No 137/13 and subsequent minutes.

9 Appendices

9.1 There are no appendices to this report.