

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**STREET TRADING
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the re-designation of certain streets in North Lincolnshire under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

2. BACKGROUND INFORMATION

- 2.1 North Lincolnshire Council adopted Schedule f of of the Local Government (Miscellaneous Provisions) Act 1982, which relates to the control of Street Trading, with effect from 16 January 1998.
- 2.2 Following the adoption, it was determined that all adoption that all streets in North Lincolnshire be designated as "Consent Streets". Notice was published in accordance with the statutory provisions and the streets were designated as "Consents Streets" with effect from 1 April 2000.
- 2.3 When considering whether or not a street trading consent should be granted, then council should consider whether or not the grant of such consent would cause an obstruction of the street or danger to persons using it, or nuisance or annoyance. The issue of consents is designed to provide a flexible system with which to control itinerant and infrequent street trading. Although generally suitable for controlling trading throughout the district, the system has been found to be deficient when dealing with applications in the pedestrianised areas of Scunthorpe and North Lincolnshire as a whole.
- 2.4 In addition to the designation of streets as "Consent Streets", the Act allows for streets to be designated as "Licence Streets".

2.5 The relevant matters that can be taken into account when considering an application for a Street Trading Licence are more comprehensive, as follows:

- (a) that there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street; or
- (b) there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade; or
- (c) the applicant desires to trade on fewer days than the minimum number specified under the resolution; or
- (d) the applicant is unsuitable to hold a licence as they have been convicted of an offence or for any other reason; or
- (e) the applicant has been granted a street trading licence and has persistently refused or neglected to pay the fee or charges required under paragraph 9(6) of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; or
- (f) the applicant has been granted a street trading consent and has persistently refused or neglected to pay the fees; or
- (g) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

2.6 It is still important that the designation of streets as Consent Streets remain for the greater part of North Lincolnshire. The reason for maintaining consent streets is to allow itinerant traders to continue to trade. Street Trading Licences do not allow for itinerant traders.

2.7. It is proposed to re-designate the whole district as “Consent Streets” other than the following streets which will be designated “Licence Streets”:

Street Name	Comment
Belgrave Square, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Bridge Street, Brigg	Form the junction of Ancholme Way to the Market Place
Bus Station, Scunthorpe	The entire area
Carlton Street, Scunthorpe	North from the junction of Lindum Street
Church Square, Scunthorpe	The entire area
Cole Street, Scunthorpe	From the junction of High Street to the junction of Mary Street
Cross Street, Scunthorpe	The entire length
Doncaster Road,	From the junction of Oswald Road and

Scunthorpe	Frodingham Road to the junction of Gervase Street
Fenton Street/Manly Street, Scunthorpe	From the junction of Cole Street, through Manley Street to the junction of Lindum Street
Frodingham Road, Scunthorpe	From the junction of Doncaster Road and the High Street to the junction of Parkinson Avenue
Gilliatt Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
High Street, Scunthorpe	From the junction of Brigg Road to the junction of Oswald Road and Frodingham Road
Home Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Jubilee Way/ John Street, Scunthorpe	The entire length
Market Hill, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Market Place, Brigg	From bridge Street to the junction of Elwes Street
Market Square, Scunthorpe	The entire area
Oswald Road, Scunthorpe	From the junction of Doncaster Road and High Street to the junction of Mary Street
Ravendale Street North, Scunthorpe	From the junction of High Street to the junction of Robert Street
Trafford Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Wells Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Wrawby Street, Brigg	From Market Place to the junction of Cross Street

2.8 The streets identified in paragraph 2.7 are predominately located in the pedestrianised areas, including the area around Britannia Corner which is closed on Friday and Saturday Nights.

2.9 The designation of streets will need to be carried out by full council.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 – To re-designate the whole district as “Consent Streets” other than the streets identified at paragraph 2.7 which will be designated as “Licence Streets”.

3.2 Option 2 – To re- designate the whole district as “Licence Streets”.

3.3 Option 3 – To re-designate the whole district as a mixture of “Consent Streets”, “Licence Streets” and “Prohibited Streets”.

3.4 Option 4 – To maintain the current designation.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – This is will enable better control of street trading in the pedestrianised areas while enabling street trading to be controlled over the whole of North Lincolnshire, including itinerant traders. Re-designation is deemed necessary to ensure that all activities are covered in a balanced, yet simple trading environment.

4.2 Option 2 – Re-designation of the whole of North Lincolnshire as “Licence Streets” would enable better control of the pedestrianised areas but would result in itinerant traders being unable to trade legally.

4.3 Option 3 – A mixture of Licence, Consent and Prohibited streets would result in a very complex trading environment and would probably lead to an increase in illegal activity.

4.4 Option 4 – Maintaining the current system will mean that there are insufficient controls of street trading in the pedestrianised areas.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are limited financial implications from this report in that we will be required to publish a notice advertising our intention to re-designate streets and, in due course the fees for street trading licences. There will be a need to publish 3 notices at a cost of approximately £500 for each notice. The cost will be covered by the current licensing budget.

5.1 There are no staffing, property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Local Government (Miscellaneous Provisions) Act 1982

7. OUTCOMES OF CONSULTATION

7.1 Members of the public will have the opportunity to make representations when the statutory notice is published.

8. RECOMMENDATIONS

8.1 That the streets be re-designated in accordance with paragraph 2.7 of this report.

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Background Papers used in the preparation of this report – N/a