

General Licensing Committee

23 October 2024

Street Trading Controls – Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

For Recommendation to Council

Portfolio Holder:

Cllr G Taylor, Health and Housing

Local Councillor(s):

All Councillors

Executive Director:

Jan Britton, Executive Lead for Place

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Report Status: Public

Brief Summary:

This report sets out the details of a proposal to regularise the adoption of the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') for the whole of the Dorset Council administrative area. Schedule 4 of the 1982 Act contains provisions relating to street trading and the designation of Prohibited, Licensed, and Consent Streets, the setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.

Recommendations:

That the General Licensing Committee recommends to Council:

- i) That Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted and shall apply throughout the

- Dorset Council administrative area with effect from 6 December 2024, or such later date as is agreed by Council.
- ii) That all existing street trading delegations and designated streets remain in place subject to any future amendments.

Reasons for Recommendations:

Adoption of Schedule 4 of the Act, for the whole of the Dorset Council area would enable a new Street Trading Policy to be implemented which would be fair, consistent and equitable across the Dorset Council area. This would give the Council, as Licensing Authority greater control over street trading and would ensure that all traders are subject to the same application, enforcement and licence conditions regardless of where they trade.

There are currently existing designations for Street Trading in the former Weymouth & Portland, West Dorset, Purbeck and East Dorset Council administrative areas.

Each of the former District and Borough Council's had their own policies and procedures for Street Trading and Officers intend to introduce a new Street Trading Policy covering the whole of the Dorset Council administrative area.

1. Background

- 1.1 Street Trading is covered under the Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 of the Act has not been adopted across the entire Dorset Council area however there were arrangements in place within several of the predecessor Council areas. Each predecessor Council area also had its own policy and procedures.
- 1.2 A new overarching policy and procedure is therefore required in order for Dorset Council, as Licensing Authority, to be able to exercise Street Trading functions in a fair, safe, well-regulated and equitable manner.
- 1.3 An overarching Street Trading control would also enable a new Street Trading Policy to be implemented which would take into consideration localised schemes managed through Town and Parish Councils (where they exist) as well as any existing bylaws or other restrictions (where they exist).
- 1.4 Should the General Licensing Committee agree to recommend the adoption of Schedule 4 of the Act then the intention would be to publish a draft Street Trading Policy for consultation. Once the consultation has ended, a further report will be considered by the General Licensing Committee regarding the designation of streets in accordance with the new Street Trading Policy.

2. **Financial Implications**

- 2.1 The introduction of the Dorset Council wide adoption of Schedule 4 of the Act, Consent streets, policy and associated administration and enforcement will utilise existing resources. There will be cost implications for adopting Schedule 4 of the Act and advertising the intention to designate streets. However, additional licensing income may be generated as a result of the area wide Policy.

3. **Natural Environment, Climate & Ecology Implications**

- 4.1 There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

4. **Well-being and Health Implications**

- 5.1 There could potentially be an impact on the health and wellbeing of the public if street trading controls are not implemented with traders operating from unauthorised pitches at potentially undesirable or dangerous locations.

5. **Other Implications**

- 6.1 There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. **Risk Assessment**

- 7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
Current Risk: Low
Residual Risk: Low

7. **Equalities Impact Assessment**

- 8.1 An EqIA will be prepared as part of the wider Dorset Council Street Trading Policy consultation.

8. **Appendices**

Appendix A: Extract from the Local Government (Miscellaneous Provisions) Act 1982

9. **Background Papers**

None