

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 26 July 2011	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		Rescission or Variation of Licence Street Designations in Southwark	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Housing.	

## **RECOMMENDATION**

1. That the committee resolves to publish notice of its intention to rescind or vary the licence street designations detailed in Appendix 2.

## **BACKGROUND INFORMATION**

2. Since the London Local Authorities Act 1990 was adopted, a list of designated street trading areas ("licence streets") has been in place throughout the borough. The present list of licence streets is attached at Appendix 1.
3. Over the years the demographics of the borough has changed and certain pitches or markets became less viable or unworkable. Other locations have undergone extensive development and in some instances make it no longer practical for traders to operate from pitches or markets and it would not be viable for street trading in the future to occur in these areas.

## **KEY ISSUES FOR CONSIDERATION**

4. The committee is advised that the pitches and markets in Appendix 2 operate either on a much reduced capacity or have been vacant for a number of years.
5. The council is required to publish notice of its intention to rescind or vary any licence street designations, and invite representations on the proposals.
6. Section 24 of the London Local Authorities Act 1990 (as amended) states the procedures which must be followed and these are addressed in the concurrent from the strategic director of communities, law & governance.

## **Consultation**

7. Consultation has been carried out in accordance with legislation with traders affected by these proposals, and they have lodged no objections to the proposals to rescind or vary the designations of these trading areas. The proposals mainly affect former traders of Westmoreland Road on Sundays, who have moved onto East Street, and are happy to continue trading there in the future. The council will continue to charge these traders the Westmoreland Road fees for the next three years.

## **Policy implications**

8. The council may from time to time pass any of the following resolutions:

- a) a resolution designating any street within the borough as a licence street (a designating resolution)
- b) a resolution specifying the conditions on which it will issue street trading licences for a licence street.

9. The council may also from time to time by subsequent resolution rescind or vary any such resolution.

### **Community impact statement**

10. The Markets and Street Trading Strategy aims to ensure that markets are inclusive of all residents of the borough and meet all the criteria in the council's equalities policy. The de-designation of these pitches will have little impact on the community.

### **Resource implications**

11. There are no immediate resource implications as these pitches have not been bringing in any income for some time.
12. The street market trading account is currently projected to break even for the financial year 2011/12. The cumulative deficit of £820,000 as at 31 March 2011 in the street markets trading account is of concern. By being ring fenced, the deficit has no immediate implications for the general fund. The council however, has an obligation to recover the deficit to ensure that there is no special burden on the general fund over time. The head of service is currently implementing a number of measures to recover the trading account deficit and put the trading account in a better financial footing. As part of this, a further report will be brought to this committee to approve new trading areas in more appropriate locations that will bring in increased income to reduce the cumulative street trading deficit.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

13. Under Section 24 of the London Local Authorities Act 1990 ("the 1990 Act"), the council can designate streets within Southwark where it considers it appropriate for licensed street trading to take place. These are known as 'licence streets', and the council may issue street trading licences for those streets, in accordance with the terms of the designation.
14. Section 24 also gives the council the power to rescind or vary any such designations. The procedure for rescinding or varying the designation of a street as a licence street is also set out in Section 24.
15. Before passing a resolution rescinding or varying a designation the council must consult with any affected licence holders or their representative body.
16. The council must also publish a notice of its intention to rescind or vary a designation in a locally circulating newspaper. The notice must contain a draft of the resolution and state that persons have 28 days from the publication of the notice to make representations in writing to the council.
17. Once the 28 day period has expired the council must consider any representations received before it decides to pass the resolution.

18. If the council passes a resolution rescinding or varying a designation, within 28 days it must publish a notice stating that the resolution has been passed in a locally circulating newspaper for two consecutive weeks. The notice must be published at least 28 days before the resolution takes effect.
19. If the council fails to comply with the statutory procedure then the resolution may be invalid.
20. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority's executive. Under Part 3 of the council's constitution, decisions in relation to street trading are the responsibility of the licensing committee.

#### **Finance Director**

21. This de-designation and the future report on the new designations are part of the markets and street trading strategy and action plan agreed by cabinet in September 2010.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
London Local Authorities Act (as amended)	Street Trading Section: SAST House, Dawes Street, London SE17 1EL	Sharon Coleman 020 7525 0861
Markets and Street Trading Strategy	160 Tooley Street	John McHenry 020 7525 2105

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	List of existing markets and street trading pitches
Appendix 2	List of markets & street trading pitches to be de-designated

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies, Strategic Director of Environment	
<b>Report Author</b>	John McHenry, Markets Development Manager	
<b>Version</b>	Final	
<b>Dated</b>	14 July 2011	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	15 July 2011	