

REPORT TO:	LICENSING COMMITTEE 20 MARCH 2019
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Rescinding designation of licensed streets/parts of streets
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Councillor Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	Waddon, Fairfield, Broad Green, New Addington South, Coulsdon Town
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this matter and has no implications on the Council's Corporate Policies.	
FINANCIAL SUMMARY: There are no direct financial implications arising from this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS
The Committee is recommended to -
1.1 Give notice of its intention to rescind the designation of the sites listed at Appendix 1 to this report for the purposes of street trading and if so, authorise officers to proceed with the necessary statutory consultation and notices as required by the London Local Authorities Act 1990 (as amended).
1.2 Resolve that, in the absence of any representations being made within the statutory period, the designation of those sites listed in Appendix 1 to this report be rescinded and that the Executive Director of Place be given delegated authority to publish notice of the resolution to come into force no earlier than 28 days after the end of the statutory notice period.
1.3 Note that if representations to the statutory consultation are received they will be brought to this committee for consideration as to whether or not the designation will be rescinded.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's views on whether the designation for the purposes of street trading of the sites listed in Appendix 1 to this report, should be rescinded. All the listed sites have been previously designated for street trading and have been occupied by licensed street traders but are all currently unoccupied and have been for some time.

3. DETAIL

- 3.1 The London Local Authorities Act 1990 (as amended) (the Act) provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act. The Act permits the Council to designate a street or part of a street for street trading and it may also rescind such a designation. The following sites, listed again at Appendix One to this report have previously been designated by the committee for the purposes of street trading and licence holders have traded from those sites. However, all the sites are currently unoccupied and this report recommends that the committee authorise officers to commence the process for rescinding the particular designations.

- 3.2 The relevant sites are –

- Outside Angell Welding, King Henry's Drive, New Addington
- Outside Martek Engineering, King Henry's Drive, New Addington
- Outside 15/17 Imperial Way, Waddon
- Slip Road, Dingwall Road, near the j/w George Street, outside Amp House and the former Lloyds Bank premises
- Ampere Way, Waddon, near Ampere Way tram stop
- Ullswater Crescent, Coulsdon, at the j/w Redlands

4. CONSULTATION

- 4.1 The council shall not rescind unless –
- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
 - (c) when appropriate, they have obtained the necessary consent.

The notice shall–

- (a) contain a draft of the resolution to which it relates; and
- (b) state that representations relating to it may be made in writing to the council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct financial implications as a result of this report.

5.2 Risks

There are no perceived financial risks involved in this decision.

5.3 Options

There are no other options arising from this report

5.4 Future savings/efficiencies

None identified

(Approved by: Flora Osiyemi, Head of Finance Place, Residents & Gateway)

6. LEGAL CONSIDERATIONS

Rescission of Designation

- 6.1 The Head of Litigation and Corporate Law comments that under s.24 of the Act, having passed a resolution designating a site for the purposes of street trading the Council may by further resolution rescind that designation. Prior to doing so it must consult with the Police and if applicable, the licence holders trading in the street in question or a body or bodies representative of them. Notice of the intention to do so must also be published in a local newspaper and notified to the highway authority. There is a period of 28 days for making representations.
- 6.2 If any representations are received, as soon as reasonably practicable after the above period has expired, the Act provides that these must be considered. In this case the matter will come back to the Committee. They may then pass a resolution rescinding the designation. After which they shall for two consecutive weeks publish notice of that resolution which cannot come into force before the expiry of 28 days from the date of the resolution.
- 6.3 Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of Jacqueline Harris-Baker, Director of Law and Governance and Monitoring Officer.

7. HUMAN RESOURCES IMPACT

- 7.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.

8. CUSTOMER IMPACT

- 8.1 There are no specific customer services issues relating to these applications

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 This report does not require a separate Equality Impact Assessment.

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 There are no perceived environmental and design impacts relating to these applications

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 If the committee authorise officers to proceed with the necessary statutory consultation, the Police Licensing Officer will be consulted as part of that consultation.

12. HUMAN RIGHTS IMPACT

12.1 There are no perceived human resources implications associated with this report.

13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

13.1 There are no direct freedom of information/data protection considerations associated with this report.

CONTACT OFFICER: Michael Goddard, Licensing Manager, Place
Department, ext. 61838

BACKGROUND DOCUMENTS: Application Forms