

Report of the Assistant Director Corporate Services to the meeting of the Miscellaneous Licences Panel to be held on 1st April 2008.

H

Subject:

A proposal from the Council's Bingley Town Centre Manager to introduce street trading restrictions in various streets within Bingley town centre.

Summary statement:

The Bingley Town Centre Manager has approached the Licensing Team with a proposal to introduce street trading restrictions in Bingley Centre following the creation of the new Town Square.

Suzan Hemingway
Assistant Director Corporate Services
(City Solicitor)

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Portfolio:

Corporate

Improvement Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 The Bingley Town Centre Manager has approached the Licensing Team with a proposal to introduce street trading prohibitions in the centre of Bingley, including the introduction of prohibited streets and consent streets.
- 1.2 The proposal follows the creation of the new Town Square and the Town Centre Manager feels it is now necessary to establish some measure of control over street trading activities. This is supported by the Bingley Chamber of Trade.
- 1.3 A copy of the request from the Bingley Town Centre Manager is attached at Appendix 1 to this report.
- 1.4 A plan showing the proposed prohibited area and consent streets/areas is attached at Appendix 2.

2. Background

- 2.1 The control of street trading is regulated by the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Street Trading in Bradford City Centre has been prohibited since 1st January 1985, when Members of the former General Services Sub-Committee resolved that certain streets within the city centre be designated as prohibited streets.
- 2.3 A number of streets within the City Centre were re-designated as Licence or Consent Streets in 1994, 2000 and 2001 following requests from the various Council Departments.
- 2.4 Street trading prohibitions are also in place in the Midland Road area of Bradford, Victoria Road Saltaire and the town centres of Keighley, Shipley, Ilkley and Haworth.
- 2.5 Where street trading prohibitions are in place, a person is guilty of an offence and on summary conviction shall be liable to a fine, if that person engages in street trading in a prohibited area or engages in street trading in a consent area without being authorised to do so by the Council.

3. Other Considerations

- 3.1 None

4. Legal Appraisal

- 4.1 In order to designate streets as prohibited or consent streets, the Council is required to:-
 - a) Publish a notice of intent in a local paper, which must allow 28 days for representations;
 - b) Serve a copy of the notice on the Police and the Highway Authority;

- d) After expiry of the 28 day period the Members would be asked to consider all representations made within the period;
- e) The Council may then pass a resolution designating the street;
- f) Notice of the passing of such a resolution must be placed in a local newspaper for two consecutive weeks.

5. Options

5.1 Members are asked to consider this report and decide whether to:

- a) authorise the Assistant Director of Corporate Services to initiate the procedures outlined in 4.1 above. A second report will then be referred to Members following the statutory 28 day representation period, requesting members to further consider the proposal taking account of any representations made.
- b) not authorise the initiation of the procedure outlined in 4.1 above, thereby not introduce any street trading restrictions in Bingley town centre without any further consideration.

6. Financial and resource appraisal

6.1 The cost of notices will be met from existing budget provision of the Bingley Town Centre Manager.

7. Other implications

7.1 Equal Rights

There are no apparent equal rights implications

7.2 Sustainability implications

There are no sustainability implications.

7.3 Community safety implications

There are no apparent community safety implications

7.4 Human Rights Act

Once consents are granted to individual traders, there may be human rights implications in respect of Article 1 to the First Protocol of the Convention (peaceful enjoyment of possessions) arising from revocation/non-renewal of such consents.

7.5 Trade Union

There are no apparent trade union implications in respect of this report.

8. Not for publication documents

None

9. Recommendations

Members are asked to consider this report and make a decision as to whether to authorise the Assistant Director or Corporate Services to initiate the procedures outlined in this report, towards designating the roads shown on Appendix 2, as prohibited and consent streets for street trading purposes.

10. Appendices

1. Letter from Bingley Town Centre Manager outlining proposals
2. Plan showing proposed street trading restrictions.

11. Background documents

Local Government (Miscellaneous Provisions) Act 1982.

City of Bradford Metropolitan District Council

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Date: 20 February 2008

Dear Tracy,

Unlike Bradford City Centre, Keighley Town Centre, Shipley Town Centre and Saltaire, Bingley has no street trading restrictions in place.

As the Town Centre Manager, I currently hold the Premises Licence (under the Licensing Act 2003) for the new Town Square, Queen Street, Airedale Street, and Main Street between Queen Street and Myrtle Place for the occasional provision of regulated entertainment between Monday to Sunday 0800 hours and 23.00hours.

With the provision of the new Town Square it is now felt necessary to also establish some measure of control over street trading activities within the town centre, by establishing a prohibited trading area and consent areas within that.

Historically the land, now occupied by the new Town Square is owned by the Council, however it was leased to Bradford & Bingley in the 70's and leased back to the Council for maintenance.

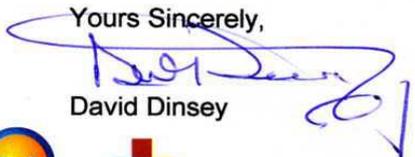
Whilst in negotiations with Bradford & Bingley regarding its usage they expressed their concerns that the area did not attract an excess of unlicensed traders, which has resulted in problems and complaints in other areas within the district. This has also been endorsed by the Bingley Chamber of Trade.

This is the reasoning behind obtaining consent areas to control such usage.

The attached plan shows in blue the area to be considered as a 'prohibited area' and within that area hatched in red are the consent areas.

In view of the above I would be grateful if you could pursue the possibility of these street trading controls being implemented.

Yours Sincerely,


David Dinsey



BRADFORD
one landscape many views



Appendix 2



Bingley Shopping Centre Atlas
Based Upon The Retail Mix In The Immediate Environment



goad For more information on our products and services
www.goadplans.co.uk
0845 6016011
goad.sales@uk.experian.com

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PROHIBITED AREA
CONSENT AREA

MULTIPLES V INDEPENDENTS		
LOW	HIGH	N/A