

Item No. 8.	Classification: Open	Date: 13 December 2011	Meeting Name: Licensing Committee
Report title:		Rescission or Variation of Licence Street Designations in Southwark	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the committee resolves to rescind or vary the licence street designations detailed in Appendix 1.

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.
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 1 have been operating either on a much reduced capacity or have been vacant for a number of years.
5. 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.
6. The council published notice of it's intention to rescind or vary these licence street designations on 4 August 2011 (Appendix 2), following agreement from licencing committee on 26 July 2011, and invited representations on the proposals.
7. One objection was received to the proposal from Bermondsey Antique Market and this has been taken into consideration through decreasing to 180 pitches rather than 150 in the original report. Letter and response are included in Appendix 3

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 in relation to any such street or part of a street any class of articles which they will, or other than which they will not, prescribe in any street trading licence in respect of that 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 £800,000 as at 31 March 2011, in the markets and street trading account remains 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.

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

Background Papers	Held At	Contact
London Local Authorities Act (as amended)	Street Trading Section: SAST House, Dawes Street, London SE17 1EL	Sharon Coleman 0207 525 0861
Markets and Street Trading Strategy	160 Tooley Street, London SE1 2QH	John McHenry 020 7525 2105

APPENDICES

No.	Title
Appendix 1	List of markets and street trading pitches to be rescinded
Appendix 2	Notice advert for Southwark News to rescind de-designated areas
Appendix 3	Correspondence with Bermondsey Traders Association Chair

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Leisure	
Report Author	John McHenry, Markets Development Manager	
Version	Final	
Dated	2 December 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	2 December 2011	