

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE - 16 JULY 2015

Title:

BRIDGE STREET, GODALMING – CONFIRMATION OF CONSENT
[Wards Affected: All]

Summary and purpose

The designation of Bridge Street, Godalming as a Consent Street is subject to a Notice of Intention which expired on 30 June 2015. No objections have been received and the Licensing and Regulatory Committee is requested to confirm the designation.

How this report relates to the Council's Corporate Priorities:

Environment – Street trading sites with active Consents are subject to periodic inspections and detailed record-keeping

Value for money – the designation of Bridge Street gives flexibility to the Godalming Town Council's monthly Farmers' Markets and potentially reduces the number of street closures required for High Street, Godalming.

Financial Implications

Fees from licensing and regulation should not, as a general rule, generate income for the Council. It is normal practice for administering authorities to cover the costs of providing a licensing and registration service by means of set fees which are periodically reviewed. The current fees for Street Trading include an allowance for the decision-making processes; policy allows for refunds for unsuccessful applications.

Legal Implications

Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allow a local authority to control street trading by designating streets within its area as 'prohibited', 'consent' or 'licence' streets. In order to exercise such control, a local authority must resolve to adopt these legislative powers. The Council adopted these powers on 22 October 1991 (Council Minute 44 – 22/10/91), and at the same meeting designated a number of streets in the Borough under the above designations. Those designations were amended on 24 November 2003, and were further amended on 1 December 2006 and 27 July 2009.

Paragraph 2 of Schedule 4 of the 1982 Act sets out the process for passing a resolution designating the Borough's streets. Failure to follow the correct procedure could lead to a challenge by way of Judicial Review. The process is set out within the report. There is no statutory right of appeal against the Council's decision, except for any Judicial Review application referred to above. If the correct procedure were followed the risk of such an application would be low.

Introduction

1. This Committee, at its meeting on 19 March 2015, supported a request from Godalming Town Council to recommend the designation of Bridge Street, Godalming as a Consent Street for street trading purposes. This was endorsed at the Council meeting of 14 April 2015.
2. Under the Local Government (Miscellaneous Provisions) Act 1982, a Notice of Intention was issued on 2 June 2015 informing of the intention to pass a resolution to designate Bridge Street. The Notice was served, as required, on the Highways Authority and the Police.
3. The Notice of Intention stated: NOTICE IS HEREBY GIVEN that Waverley Borough Council's Licensing and Regulatory Committee, at its meeting on Thursday 16 July 2015, intends to pass a resolution in the terms of the following draft resolution:-
"RESOLVED that pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction of The Burys to the north and Wharf Street and High Street to the south)."
4. If so resolved, a further public notice confirming the resolution and the date of effect must be published for two consecutive weeks in a local newspaper, giving a minimum of 28 days' notice. Assuming the process continues smoothly, the commencement date would be 28 August 2015.
5. The Notice of Intention allowed for representations to be received up to 30 June 2015. The only representations received are from the Highways Authority and the Police.
6. The Highways response was received on 3 June 2015. They commented that they can "see there is room fronting the Waitrose car park and [are] happy with the designation on the basis SCC Highways will be able to comment on individual applications as they come forward". Confirmation of this part of the process was sent to Highways by return.
7. The Police response was received on 4 June 2015, raising no objections.

Conclusion

8. There have been no contrary responses and designating Bridge Street as a Consent Street will give greater flexibility to the Farmers' Markets in Godalming.

Recommendation

It is recommended to the Council that:

1. pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction with The Burys to the north and Wharf Street and High Street to the south); and

2. a public notice confirming this decision and specifying the commencement date of 28 August 2015 be published accordingly.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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