

BRIDGEND COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

18 MARCH 2009

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
CONTROL OF STREET TRADING:PORTHCAWL

1. Purpose of Report

- 1.1 To report the outcome of a statutory consultation exercise to change the designation of the Eastern Promenade, Porthcawl from a consent street to a prohibited street for the purposes of street trading.

2. Background

- 2.1 The regeneration of Porthcawl has been identified as a Council priority and approved Supplementary Planning Guidance is in place to provide a framework for the future development of the Waterfront area.
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in order to control street trading within certain streets in Porthcawl. This enables the Council to prohibit street trading completely in some streets and/or designate other streets as streets where trading is only permitted under a licensing regime. On 31 March 1993 and 19 June 1996 the statutory processes (orders) to designate certain streets in Porthcawl as prohibited or consent streets were completed.

3. Current situation

- 3.1 On 8 January 2009, the Committee considered a proposal to change the designation of the Eastern Promenade Porthcawl from a consent street to a prohibited street. The effect of the proposal would be to prohibit street trading in the area marked on the plan attached at Appendix A of this report.
- 3.2 The Committee resolved to give Notice of the intention to pass a resolution to vary the original resolutions of 31 March 1993 and Council Policy and Resources Committee of 19 June 1996, that the designation of Eastern Promenade be changed from a consent to a prohibited street including all forecourts, roads, footways or other areas adjacent to the street in all directions for a distance of thirty metres, for the purposes of street trading.

- 3.3 In accordance with paragraph 2 (3) (a) and (b) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Notice of intention to pass the resolution was published in the Glamorgan Gazette on 5 February 2009 and a copy served on the chief officer of police and the highway authority. In addition, the Notice was served on a number of interested parties including Porthcawl Town Council, departments of the Communities Directorate, and holders of previous consents in the area. The closing date for representations was 7 March 2009.
- 3.4 One acknowledgement letter was received in respect of the Notice but no objection was raised to the proposal. Consequently, there is no requirement for consideration of this matter by the Appeals Panel prior to further determination.
- 3.5 The Committee is therefore required to consider any representations, and may if they think fit, pass the resolution referred to in paragraph 3.2 to effect the prohibition.
- 3.6 The Council is required to publish a further Notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.
- 3.7 The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation. In order to meet press deadlines it is proposed that the coming into force of the designation shall be 1 May 2009.

4. Effect upon Policy Framework & Procedure Rules

None at this stage.

5. Legal Implications

- 5.1 The power to resolve to change the designation of a street and a street trading policy rests with the Licensing Committee.

6. Financial Implications

- 6.1 The change of Eastern Promenade from consent street to prohibited street on the current Street Trading Order will require advertising by Public Notice at an estimated cost of £1100 and all costs associated with this change are to be paid for from Porthcawl regeneration budget allocations.

7. Recommendations

Committee is recommended to:

- 7.1 Pass a resolution to vary the original resolutions passed by the Council's Environmental Health Committee on 31 March 1993 and Council Policy and Resources Committee on 19 June 1996 that that the designation of Eastern Promenade be changed from a consent to a prohibited street including all forecourts, roads, footways or other areas adjacent to the street in all directions for a distance of thirty metres for the purposes of street trading as delineated on the plan attached to this report.

Background documents:

Environmental Health Committee - 31 March 1993 and Council Policy and Resources Committee 19 June 1996
Licensing Committee 8 January 2009

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