

**Extract from Cabinet Minutes  
15 February 2011**

**A14. SERVICE PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE - REVISED FINAL REPORT OF THE STREET TRADING TASK GROUP SCR/11/01**

The Cabinet considered a report by the Chief Executive (Reference 11/100). Cabinet were informed that this had cross departmental input to this report. Councillor Jim Preston presented this report and stated that in light of advice received that café amenities may not be managed under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA), and the County Council's newly stated wish, as the Highway Authority, to take over the administration of café amenities scheme in the Scarborough urban area in April 2011, the revised report instead now focused on how the Borough Council could best make use of the LGMPA across the Borough both to help regulate and promote street trading as appropriate. The report also reflected and welcomed the Investment Manager's work to regenerate Scarborough Market Hall and recommended that steps be taken to provide a traffic regulation order that would, in the event, support the use of Market Street and St Helen's Square for an on-street market.

Councillor Dixon asked about the amount of fees that could be charged for market stalls. He was advised that the Council could only charge what would be the cost of delivery of the service. In Scarborough Borough Council the Town team had managed the delivery of the market service and had support from other services which was chargeable. In setting the charge regard could be had to the market place valuation of sites.

Councillor Dixon stated that York seemed to be able to charge more for more lucrative pitches. He was informed that the Council had to demonstrate the transparency of its charging scheme. It was noted that the value of the pitch could be taken into account to some extent but it was not possible to make a profit.

Councillor Dixon asked that when officers reviewed fees they checked what happened elsewhere and how they were able to make difference charges.

Councillor Simpson stated that he agreed that more lucrative pitches should cost more than other pitches.

Councillor Backhouse stated that officers would carry out this work and bring a report back to Members.

Councillor Bastiman stated that the Council not take account of other towns as they were different from Scarborough.

Councillor Fox thanked the task group for their work on this.

**RESOLVED** that:

- (i) the current schedule of controlled streets be revised to include all public highways within the Borough;
- (ii) the revised schedule also include those roads, footways, beaches or other areas to which the public have access without payment;
- (iii) the designation of all the areas/streets listed in the schedule to the report be 'Consent' streets;
- (iv) the formal process to make the necessary designation order be commenced as soon as possible, with a view to having the order approved before the summer season;
- (v) based on the necessary involvement of both Licensing and Regeneration, officers consider the most appropriate way of administering the Borough-wide

- designation of 'Consent' streets and areas and advise Members in due course;
- (vi) officers review the fee structure for street trading consents taking account of the findings of the Task Group and report back to Members with a recommended fee structure;
  - (vi). the fee structure include cover for the administrative costs of the scheme, site supervision, management of pitches and support for Council activities ancillary to the street trading activities (e.g. promotional events);
  - (viii) the Borough Council continue to press the Government for changes to the law on peddling and continue to work with the Police to improve existing controls; and
  - (ix) the transfer of the highway amenities function completely to the County Council on 1 April 2011 be noted.

**Reasons:**

To ensure that the Borough Council makes optimum use of the Local Government (Miscellaneous Provisions) Act 1982 across the Borough both to help regulate and promote street trading as appropriate, whilst noting that the regulation of café amenities in the Scarborough urban area falls to the County Council from 1 April 2011.