

CAMBRIDGE CITY COUNCIL
Record of Officer Urgency Action

Urgency Powers to publish a public notice of the Council's intention to make a resolution designating St Andrews Street as a Consent Street for the purpose of street trading

Decision of: Director of Environment: Simon Payne

Reference: 14/URGENCY/LIC/02

Date of decision: 5/8/14.....

Decision Type: Officer Urgent Action

Matter for Decision: To publish a public notice of the Council's intention to make a resolution -designating St Andrews Street as a Consent Street for the purpose of street trading.

Why the decision had to be made (and any alternative options): For the efficient delivery of the service, the decision could not be delayed.

Officer decision(s): To publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to re-designate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations.

To present a report to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as a Consent Street.

Committee consideration: The Chair and Opposition Spokesperson^s of the Licensing Committee were consulted prior to the action being authorised.

Briefing Note/Report: A briefing note detailing the background is attached.

Conflicts of interest: None

Note:

City Council Constitution: Part 3 Para states:

Urgency Action

Each Director is authorised to act on behalf of the Executive or the Council (after consultation, if practicable with the relevant Executive Councillor or, in respect of non-executive functions, the relevant Chair or, in either case, the Chief Executive) in relation to matters within his/her area(s) of responsibility in cases of urgency or emergency. Any such action to be reported as soon as possible to the relevant Executive Councillor and Scrutiny Committee or, for non-executive functions, the relevant committee or sub-committee.

In exercising this power, a Director shall either consult:

- members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
- the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Director shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee)."

Pitch 22 -St Andrews St – Member Briefing note

Introduction

Urgency powers to publish a public notice of the Council's intention to make a resolution designating St Andrews St as a Consent St for the purpose of street trading as set out in paragraph 2(1)c Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982.

Background

The City Council has granted street trading consents for pitch 22 on St Andrew's Street since 1st April 2007. The same trader has held consents to trade from this pitch since this date. The trader is well established and has recently invested significantly in his street trading unit.

Following receipt of an enquiry with regard to the status of St Andrew's Street officers have researched the Council's records.

In 1988 when the Council designated streets within Cambridge pursuant to Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as Consent Streets and Prohibited Streets, St Andrew's Street was designated a Prohibited Street.

On 14 June 1995 the Environment, Health and Protection Committee resolved that notice be given of the committee's intention to pass resolutions in terms of the following drafts and copies be served on the Chief Constable and the County Council as Highways Authority:-

- (1) "That St Andrew's Street shown coloured red on the plan numbered MS2 to which the public have access without payment, including all forecourts, roads, footways, or other areas adjacent to the street for a distant of 10 metres, other than as already for part of the consent street, be redesignated from prohibited street to consent street for the purposes of paragraph 2(1)(c) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 January 1996"
- (2) "That insofar as they affect St Andrews Street, the resolutions passed by the Public Health Committee on 13 January 1988 designating such streets as a prohibited street be rescinded with effect from 31 December 1995."

The Committee made other resolutions at the same meeting to accommodate some temporary Market Consents during the period of a proposed Market Square refurbishment.

On 4th July 1995 the Council published notice of intention to pass the resolutions as set out in points 1 and 2 above.

Despite extensive research officers have been unable to locate the resolution confirming the redesignation of St Andrew's Street as Consent Street or any

resolution not to do so. Officers have also been unable to locate any public notice confirming the redesignation of St Andrew's Street.

The proposed refurbishment of the Market Square was not agreed by the Council in 1995 and therefore the Environment Health and Protection Committee on 17 January 1996 resolved :

1) That resolutions passed by the Environment Health and Protection Committee on 14 June 1995 be rescinded with immediate effect.

We have been unable to find out whether it was the intention to rescind the St Andrew St resolution of June 1995, which does not appear to be connected to the decision to set up temporary market consents to allow the (then abandoned) Market Square refurbishment.

It is clear that there was an intention by the then Environmental Health and Protection Committee to redesignate St Andrews St from a Prohibited Street to a Consent Street and this is reflected in the Public Notice dated 4th July 1995 (attached). However the full designation process requires a resolution to designate the street, following consideration of representations, and publication of a second public notice stating that the resolution has been passed. It would appear that this was overlooked.

The Council must now resolve the status of St Andrew's Street for street trading purposes.

Recommended way forward

Given that it is now too late for this item to be included in the agenda for the next Licensing Committee on 21st July 2014 the following action is proposed;

That the Director of Environment takes the decision under urgency powers (Part 3 Section 9 of the City Council constitution) to publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to redesignate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations. This decision is subject to consultation of the Chair of Licensing Committee and Opposition Spokes. This briefing note forms part of this consultation.

A report will then be presented to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as Consent Street.

Emma Thornton 17th July 2014