

Agenda



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Date: 19 September 2024
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A meeting of the

General Licensing Committee

will be held on Monday 30 September 2024 at 10.00 am

Meeting Room 1, Abbey House, Abbey Close, Abingdon, OX14 3JE

You can watch this meeting on the council's [YouTube channel](#).

Members of the Committee:

Councillors

Ron Batstone (Chair)

Patrick O'Leary (Vice-Chair)

Paul Barrow

Kiera Bentley

Cheryl Briggs

Neil Fawcett

Oliver Forder

Diana Lugova

Sally Povolotsky

Val Shaw

Andrew Skinner

Bethia Thomas

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Vivien Williams,
Head of Legal and Democratic (Interim)

Agenda

Open to the Public including the Press

1. Chair's announcements

To receive any announcements from the chair and general housekeeping matters.

2. Apologies for absence

To record apologies for absence.

3. Minutes

(Pages 3 - 5)

To adopt and sign as a correct record the General Licensing Committee minutes of the meeting held on 23 May 2024.

4. Declarations of interest

To receive any declarations of disclosable pecuniary interests and any conflicts of interest in respect of items on the agenda for this meeting.

5. Urgent business

To receive notification of any matters which the chair determines to be considered as urgent business and the special circumstances which have made the matters urgent.

6. Public participation

To receive any questions or statements from members of the public that have registered to speak.

7. Review of Joint Street Trading Policy

(Pages 6 - 30)

To consider the report of the Head of Communities in relation to the review of the council's joint street trading policy.



Minutes

of a meeting of the

General Licensing Committee

held on Thursday, 23 May 2024 at 6.15 pm in Meeting Room 1, Abbey House, Abbey Close, Abingdon, OX14 3JE

Open to the public, including the press

Present in the meeting room:

Councillors: Ron Batstone (Chair), Patrick O'Leary (Vice-Chair), Kiera Bentley, Andrew Skinner, and Bethia Thomas

Officers: Darius Zarazel (Democratic Services Officer)

GL1 Chair's announcements

The chair welcomed everyone to the meeting, outlined the procedure to be followed and advised on emergency evacuation arrangements.

GL2 Apologies for absence

Apologies for absence were received from Councillors Lucy Edwards, Oliver Forder, Paul Barrow, Cheryl Briggs, Neil Fawcett, Diana Lugova, and Val Shaw.

GL3 Minutes

RESOLVED: to approve the minutes of the meeting held on 7 February 2024 as a correct record and agree that the Chair sign these as such.

GL4 Declarations of interest

There were no declarations of interest.

GL5 Urgent business

There was no urgent business.

GL6 Public participation

There were no registered speakers.

GL7 Appointment of Taxi Panels

The committee considered a proposal to appoint sub-committees, agreed to be referred to as licensing panels, to consider matters under the Council's Taxi Licensing Policy.

RESOLVED: to

1. appoint sub-committees comprising any three members of the General Licensing Committee;
2. agree that the sub-committees be known as taxi licensing panels;
3. appoint each member of the General Licensing Committee to serve on any taxi licensing panel which is convened so as to include them in its membership, subject to them having attended appropriate training in the last 12 months;
4. authorise each taxi licensing panel to discharge all functions relating to matters referred to the committee or to its sub-committees under the Taxi Licensing Policy;
5. agree that, wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel;
6. authorise the head of legal and democratic to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

GL8 Appointment of General Licensing Panels

The committee considered a proposal to appoint sub-committees, agreed to be referred to as licensing panels, to consider individual cases of general licensing matters under the committee's remit for contaminated land, air quality, health and safety, street trading and street naming.

RESOLVED: to

1. appoint sub-committees comprising any three members of the General Licensing Committee;
2. agree that the sub-committees be known as general licensing panels;
3. appoint each member of the General Licensing Committee to serve on any general licensing panel which is convened so as to include them in its membership;
4. authorise each general licensing panel to discharge all functions relating to matters referred to the committee or to its sub-committees, other than under the Taxi Licensing Policy;

5. agree that, wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel;
6. authorise the head of legal and democratic to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

The meeting closed at 6.18 pm

General Licensing Committee



Report of Head of Communities

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To: General Licensing Committee

DATE: 30 September 2024

Review of Joint Street Trading Policy

Recommendation

(a) The committee authorises the Head of Communities to carry out a consultation on the proposed joint street trading policy at Appendix A.

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	No	No	No
Signing off officer	James Ticehurst	Sarah Commins	Heather Saunders	Ruth Lewin- Leigh

Purpose of Report

1. To consider a draft of the proposed Joint Street Trading Policy in advance of a consultation with relevant persons and groups.

Strategic Objectives

2. The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building Healthy Communities'. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The council's current street trading policy came into effect in October 2014. Since that date, the only changes made are to update reference to changes to the Head of

Service and office address, minor typographical corrections, and updates to other legislation referred to within the document.

4. The council currently has 20 issued street trading consents. Of these, 9 consents cover multiple sites, five cover a fixed single site, and six are mobile traders (ice cream vans).

Proposed policy

5. The proposed new policy is attached at **Appendix A**.
6. The changes made to the previous policy are summarised in a document which can be found at **Appendix B**.
7. The council has been approached to consider a model of host sites with consents and registered pop-up traders, which has been investigated as part of this policy review. Having sought our own legal advice, officers would suggest this model is not suitable for authorised street trading as according to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 it is the trader who holds the street trading consent rather than it being held by a third party. As the council already issues consents which cover multiple sites, and has done so for a number of years, a new section has been added to the policy to better explain how multiple-site traders can apply to the council. In effect, this means that once a consultation has been carried out for suitability of a site to host street trading, new traders can apply for the same site without the need for another consultation unless there are changes to the trading days/hours.
8. As a number of members have been involved in enquiries about the council's street trading policy over the course of the last 18 months, it was felt appropriate to bring a draft of the policy to the committee prior to the consultation.

Consultation

9. The consultation will run for a period of approximately six weeks. It will be a public consultation, and will also be sent to all councillors, including Town and Parish Councils, responsible authorities, all existing street trading consent holders, plus any new applicants with applications in process at the time the consultation begins.
10. A report on the results of the consultation will be brought to a future meeting of this Committee for review along with a final draft version of the policy for consideration of adoption.

Implementation

11. The new policy will be published on the council's website and will have a clear commencement date.

Financial Implications

12. There are no anticipated financial implications arising from the adoption of the proposed policy. The council has a set fee for street trading consents which seeks to recover the costs of processing an application.

Legal Implications

13. The council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, ("The Act") for the whole of its area. The council has previously resolved to designate all streets in the council area as 'Consent Streets' The powers set out in Paragraph 7 of Schedule 4 of the Act provides for the council to have a broad discretion as to whether to grant a consent and if so on what terms.
14. The draft policy has been written to reflect current legislative requirements. Schedule 4 of the Act sets out the powers available to the council including the designation of streets as prohibited, consent, or licence, exemptions, setting of fees, applying conditions and offences and all consents have to be made and determined in accordance with the council's street trading policy. The council should have an up-to-date policy that informs the decision making process and gives clarity to applicants, consultees, and decisionmakers.
15. While there is no statutory requirement to consult upon and or adopt a street trading policy it is considered best practice to adopt such a policy and where the council consults on such matters it must do so properly in accordance with the principles in the case of R v London Borough of Brent ex parte Gunning [1985] LGR 168. The principles are a) consultation must be carried out when proposals are in a formative stage, b) sufficient information is provided for intelligent consideration, c) adequate time must be given for a response and d) the product of the consultation must be conscientiously taken into account in making the decision.

Climate and ecological impact implications

16. When granting street trading consents, we will take into account measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers' rubbish is dealt with.

Equalities implications

17. An Equality Impact Assessment has been completed and there are no implications identified.

Risks

18. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

Other Implications

19. None

Conclusion

20. The committee is recommended to authorise the Head of Communities to carry out a consultation on the proposed joint street trading policy at Appendix A.

Background Papers

- Appendix A – Proposed Joint Street Trading Policy
- Appendix B – Summary of changes made to previous policy

Joint Street Trading Policy

This policy was adopted by the Vale of White Horse District Council at the meeting of General Licensing Committee on **** and South Oxfordshire District Council at the meeting of General Licensing Committee on **** and comes into force on **** and will be reviewed five years from that date unless previously amended.

Version control		
Version	Date	Revisions
v1	TBC	Policy came into force

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Contacts

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Glossary

Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • at an established market or fair • as a news vendor • at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) • under a street collection permit for charitable purposes
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Consent street	A street in which street trading is prohibited without the consent of the council
Councils	South Oxfordshire District Council and Vale of White Horse District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • carry all goods for sale and not use a trolley or stall • hold a valid pedlar's certificate, issued by a Chief Constable of Police
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does not return to that location within four hours • does not wait in one location for more than 20 minutes • does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.
Single-use plastic	<p>This includes single-use plastic plates, cutlery, expanded and extruded polystyrene food and drink containers.</p> <p>Supply of the following single-use plastic items is banned:</p> <ul style="list-style-type: none"> • polystyrene food and drink containers • drinks stirrers • cutlery <p>Supply of the following single-use plastic items have restrictions:</p> <ul style="list-style-type: none"> • plates, bowls and trays (a plate filled at the trading van would be acceptable) – NB this does not include polystyrene which is banned, as above

	<ul style="list-style-type: none"> straws (must be kept where customers cannot see them or help themselves to them, only give straws to customers that request them and not offer them to customers either verbally or in writing) <p>More information can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions</p>
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

1 Purpose of the policy

- 1.1 This policy sets out the framework for the management of street trading in the area of South Oxfordshire District Council and Vale of White Horse District Council.
- 1.2 The powers to control street trading within the councils' areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the councils. Under Schedule 4 of the Act the councils can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 1.3 The councils recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.
- 1.4 The councils are also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient guidance and advice to enable them to operate safely and successfully.
- 1.5 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity.
- 1.6 This document sets out the criteria the councils will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.
- 1.7 The policy supports both of the councils' commitment to work in partnership with other agencies and avoiding duplication with other statutory controls.

2 Consultation

- 2.1 In determining this policy, the councils have consulted the following:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current street traders
 - Local business organisations
 - Residents
- 2.2 In addition the following teams within the councils have been consulted:
 - Planning
 - Environmental health
 - Economic development
 - Parks and leisure
 - Car parks

3 Duration of policy

- 3.1 We aim to review this policy every five years. When required, periodic reviews and updates may be undertaken.

4 Legislation and current provision

4.1 The Act sets out a number of definitions and provisions:

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable purposes.

4.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980.

4.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

4.4 All streets within the councils’ areas are designated as consent streets.

4.5 Prohibited streets are streets where no street trading may take place.

4.6 There are no prohibited streets within the councils’ areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.

4.7 A licence street is a street that requires a formal licence before any form of street trading can take place.

4.8 There are no licence streets within the councils’ areas.

4.9 Street traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.

4.10 All applications for street trading consents must include written permission from the land owner for the business to operate from that location.

- 4.11 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.

5 Delegation of functions

- 5.1 The councils aim to provide a clear, consistent licensing service for applicants and consent holders.
- 5.2 The General Licensing Committee of the relevant council:
- reviews and adopts the street trading policy
 - determines applications for and reviews consents
- 5.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities.
- 5.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982
 - b) vary the conditions attached to an existing street trading consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
 - c) refuse any application for a consent that:
 - (i) in the opinion of the Head of Communities does not comply with the council's policy or consent conditions,
 - (ii) has been subject to objections from Thames Valley Police, Oxfordshire Fire and Rescue Service or Oxfordshire County Council highways on the grounds of public or highway safety.
 - d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaint about the trader or the trader has breached the conditions of his/her street trading consent.
 - e) refer any applications for street trading consents to the street trading panel when valid objections have been received or complaints are substantiated.
 - f) revoke a consent if a site is no longer viable or the consent holder is no longer able to comply with conditions.

6 Markets

- 6.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

7 Community and charity events

- 7.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the requirement to obtain a street trading consent for that location, subject to the following restrictions:

- traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- traders must be invited to trade at the event by the organisers
- hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003.

8 Special temporary events

- 8.1 For special temporary events, such as a Christmas fayre, the councils may issue special temporary event consents at a reduced fee. It is not expected that such events would last longer than 72 hours, or occur more frequently than once in any four week period.
- 8.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 8.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 8.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.
- 8.5 Special temporary events consents do not provide exclusive control over trading in the designated area.

9 Multiple site traders

- 9.1 Street trading on private land such as pub and social club car parks, and village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 9.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add to or change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 9.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 9.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 9.5 Each trader must pay a consent fee before the consent is issued.

10 Mobile street trading

- 10.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.

10.2 Mobile traders must:

- move from location to location
- move at least 50 metres from the last trading location and not return to that location within four hours
- not wait in one location for more than 20 minutes
- not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)

10.3 Due to the nature of their trade over a wide geographical area and their limited impact upon a single location, mobile street traders will generally not be subject to the consultation process.

11 Application process and criteria

11.1 All new street trading consent applications will be subject to a 28 day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 10.3. The consultation will seek the views of local residents and businesses that may be directly affected and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Planning and Environmental Health. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

11.2 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a yellow A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition.

j) Environmental sustainability

Measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers' rubbish is dealt with. Traders should also be aware of the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. See the glossary under 'single-use plastic' for more information. Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.

Contents of a Street Trading Consent Application

11.3 All applications for the grant of a new street trading consent site shall include:

- a) completed application form downloaded from the relevant council website
- b) consultation fee (non-refundable)
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK
- e) written consent of the landowner (unless the site is public highway)

- f) written confirmation of the existence of, or no requirement for planning permission
- g) a copy of a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map shall be to a scale of 1:2500 and clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
- h) current photographs of the vehicle/stall showing external condition and signage
- i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- j) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- k) food hygiene certificates (for food businesses only)
- l) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

11.4 The consultation period will start when sufficient documents from the above list are provided in order for the consultees to consider the proposal. As a minimum, it is expected that items (a) to (h) will be provided, but further guidance can be sought from officers if the applicant has any difficulty in providing any of the items listed.

11.5 In addition to the application requirements above, the street trading consent fee will be required prior to a consent being issued.

Contents of a Mobile Street Trading Consent Application

11.6 All applications for the grant of a new mobile street trading consent shall include:

- a) a completed application form downloaded from the relevant council website
- b) street trading consent fee
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar months old)
- d) proof of right to work in the UK
- e) a copy of a map showing the proposed area of trading
- f) current photographs of the vehicle/stall showing external condition and signage
- g) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- h) a valid insurance certificate for £5,000,000 public liability cover
- i) food hygiene certificates (for food businesses only)
- j) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Duration of Street Trading Consents

11.7 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

Renewals - Street Trading Consents/Mobile Street Trading Consents

- 11.8 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued, any street trading beyond the expiry date is an offence and may lead to refusal of further applications.
- 11.9 All applications for the renewal of a street trading consent shall include:
- a) a completed application form downloaded from the relevant council website
 - b) street trading consent fee
 - c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
 - d) proof of right to work in the UK (unless provided previously)
 - e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - f) current photographs of the vehicle/stall showing external condition and signage
 - g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
 - h) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Transfers

- 11.10 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process detailed in this policy.
- 11.11 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ other person(s) to assist in operating the stall/vehicle.

Determination of Applications

- 11.12 Each application will be determined on its own merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.
- 11.13 Following the determination of an application, the Head of Communities will notify the applicant of the decision in writing within ten working days of the decision.
- 11.14 A street trading consent will be automatically granted if the application meets the criteria and there are no valid objections.
- 11.15 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 11.16 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.

11.17 Where the council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the council may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

12 Fees

12.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team.

12.2 Refunds will not be given where a consent is surrendered during the term.

13 Conditions

13.1 The councils will generally apply standard conditions to all street trading consents.

13.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Annex 1. The standard conditions applied to mobile street trading consents are attached to this policy as Annex 2. These lists are not exhaustive and other conditions may be added to individual consents as required.

13.3 Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The council must approve any changes to or replacement of the stall or vehicle.

14 Enforcement

14.1 The councils are committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

14.2 The licensing team aims to work closely with other enforcement authorities when dealing with issues related to street trading.

14.3 Where licensable activities are conducted without the benefit of a street trading consent or where conditions are breached, the council will gather evidence and take enforcement action as required in accordance with the relevant enforcement policy.

Annex 1 Standard Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays

are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.

13. The consent holder's vehicle or stall shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
14. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
16. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
17. A street trading consent cannot be transferred or sold to another person.
18. The sub-letting of a street trading consent location is prohibited.
19. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
20. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
21. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
22. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
23. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
24. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
25. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the

consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.

15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 3 Guidelines on the suitability of applicants

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.

Street Trading Policy Review – Proposed Summary of Changes

Section	Policy Change	Notes
Glossary	Activities not requiring consent	Additional reference to the Highways Act 1980 added for clarity
Glossary	Single-use plastic	Provide definition and brief explanation in connection with new legislation prohibiting and restricting supply of single-use plastic along with link to guidance.
Glossary	Street	Additional reference to privately owned land as per relevant case law
3.1	Amended review period	There is no statutory review period for this type of policy
4.12	Removed grandfather rights section	Not relevant to this policy as relates to a transitional arrangement in 2014
5.4 (e) and (f)	Delegation of functions	Clarify that any applications can be referred to the panel in case of objections or substantiated complaints, not just new applications and not just public objections. Also add the ability for the Head of Service to revoke consents if the site is no longer viable or the consent holder is no longer able to comply with conditions
6.1	Markets	Wording change to provide clarity on the exemption in the legislation
7.1	Community and charity events	Added in a requirement for such events to be notified to the council and clarified that a temporary event notice need only be submitted if required under the Licensing Act 2003
8	Special temporary events	New section - to provide more flexibility for applicants who wish to provide street trading only for a short period of time
9	Multiple site traders	New section - to provide more flexibility to traders who trade at a number of different locations throughout the district
10	Mobile street trading	Clarified that mobile street traders will not generally be subject to the consultation process

Street Trading Policy Review – Proposed Summary of Changes

11.1	Consultees	Added in examples of the bodies consulted, which may vary depending on the location and type of trader.
11.2 (b)	Crime and disorder and safeguarding	New section to replace previous section on public order with wider range to ensure protection of the public
11.2 (e)	Written objections or support from local residents or their representatives	Require applicant to display the notice and provide evidence to the Licensing Authority, for greater consistency with other legislation
11.2 (j) 11.3 (l) 11.6 (j) 11.9 (h)	Environmental sustainability	New section given the increasing importance of ensuring minimal impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, sustainable sourcing of food and drink and confirming the single-use plastic ban/restrictions.
11.3(b)	Consultation fee	Change wording from application fee to consultation fee – to clarify the work this fee covers [consent fee which is payable by all applicants is detailed in 11.5]
11.3 (c) 11.6 (c) 11.9 (c)	Requirement to provide a basic DBS certificate	Added to ensure applicants are safe and suitable to be as they could come into contact with lone children and vulnerable adults
11.3 (d) 11.6 (d) 11.9 (d)	Requirement to provide proof of right to work	Added to ensure applicants are permitted to work in the UK before a consent is issued.
11.3 (e) 11.6 (f)	Landowner permission	Amended to confirm that applications for pitches on highway and mobile street trading consents do not require landowner permission.
11.3 (i) 11.6 (h) 11.9 (g)	Electrical/gas safety certificates	No valid reason to insist certificates should be no older than 28 days as long as within the recommendation from the professional body/competent person.
11.8	Renewal applications	To ensure we have sufficient time to process the application before the consent expires

Street Trading Policy Review – Proposed Summary of Changes

11.10	Transfer	Removed information on the transfer of consents as there is no legal provision to do this (mention in Fees section also removed, and conditions in Annexes 1 and 2).
11.11	Sub-letting of trading vehicle/pitch	Added clarification which refers to the condition of the consent that would be breached by sub-letting.
11.12	Determination of applications	Confirm that all decisions are made on the merits of the individual case having regard to the application, relevant policy and guidance, and any objections or concerns received. Some duplication also removed from this section in general.
11.16	Mediation	Clarify that if changes to the application and or/conditions can be agreed with all parties which address any concerns, then a consent may be issued with those amendments.
12.1 and 12.2	Fees	Clarification in respect of what fees cover and that refunds are not payable where consents are surrendered (latter also amended in conditions in Annexes 1 and 2).
13.2	Conditions	Confirm that Annex 1 conditions would apply to multiple site traders and special temporary consents
Annex 1 (6) and Annex 2 (10)	Added single use plastic ban/restriction legislation and updated food hygiene regulations	Added the law and a link to the guidance – also detailed in glossary under single use plastic and 11.2 (j)
Annex 3	Guidelines on the suitability of applicants	New section – To provide clarity on whether an applicant is suitable to hold a consent which may be informed by the contents of their DBS disclosure or comments received from other sources.

NB Where sections have simply moved or there have been minor changes to wording for clarity, this is not included in the above table as a change. References to the Head of Service have been updated also.