



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 31ST OCTOBER 2011
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Mrs. J. M. Boswell, J. R. Boulter, Ms. M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon, S. P. Shannon, Mrs. C. J. Spencer, L. J. Turner and P. J. Whittaker

AGENDA

1. Election of Vice-Chairman
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest
4. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 6th June 2011 (Pages 1 - 2)
5. Street Trading Consent Policy Review (Pages 3 - 18)
6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

21st October 2011



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at www.bromsgrove.gov.uk

Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 6TH JUNE 2011 AT 6.00 P.M.

PRESENT: Councillors C. J. Bloore (substituting for Ms. M. T. Buxton),
Mrs. J. M. Boswell, J. R. Boulter, Mrs. R. L. Dent, K. A. Grant-Pearce,
Miss P. A. Harrison, S. P. Shannon and P. J. Whittaker

Invitees: Mark Kay, Licensing Manager, Worcestershire Regulatory
Shared Services

Officers: Mrs. S. Sellers, Mrs. V. Brown, Ms. S. Garratt and Ms. P. Ross

1/11 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor Mrs. R. L. Dent be elected Chairman of the
Committee for the ensuing municipal year.

2/11 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor P. J. Whittaker be elected Vice-Chairman of the
Committee for the ensuing municipal year.

3/11 **APOLOGIES**

Apologies for absence were received from Councillors Ms. M. T. Buxton, Mrs.
H. J. Jones, R. J. Shannon and L. J. Turner.

4/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/11 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 10th January
2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/11 **STREET TRADING CONSENT POLICY REVIEW**

The Committee considered a report detailing the contents of the draft revised
Street Trading Policy Statement, Customer Information Pack and the Standard
Conditions.

The Senior Licensing Practitioner introduced the report and in doing so requested that the Committee note the new proposed fee structure as set out in Appendix 2 of the report.

Members were reminded that at the Licensing Committee meeting held on 10th January 2011, it had been requested that officers review the current Street Trading Consent Policy. The review of the policy had now been completed. Members were requested to note that the proposed draft policy documents had been based on the version currently used in two other local authorities within the County. Feedback from those authorities was that the proposed policy statement had operated effectively and that no significant issues had been reported.

Officers were proposing a 12 week public consultation details of which would be circulated to interested parties and published on the Council's web site. The responses to the consultation would be presented to the Licensing Committee.

The Licensing Manager, Worcestershire Regulatory Shared Services (WRSS) and Senior Licensing Practitioner responded to Members' questions regarding mobile scrap metal dealers, buskers and ice cream sellers.

RESOLVED:

- (a) that the draft Street Trading Policy Statement, Customer Information Pack and Standard Conditions be approved; and
- (b) that the approved draft versions of the documents be subject to public consultation such consultation to take place over a 12 week period with the responses being reported back to the Licensing Committee.

The meeting closed at 6.26 p.m.

Chairman

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STREET TRADING POLICY - REVIEW

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To receive a report on the Street Trading Policy for the District following a consultation exercise undertaken during the period 10th June 2011 to 13th September 2011.

2. RECOMMENDATIONS

- 2.1 **That Members approve the wording of the Street Trading Policy Statement (Appendix 1), Information Pack (Appendix 2) and Street Trading Standard Conditions (Appendix 3), and agree that these three documents be adopted to form the Council's Street Trading Policy; and**
- 2.2 **that Members recommend to Full Council that the fees and charges as set out at Part 5 and Part 7 of the Information Pack (Appendix 2) be approved by Full Council.**

3. KEY ISSUES

Financial Implications

- 3.1 Estimated costs of the service have been included within the Worcestershire Regulatory Services (WRS) budget and are reflected as non-profit making.

Legal Implications

- 3.2 The law relating to Street Trading is set out in the Local Government (Miscellaneous Provisions) Act 1982. Bromsgrove District Council (The Council) pursuant to Section 3 of the 1982 act has resolved to adopt Schedule 4 of the Act to control Street Trading in the District. Further, the Council has resolved that every street within the area of the district of Bromsgrove should be designated as a Consent

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Street, under the Act, (LGMPA) (except those shown at Appendix 1 and nominated as Prohibited Streets).

- 3.3 By adopting the new Policy Members are not being asked to make any changes to the Prohibited Streets. In relation to fees, Members are reminded that there is case law which establishes the principle that fees can only be charged on a costs recovery basis. In other words the fees must reflect that actual cost to the authority of the officer time involved in administering the issuing of Consents for street trading. The Council would be open to challenge if the fees were set at a higher level.

Service / Operational Implications

- 3.4 At the Licensing Committee held on the 10th January 2011, it was agreed that Officers would review the current Street Trading Policy with results to be presented to the Licensing Committee meeting to be held on the 6th June 2011.
- 3.5 At the Licensing Committee on 6th June 2011, Officers presented Members with a revised Policy for Street Trading and an application information pack.
- 3.6 Consultation took place between 10th June 2011 and 13th September 2011 with all relevant agencies and all consent holders. No representations/objections were received.
- 3.7 The wording of the proposed Policy statement (Appendix 1) is based on the same policy that has already been established in two other Local Authorities within the County; where it has been adopted the policy has shown to be effective. This policy is also to be introduced in two Local Authorities in the near future.
- 3.8 The introduction of this proposed policy will enable a transparent, objective and consistent approach to Street Trading on a countywide basis. This will be of benefit to customers who trade in different parts of the County.
- 3.9 Members requested Officers to look at fees in particular; the proposed fees (shown in Appendix 2 – Information Pack) are consistent with the adjoining Local Authority and set on a recovery of costs basis.
- 3.10 The Standard Conditions to be attached to Street Trading Consents are included at Appendix 3.

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Customer / Equalities and Diversity Implications

- 3.11 The Council currently has a Street Trading Policy. The changes to that Policy were consulted on through a 12 week consultation process. Current consent holders will not be adversely affected by this Policy change.
- 3.12 The draft revised Policy has gone through a 12 week consultation and has been be circulated and published on Bromsgrove District Council's web site as part of the formal consultation process.
- 3.13 Policies have several advantages, ensuring transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1	Street Trading Policy Statement
Appendix 2	Customer Information Pack
Appendix 3	Standard Conditions attached to consents.

6. BACKGROUND PAPERS

Street Trading Policy amended May 2010
Local Government (Miscellaneous Provisions) Act 1982 Section 3,
Schedule 4.

AUTHOR OF REPORT

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Worcestershire Regulatory Services

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STREET TRADING - POLICY STATEMENT

UNDERLYING PRINCIPLES

1. Street Trading is regarded as an acceptable activity in Bromsgrove within the consented areas (Appendix A), provided that it is located where it can make a positive contribution to add interest, vibrancy, and diversity to the area and does not give rise to problems associated with Crime and Disorder.
2. The Council is the responsible authority for granting Street Trading Consents in Bromsgrove and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix 3).
3. The Council accepts that Bromsgrove comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council will consult with the following agencies:
 - The Highways Authority – Worcestershire County Council;
 - The Chief Officer of Police;
 - Worcestershire Regulatory Services – Compliance Team;
 - The Councils Street Scene and Community Services Team;
 - The Council's Community Safety Team;
 - Trading Standards;
 - The Parish Council (if any) in which the Trading Unit is to be located;
 - The Ward Councillors; and
 - The owners/occupiers of any properties near to the proposed location of trading site.
 - Any other relevant agency
5. The Crime and Disorder Act (1998) stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.
6. The Council may issue Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.
7. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.

8. Applications for a Street Trading Consent will be considered and determined under the Council's Scheme of Delegation by the Head of Worcestershire Regulatory Services, or otherwise by the Council's Licensing Sub-Committee.
9. Where more than one trader applies for Consent to trade from an approved site, the applications will be referred to the Council's Licensing Sub-Committee.

CRITERIA FOR CONSIDERING APPLICATIONS FOR STREET TRADING CONSENTS

When considering an application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.
2. The proposed siting and design of the street trading vehicle and whether or not it enhances the area within the immediate vicinity.
3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.
4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.
5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.
6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.
7. The numbers, distribution and location of existing street trading consents.
8. The likelihood of excessive noise, odour and litter being generated.
9. Whether the proposal would conflict with any other policies of the Council.

APPENDIX A

CONSENTED STREETS	PROHIBITED STREETS
<p>ALL STREETS WITHIN BROMSGROVE DISTRICT EXCEPT THOSE DESIGNATED AS PROHIBITED STREETS AND STREETS WITHIN THE TOWN CENTRE USED FOR MARKET PURPOSES.</p>	<p>Worcester Road</p> <p>Hanover Street</p> <p>St. John Street</p> <p>Chapel Street</p> <p>Mill Lane</p> <p>Market Street</p> <p>Church Street</p> <p>Station Street</p> <p>High Street</p>

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STREET TRADING

INFORMATION PACK

1. What is a Street Trader?

A Street Trader is someone who:-

- i. Trades on any road, footways, highways, and other adjacent areas to which the public have access without payment. Traders must obtain land owners' permission when trading on private land.
- ii. Sells or exposes or offers for sale any article, whether food or non-food, including a living thing, whether with or without a stall or vehicle.
- iii. Trades from a fixed location.

2. Does the Control apply to all Traders?

No, there are various exemptions to the requirement to hold a Street Trading Consent:-

- i. Trading as a pedlar with a valid Pedlar's certificate issued under the Pedlars Act 1871. A pedlar is a person who travels and trades on foot and goes from town to town or from house to house carrying goods to sell. A pedlar cannot trade from a fixed spot. Pedlar's certificates are obtained from any main Police Station.
- ii. A roundsman, who is a person who delivers orders to the customer's door. This is a trader who calls by prior arrangement with the customer and sells at the customer's premises. Ice cream sellers or mobile food sellers are not deemed to be "roundsmen" and require a licence to trade in the street.
- iii. News vendors selling only newspapers and periodicals, unless the stall exceeds one metre in length or width, or two metres in height.
- iv. Trading from the forecourt of a petrol filling station.
- v. Trading from a stall outside a shop as an extension of that business.

3. How is Street Trading Controlled in Bromsgrove?

Bromsgrove District Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can effectively control street trading.

- i. All streets within Bromsgrove District have been designated as consented streets apart from those specifically prohibited (see Appendix A of the Council's Street Trading Policy).

- ii. This means that it is an offence to trade without Consent in any street, road, footway, highway, or adjacent area to which the public have access without payment, other than those prohibited where no trading at all can take place.
- iii. Trading without consent may result in prosecution.
- iv. If a trader has been granted a consent the Council has the right to vary or revoke the Consent at any time if the trader fails to comply with the conditions attached to the Consent.
- v. If you wish to trade outside of the Bromsgrove District you should contact the appropriate District Council for that area. Please note that different Councils may have different procedures and rules regarding street trading.
- vi. If you wish to trade within the Bromsgrove District an application should be made to the Worcestershire Regulatory Services, Licensing, Burcot Lane, Bromsgrove. B61 1AA.

4. How do I apply for Consent?

- i. Complete the appropriate application form – for a “static trader” if you wish to trade from a pitch, or for a “mobile” trader if you sell from street to street.
- ii. Attach to the application form the required documents, including a Basic Criminal Records Bureau Disclosure as listed on the application form.
- iii. Post to Bromsgrove District Council, Worcestershire Regulatory Services, Licensing, Burcot Lane, Bromsgrove. B61 1AA or take to the Customer Service Centre, School Drive, Bromsgrove the completed application form, and original copies of any supporting documents (these will be copied and returned to you).

5. What Are the Fees Payable for Consent?

- i. Fees are payable for each unit or site. The fee is payable once a decision has been made on an application for a Consent. Fees should be sent with the completed application form.
- ii. Fees may be payable in instalments, by agreement with the Council.
- iii. Fees are reviewed annually and are applicable from 1st April each year.
- iv. Fees payable for static traders who trade from a fixed pitch are:-

	Food		Non Food	
	<i>Initial</i>	<i>Renewal</i>	<i>Initial</i>	<i>Renewal</i>
Single Unit up to 12m ² (max 5m length)	£1418	£1301	£1183	£1064
For every additional 12m ² or part thereof or length more than 5m	£600			

6. How Long Does Consent Last for?

- i. Consent can be issued for any period up to a maximum of 12 months but will expire on 31st March next, unless surrendered earlier.
- ii. Renewals will take place on receipt of a completed renewal application form and payment of the appropriate fee.

7. Are Consents Transferable?

- i. No, they are not.
- ii. The Consent holder is entitled to a refund of part of the fee paid if the Consent is surrendered part way through the year.
 - i. Refunds may be made on a pro rata basis, subject to an administration charge of £35.
 - ii. If you do not renew the Consent on the expiry or surrender it before then, then any other person will be able to apply to trade from the same site.

8. What are the Responsibilities of a person granted consent?

Such a person is responsible for ensuring that:-

- i. The consent conditions are complied with.
- ii. All relevant certificates are produced to the Council with any application for Consent.
- iii. The vehicle or stall is registered with the Council if selling food of any description.
- iv. The Council will not be held responsible for any acts or omissions arising from the grant of Consent.
- v. Where trading is on private land, to which the public has access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council

9. Does the Grant of Consent by the Council give any other entitlement?

- i. No - It only permits trading within the terms of the Consent as specified. The Consent does not override any parking restriction or other traffic regulation.
- ii. The Consent to trade does not imply approval from any other person or authority.

10. Consideration and Determination of your Application

- i. When received by the Licensing Section your application form will be checked. Provided there are no Page 13 arising from the application form,

your application will be acknowledged in writing within 5 working days of receipt. If there is a query then you will be contacted in writing and/or by telephone and given the opportunity to respond.

- ii. The completed application form will be copied for comment to various parties.

Usually these are the Police, Worcestershire County Council Highways Partnership Unit Manager, Ward Councillors, the Parish or Town Council, Economic Regeneration & Tourism Manager, Community Development Control Manager, Operational Services Manager and local businesses within the vicinity of the proposed site of operation.

- iii. We aim to complete this process within 20 working days but may take longer if a Licensing Sub-Committee hearing is necessary.
- iv. If queries are raised at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them.
- vi. Having received all comments/recommendations and taking into account the Council's adopted Street Trading Policy, the Head of Worcestershire Regulatory Services or one of his nominated officers, under the Council's Scheme of Delegation, may then determine applications where there are no objections and where the application is to be granted. Where your application cannot be granted, or where objections are received, your application will be referred to the Council's Licensing Sub-Committee for consideration and determination.
- vi. You will be informed in writing of the recommendation to the Licensing Sub-Committee and the date of the meeting to which you will also be invited to attend.
- vii. If your application is granted, the Consent will be issued, together with a copy of the Standard Conditions applicable to street trading Consents plus any Special Conditions deemed necessary by the Council.
- viii. If the Committee refuses your application you will be notified in writing of the reasons for refusal.
- ix. There is no right of appeal in the case of refusals or against the application of conditions.

11. Is there an Independent Body which represents Street Traders?

There is a body which offers advice on all aspects of outside catering. This body is called MOCA (Mobile and Outside Catering Association Ltd.) and is located at:-

Centre Court
1301 Stratford Road
Hall Green
Birmingham
B28 9HH

Tel 0121 693 7000
Fax 0121 693 7100
Website www.moca.co.uk

BROMSGROVE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING - STANDARD CONDITIONS

1. Bromsgrove District Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) have resolved that Schedule 4 to the Act, to control street trading in the district should come into force from May 2010.
2. The Council has resolved that every street within the area of the district of Bromsgrove is to be designated as a Consent Street” under the Act, (except those shown at Appendix One and nominated as Prohibited Streets) which means a street in which street trading is prohibited without a Consent issued by the Council.
3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-
 - (a) The Consent is valid for the period shown on the Consent
 - (b) The Consentee shall pay a fee to the Council in accordance with the approved list of fees.
 - (c) The Consent may be surrendered by the Consentee at any time, providing that the Council shall repay to the Consentee that part of the fee considered by the Council appropriate for the unexpired period of the licence, less £35 for administrative expenses, the exception being the day rate.
 - (d) The Consent holder must at all times while trading display in a conspicuous position the Consent issued by the Council.
 - (e) The Consentee shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.
 - (f) The Consentee shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.
 - (g) The Consentee shall not sell any type of food, goods or merchandise other than that specified in the Consent.

- (h) The Consentee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. The Consentee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.
- (i) The Consentee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (j) The Consentee shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (k) The Consentee shall not trade outside the times and days permitted by the Consent
- (l) The Consentee shall not trade in any location other than the location permitted by the Consent
- (m) Any vehicle, stall or container used by the Consentee in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (n) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (o) The Consent shall not operate for any other purpose than to permit the Consentee to trade in a Consent street in accordance with the conditions imposed. The Consentee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
- (p) The Consentee must be 18 years of age or over and shall be responsible at all times for control of the stall. Any persons assisting on the stall shall be 18 years of age or over.
- (q) The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or company.
- (r) The Consent holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- (s) Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- (t) The Consent holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.
- (u) Nothing contained in these conditions shall relieve or excuse the Consent holder or his/her employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
- (v) The conditions attached to the Consent may be varied by the Council at any time.
- (w) Any breach of these conditions may lead to the Consent being suspended or revoked.
- (x) In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Consentee means the person named on the Consent issued by the Council and includes any employee, servant or agent of the licence holder and “the Council” means Bromsgrove District Council.

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