



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 11TH SEPTEMBER 2017
AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

MEMBERS: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton, M. Glass, H. J. Jones, L. J. Turner, C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey and S. A. Webb

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 12th June 2017 (Pages 1 - 8)
4. Street Trading - Designation of Streets (Response to the proposal) (Pages 9 - 14)
5. DRAFT Revised Street Trading Policy (Results of the consultation) (Pages 15 - 52)
6. Licensing Committee Work Programme 2017/2018 (Pages 53 - 54)
7. 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

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

31st August 2017



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 12TH JUNE 2017, AT 6.00 P.M.

PRESENT: Councillors M. T. Buxton, R. L. Dent, M. Glass (substituting for J. M. L. A. Griffiths), C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey (substituting for H. J. Jones), C. J. Spencer (during Minute No's 1/17 to part of 6/17) P.L. Thomas (during Minute No's 1/17 to 7/17), L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A. May and Mrs. P. Ross

1/17 **ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor R. L. Dent.

RESOLVED that Councillor R. L. Dent be elected as Chairman for the ensuing municipal year.

2/17 **ELECTION OF VICE-CHAIRMAN**

A nomination for Vice-Chairman was received in respect of Councillor C. J. Spencer.

RESOLVED that Councillor C. J. Spencer be elected as Vice-Chairman for the ensuing municipal year.

3/17 **APOLOGIES**

Apologies for absence were received from Councillors J. M. L. A. Griffiths and H. J. Jones. The Committee was advised that Councillors M. Glass and M. A. Sherrey were attending as substitute Members for Councillors Griffiths and Jones respectively.

4/17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 13th March 2017 were submitted.

RESOLVED that the minutes of the meeting held on 13th March 2017 be approved as a correct record.

6/17

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME - RESULTS OF CONSULTATION

The Committee considered the responses received to the consultation survey conducted on the proposed introduction of Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that at the Licensing Committee meeting held on 14th November 2016; Members approved for a consultation survey to be carried out with licence holders and other relevant organisations on the proposed introduction of a Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, WRS, drew Members' attention to Appendix 3 to the report, which provided a summary of the consultation responses received and Appendix 4 to the report which detailed additional observations from a licensed driver.

The Senior Licensing Practitioner, WRS, further informed the Committee that a total of fifteen responses were received. Twelve responses from licensed drivers, two from Parish Councils and one from a district councillor. Those licensed drivers who responded were not in favour of the introduction of a Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, WRS, explained that there were a number of offences or acts of non-compliance that respondents felt that the Council should not have included within the penalty points scheme. One of which was the requirement to carry a first aid kit. Officers were aware that currently Bromsgrove District Council's licensing conditions did not require drivers to carry a first aid kit in their vehicles and therefore agreed that the failure to carry a first aid kit should be removed from the scope of any penalty points scheme implemented by the Council.

Both Parish Councils who had responded to the consultation survey made suggestions regards amending the number of points issued in respect of different offences and acts of non-compliance.

Appendix 4 to the report detailed a number of observations for consideration by the Committee which were submitted by a licensed driver.

The Senior Licensing Practitioner, WRS, highlighted that a very small number of complaints / non-compliances were received by WRS. The vast majority of drivers did comply and carried out a very good job. The

introduction of such a scheme would enable officers from WRS an additional mechanism for dealing with minor offences and acts of non-compliance and would help identify drivers who repeatedly offended or failed to comply with the licensing requirements placed upon them.

The Senior Licensing Practitioner, WRS responded to a number of questions from Members and clarified a number of points with regard to the offences as listed on page 11 in the report and that other local authorities operated similar penalty points schemes.

Further discussion followed whereby Members commented that the introduction of such a scheme would help to address some of the concerns previously raised by Licensing Committee Members; with over ranking being one of the concerns raised.

Councillor S.R. Peters sought clarification from the Senior Licensing Practitioner, WRS, with regard to whether penalty points could be awarded regardless of the geographical location and if so, could that be made clear in the proposed penalty points scheme.

The Senior Licensing Practitioner, WRS, responded and stated that points could be awarded to a driver, proprietor and/or operator, regardless of the geographical location of the offence or breach of condition identified.

Councillor S.R. Peters requested that it be recorded that he had abstained from voting on this matter.

RESOLVED:

- (a) that the Hackney Carriage and Private Hire Penalty Points Scheme be amended to include information on geographical area;
- (b) that as detailed at Appendix 1 to the report, Offence Number 8, failure to provide a first aid kit, be removed; and
- (c) that following the amendments, as detailed in the pre-amble above, the Hackney Carriage and Private Hire Penalty Points Scheme be approved.

7/17

EQUALITY ACT 2010 - SECTION 167 - LIST OF WHEELCHAIR ACCESSIBLE VEHICLES

Following on from the meeting held on 13th March 2017, whereby Members received a legislative update report on Section 165 to 167 of the Equality Act 2010 – Taxi and Private Hire Passengers in Wheelchairs.

Members were asked to further consider a report which highlighted the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 with regard to local authorities maintaining a list of designated vehicles in accordance with section 167 of the Act.

Agenda Item 3

Licensing Committee
12th June 2017

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), informed the Committee that on 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 to 167 of the Equality Act 2010 and made the Equality Act 2010 (Commencement No. 2) Order which subsequently took effect on 6th April 2017.

As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles were now obliged to:-

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

The new rules in England, Wales and Scotland, applied to both taxis and private hire vehicles and affected vehicles that were designated as wheelchair accessible.

Drivers found to be discriminating against wheelchair users faced fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons were able to apply for an exemption from the new requirements.

The new powers only applied in those areas where the licensing authority had decided to maintain a list of designated vehicles under section 167 of the Equalities Act 2010, and where the driver was driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

A vehicle can then be added to the list of designated vehicles provided:

- (a) it was either a taxi or private hire vehicle, and
- (b) it conformed to such accessibility requirements as the licensing authority thought fit.

The Department for Transport published guidance, as detailed at Appendix 1 to the report, detailed the accessibility requirements that licensing authorities should apply. Licensing authorities that decided to maintain a list of vehicles under section 167 of the Equality Act 2010 had a legal obligation to have regard to this guidance under section 167 (7).

The list should set out details of the make and model of the vehicle, if the vehicle was a taxi or private hire vehicle and state the name of the operator.

Drivers could not opt out from being on the list. If Licensing Officers, WRS, deemed that the vehicle met the requirements, the relevant details as detailed in the preamble above, would be included on the list

In response to questions from Members, the Senior Licensing Practitioner, WRS, clarified that the list would not show any specific contact details.

Members were further informed that the Senior Licensing Practitioner, WRS, had issued letters to all proprietors of Wheelchair Accessible Vehicles (WAV's), with regard to their specific contact information being included on the Council's website. There were currently nine proprietors of WAV's and only two had responded. The Senior Licensing Practitioner, WRS, highlighted that specific contact details could not be included on the Council's website without the proprietors consent.

RECOMMENDED that the draft position statement, as detailed at Appendix 2 to the report, with regard to sections 165 to 167 of the Equality Act 2010, be adopted.

8/17

STREET TRADING - DESIGNATION OF STREETS

The Committee considered a report which detailed the draft revised Street Trading Policy.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that prior to commencing the formal consultation exercise, he had met with the Bromsgrove Centres Manager to discuss the way that street trading was currently controlled.

As a result of that meeting, it was agreed that whilst reviewing the Council's Street Trading Policy, it would be worthwhile reviewing the current arrangements for designating where and how street trading was controlled.

The Senior Licensing Practitioner, WRS and the Bromsgrove Centres Manager were of the opinion that it would be preferable to designate all streets in the District as 'consent' streets with the removal of any 'prohibited' streets.

Appendix 1 to the report, detailed those streets designated as 'prohibited' and 'consented' streets.

This would allow every application to be considered on its own merits and would enable street trading to be permitted in what were currently deemed 'prohibited' streets. For example, it would enable short term community events or other similar events to street trade, which would enhance and provide a benefit to the wider community.

Additionally it was felt that the draft revised street trading policy would, if Members agreed to adopt it, put in place a robust framework for consultation and consideration of applications on their own merits. Therefore the need to designate any streets as 'prohibited' would be diminished.

The Senior Licensing Practitioner, WRS, drew Members' attention to paragraph 3.17 in the report, which detailed the legal procedure that would have to be followed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; if Members agreed to the Council's intention to pass resolutions rescinding all existing designations of streets and designate all streets in the District as 'consent' streets.

Any representations received in relation to the notice, as detailed in the preamble above, would be brought back to a future meeting of the Licensing Committee.

The Senior Licensing Practitioner, WRS, responded to questions from Members and reassured Members that each application would be determined on its own merits, provided that it was located in an area where it made a positive contribution and did not give rise to concern. Also the required consultation with the relevant agencies would still be carried out. This would include consulting with any owners / occupiers of any nearby properties near to the proposed location of the trading site.

The Senior Licensing Practitioner, WRS, responded to further questions from the Committee with regard to the potential costs and highlighted that as detailed in the report; that the costs associated with publishing the required notices would be met from existing budgets held by Worcestershire Regulatory Services.

Councillor C. M. McDonald requested that it be recorded that she had voted against the proposal.

Councillor S.P. Shannon abstained from voting on this matter.

RESOLVED:

- (a) that officers be authorised to publish a notice of the Council's intention to pass resolutions with effect from 1st December 2017, to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the District (as existing at the time of making of the resolution and in the future) as consent streets; and
- (b) that officers be authorised to serve a copy of the notice, as detailed in the preamble above, to the Chief Officer of Police and highway authority for the area.

9/17

ANNUAL REPORT 2016/2017

The Committee considered the Licensing Annual Report 2016/2017 which provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, and to inform the Committee on any issues anticipated in the ensuing year. The report detailed the work carried out by Worcestershire Regulatory

Agenda Item 3

Licensing Committee
12th June 2017

Services Enforcement and Licensing Teams for Bromsgrove District Council.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so drew Members' attention to paragraph 3.8 in the report, the "Best Bar None" scheme.

The scheme was a national accredited award scheme supported by the Home Office and the drinks industry which was aimed primarily at promoting responsible management and operation of alcohol licensed premises.

Two of the purposes of the scheme was to reduce alcohol related crime and disorder and to build a positive relationship between the licensing trade, police and local authorities.

The scheme also helped to promote the town or city as a safe and vibrant place to go at night and a willingness to address alcohol related crime and anti-social behaviour through the promotion of good practice and education.

Two premises in Bromsgrove Town Centre were due to be accredited under the scheme. A launch night to celebrate achieving the award was due to be held in July 2017.

As indicated in the preamble above, it was hoped that the scheme would encourage people to visit licensed venues in Bromsgrove that were deemed safe and well regulated.

The Senior Licensing Practitioner, WRS, clarified that the scheme was for licensed premises that opened during the day and not just for night clubs or venues that only opened during the evening.

The report also detailed the following information:-

- New licences issued and granted by Bromsgrove District Council in 2016/2017, under the Licensing Act 2003.
- Premises that continued to be licensed by Bromsgrove District Council under the Gambling Act 2005.
- The number of Hackney Carriage and Private Hire licensed vehicles and drivers, which had decreased slightly over the course of the year.
- The number of Site Licences and Mobile Collector Licences issued under the Scrap Metal Dealers Act 2013, which were currently in force.
- Street Collections.

The Senior Licensing Practitioner, WRS, informed the Committee that he was happy to take any further questions on the contents of the Annual Report 2016/2017.

RESOLVED that the Licensing Annual Report 2016/2017 be noted.

10/17

LICENSING COMMITTEE WORK PROGRAMME 2017/2018

The Committee considered the Work Programme for 2017/2018.

RESOLVED that the Licensing Committee Work Programme 2017/2018 be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.38 p.m.

Chairman

STREET TRADING – DESIGNATION OF STREETS

Relevant Portfolio Holder	Councillor P. J. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee has previously approved the advertisement of a proposal to designate all streets in the District as consent streets for the purposes of controlling street trading. The Committee are now asked to note that no responses were received following this advertisement of the proposal and are asked to recommend to Council that the relevant resolution is passed.

2. RECOMMENDATIONS

2.1 That Members RECOMMEND to Council that the following resolution is passed:

“Bromsgrove District Council resolves to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.”

2.2 That Members RECOMMEND to Council that officers be authorised to advertise the passing of the resolution in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

3. KEY ISSUES

Financial Implications

3.1 The costs associated with publishing the required notices will be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 3.3 Schedule 4 also defines street as including:
- (a) any road, footway, beach or other area to which the public have access without payment; and
 - (b) a service area as defined in section 329 of the Highways Act 1980,
- 3.4 Paragraph 2 of Schedule 4 states that a district council may by resolution designate any street in their district as—
- (a) a prohibited street;
 - (b) a licence street; or
 - (c) a consent street.
- 3.5 “Prohibited street” means a street in which street trading is prohibited.
- 3.6 “Licence street” means a street in which street trading is prohibited without a licence granted by the district council.
- 3.7 “Consent street” means a street in which street trading is prohibited without the consent of the district council.

Service / Operational Implications

- 3.8 Council’s usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.9 The control of street trading can also be of benefit to traders who can obtain greater security over their “pitch” if they are the only person who has the Council’s consent to trade there.
- 3.10 Currently the designation of streets is as shown at **Appendix 1**. Under these designations there are a number of named prohibited streets with all other streets in the District being designated by the Council as consent streets.

- 3.11 On 12 June 2017, the Licensing Committee approved the advertisement of a proposal to pass a resolution to rescind the current street designations and to designate all streets in the District as consent streets for the purposes of controlling street trading.
- 3.12 The rationale behind this proposed change is that it would allow every application to be considered on its merits and would enable street trading to be permitted in what are currently the prohibited streets, where it was felt appropriate to allow it. This could be for example to facilitate a short term community event or other similar event where the ability to allow street trading would enhance the event and provide a benefit to the wider community.
- 3.13 There is a detailed legal procedure to follow in order to properly designate streets as consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The process to be undertaken can be summarised as follows:
- Council publishes notice of its intention to pass a resolution to designate streets as consent streets
 - Minimum of 28 days given for people to make representations relating to this intention
 - Any representations received are considered
 - Council passes a resolution to designate streets as consent streets
 - Notices published to advertise the making of the resolution (at least 28 days before resolution takes effect).
 - Resolution takes effect
- 3.14 Following the Licensing Committee on 12th June 2017, a public notice was published in a local newspaper on 21st June 2017. A copy of the notice was also served on the Chief Officer of Police and the Highway Authority (Worcestershire County Council).
- 3.15 The notices gave people until 31st July 2017 to make any representations on the proposal to pass the draft resolution. Members are asked to note that no representations have been received from any party about the proposal to pass the draft resolution.
- 3.16 In light of this, Members are asked to recommend to Council that the following resolution is passed:

“Bromsgrove District Council resolves to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.”

- 3.17 Members are also asked to recommend to Council that officers be authorised to advertise the passing of the resolution in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Existing Street Trading Designations

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

EXISTING STREET TRADING DESIGNATIONS

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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DRAFT REVISED STREET TRADING POLICY
RESULTS OF CONSULTATION

Relevant Portfolio Holder	Councillor P. J. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee has previously approved consultation on a draft revised street trading policy. This consultation has now taken place and the results of the consultation are reported back to the Licensing Committee for consideration.

2. RECOMMENDATIONS

That Members note the responses received during the consultation exercise and RESOLVE to approve the revised street trading policy at Appendix 3 to take effect on 1st December 2017.

3. KEY ISSUES

Financial Implications

- 3.1 The costs associated with carrying out the consultation on the draft policy were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act.

- 3.3 However it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practise to review any such policy adopted from time to time.

Service / Operational Implications

- 3.4 Council's usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.5 The control of street trading can also be of benefit to traders who can obtain greater security over their "pitch" if they are the only person who has the Council's consent to trade there.
- 3.6 Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopts a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining applications made for street trading consents. It is also believed that such a policy should be reviewed from time to time to ensure it is still appropriate and in line with the Council's aims and objectives in controlling street trading.
- 3.7 The Council's current street trading policy and standard conditions have been in place since July 2011. Therefore officers believed the policy and conditions should now be subject to review. On 13th March 2017 the Licensing Committee approved a draft revised street trading policy for the purpose of consultation with relevant parties.
- 3.8 The draft revised policy is based on a template policy that officers are hoping to be able to implement across Worcestershire as part of the on-going effort to try harmonise as many licensing policies and procedures as possible across the county.
- 3.9 Consultation on the draft revised policy took place between 5th April 2017 and 31st July 2017. A consultation document was produced and a copy of this can be seen at **Appendix 1**. The consultation document and a copy of the draft revised policy were sent to:
- Existing holders of street trading consents
 - West Mercia Police
 - West Mercia Safer Roads Partnership
 - Bromsgrove District Council Planning Department

- Worcestershire Trading Standards
 - North Worcestershire Economic Development and Regeneration
 - Worcestershire County Council (Highways)
 - Chamber of Commerce
 - Worcestershire Local Enterprise Partnership (WLEP)
 - Federation of Small Businesses
 - Bromsgrove District Council
 - Safer Bromsgrove
 - All District Councillors
 - All Parish Councils
 - Environmental Health – Worcestershire Regulatory Services
 - Highways England
- 3.10 The following organisations responded to the consultation to express support for the draft revised policy document or to indicate that they did not have any comments to make on it:
- West Mercia Safer Roads Partnership
 - Highways England
 - Dodford with Grafton Parish Council
 - Wythall Parish Council.
- 3.11 The only substantive response to the consultation came from Worcestershire Trading Standards. This response can be seen at **Appendix 2**.
- 3.12 Following consideration of the points raised by Worcestershire Trading Standards a number of small amendments have been made to the draft revised policy. These have been highlighted in bold and italicised text in the draft revised policy shown at **Appendix 3**.
- 3.13 Furthermore section 2 of the draft revised policy has been amended by officers to reflect the anticipated decision of the Council to resolve to designate all streets as consent streets with effect from 1st December 2017. If such a resolution is not passed, then the policy will need to include details of those streets which have been designated as prohibited streets in section 2.
- 3.14 Members are asked to note the responses received during the consultation exercise and to resolve to approve the revised street trading policy shown at **Appendix 3**, to take effect on 1st December 2017.

4. RISK MANAGEMENT

- 4.1 In order to minimise the risk of legal challenge to any policy subsequently adopted, proper and effective consultation on the draft revised street trading policy is being recommended.

5. APPENDICES

Appendix 1 – Consultation Document

Appendix 2 – Response from Worcestershire Trading Standards

Appendix 3 – Draft Revised Street Trading Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Consultation on Draft Street Trading Policy

Bromsgrove District Council is seeking views on a revised draft street trading policy. This draft policy sets out how applications for street trading consents should be made and how they will be processed and consulted upon by the Council.

The draft policy also sets out what will be considered when determining applications and also sets out the standard conditions that will be attached to street trading consents granted.

The Council is interested in receiving views on the content of the draft policy generally, but also wishes to seek opinions on a number of specific questions in particular:

Do you have any comments to make on the information and documentation that the draft policy states must be supplied with an application? (see part 3.2 of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

Agenda Item 5

Do you have any comments to make on the way the draft policy states applications will be consulted upon and advertised? (see part 3.3 of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

Do you have any comments to make on the key considerations that will be taken into account when deciding whether to grant an application? (see part 3.7 of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

Agenda Item 5

Do you have any comments to make on the standard conditions that the Council proposes to attach to street trading consents that it grants? (see Annex C of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

Please use this space to make any other comments you wish to make in relation to the draft policy? (continue on a separate sheet if necessary)

Agenda Item 5

In what capacity are you responding to this consultation?			
As someone who carries on street trading activities		As a member of the general public	
Other (please specify)			

Your Details (optional)	
Name	
Address	

Once complete, please return this consultation questionnaire by email to wrsenquiries@worcestershire.gov.uk using the subject line "Bromsgrove Street Trading Policy Consultation"

Alternatively you can post your response to:

Bromsgrove Street Trading Policy Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

This consultation will be open for responses until **31st July 2017** and all responses received will be given consideration by the Council before a finalised policy is approved and implemented.



Bromsgrove
District Council

www.bromsgrove.gov.uk

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The Council is interested in receiving views on the content of the draft policy generally, but also wishes to seek opinions on a number of specific questions in particular:

Do you have any comments to make on the information and documentation that the draft policy states must be supplied with an application? (see part 3.2 of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

It should be made clear that the applicant must state their full business address – Their company registered office address or if sole trader or partnership, their home address. Mailbox, accountant address or virtual office addresses should not be accepted.

If a vehicle is to be used as part of trading process i.e. Food vending van/vehicle. The applicant should provide registration details of the vehicles and confirmation of registered keeper and address.

Proof that they have a Food premise registration licence with Bromsgrove/WRS EH

If any of these details change within the consent period, Licensing should be notified.

Do you have any comments to make on the way the draft policy states applications will be consulted upon and advertised? (see part 3.3 of the draft policy)	
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Comments (continue on a separate sheet if necessary): Click here to enter text.	
Do you have any comments to make on the key considerations that will be taken into account when deciding whether to grant an application? (see part 3.7 of the draft policy)	
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Comments (continue on a separate sheet if necessary): Consideration should be given to negative previous trading history. Has the applicant ever had formal action taken against them for offences connected to their business i.e. Consumer protection or food law breaches. If they have, consideration should be given as to whether a licence to trade should be granted. Car trading in the street should be prohibited in all areas.	

--

Do you have any comments to make on the standard conditions that the Council proposes to attach to street trading consents that it grants? (see Annex C of the draft policy)

YES

NO

Comments (continue on a separate sheet if necessary):

Proof of address should be provided via driving licence or passport and one other form of correspondence showing name and address.

National Insurance Number as well as date of birth should be provided, to show they are entitled to work in the UK.

The Consent Holder or their assistants must allow Local Authority officers to legally inspect their trading facilities and should offer all reasonable assistance.

Please use this space to make any other comments you wish to make in relation to the draft policy? (continue on a separate sheet if necessary)

Agenda Item 5

Click here to enter text.

In what capacity are you responding to this consultation?

As someone who carries on street trading activities

As a member of the general public

Other (please specify)

Trading Standards Service

Your Details (optional)

Name

Peter Holmes

Address

Peter Holmes
Senior Trading Standards Officer
Trading Standards Service
Worcestershire County Council
Children, Families & Communities
Wyre Forest House
Finepoint Way Kidderminster
DY11 7WF

Agenda Item 5

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Once complete, please return this consultation questionnaire by email to wrsenquiries@worcsregservices.gov.uk using the subject line "Bromsgrove Street Trading Policy Consultation"

Alternatively you can post your response to:

Bromsgrove Street Trading Policy Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

This consultation will be open for responses until **31st July 2017** and all responses received will be given consideration by the Council before a finalised policy is approved and implemented.

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Bromsgrove District Council

www.bromsgrove.gov.uk

Street Trading Policy



Approved to take effect on 1st December 2017

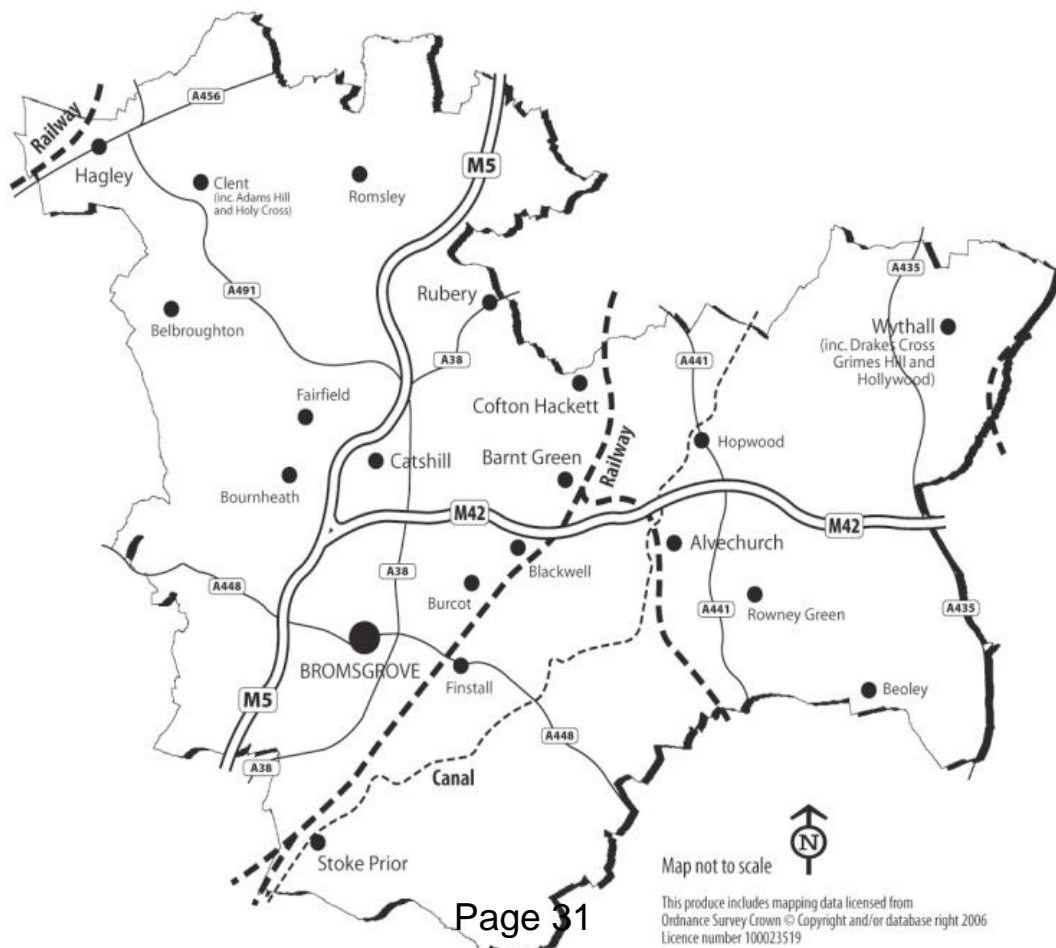
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1.0 INTRODUCTION

1.1 Bromsgrove District

- 1.1.1 Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 93,600 and in terms of area it covers approximately 84 square miles.
- 1.1.2 The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery.
- 1.1.3 Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.
- 1.1.4 Bromsgrove District Council's overall vision is "working together to build a district where people are proud to live and work, through community leadership and excellent services." This policy statement accords with this overall vision and attempts to help further the Council's strategic purposes, which are:
- Keep my place safe & looking good.
 - Help me run a successful business
 - Help me to be financially independent
 - Help me to live my life independently
 - Help me find somewhere to live in my locality
 - Provide good things for me to see, do & visit



1.2 The Policy

- 1.2.1 This document states Bromsgrove District Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2.1 In exercising its discretion in carrying out its regulatory functions, Bromsgrove District Council will have regard to this Policy document and the principles set out therein.
- 1.2.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.3 The Objectives of this Policy

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

1.4 The Law

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

1.5 Licensing Act 2003

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Consent Streets

- 2.1.1 Bromsgrove District Council has resolved to designate all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.

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3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

3.2 Applications

- 3.2.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form.
- 3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 3.2.3 The following will also be required to be submitted with the application form:-
- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
 - Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
 - Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.
 - Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
 - Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
 - A colour photograph of any trailer, stall or other vehicle from which the street trading activities are proposed to take place.

- Food hygiene certificates (where relevant)
- ***Proof of registration as a food business (where applicable)***
- Satisfactory certificates confirming the safety of any gas or electrical installations within the trailer, stall or vehicle from which the street trading activities are proposed to take place.
- Certificates to confirm that any fire fighting equipment within the trailer, stall or vehicle from which the street trading activities are proposed to take place have been appropriately serviced and maintained.
- ***If a vehicle is to be used as part of the street trading activities, registration details of the vehicle including confirmation of the registered keeper of the vehicle and their address.***
- ***Proof of the applicant's address and of their right to live and work in the United Kingdom.***

3.2.4 Applications cannot be considered from anyone under the age of 17.

3.3 Processing an Application

3.3.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- West Mercia Police
- Worcestershire County Council (Highways)
- Highways England
- The relevant Parish Council(s)
- The District Councillor(s) for the Ward(s) concerned
- Environmental Health Officers at Worcestershire Regulatory Services
- The Planning Authority
- Safer Bromsgrove
- Bromsgrove District Council Environmental Services
- North Worcestershire Economic Development and Regeneration (NWEDR) team
- Trading Standards
- The owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site.
- Any other relevant organisation

3.3.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 21 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex A** to this Policy.

3.3.3 The Council will allow 28 days from the date that the application is received and confirmed as valid, for people to make representations or objections in relation to the application.

3.3.4 Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

3.4 Determining Applications with no Representations or Objections

3.4.1 Where no representations or objections are received within 28 days of the application being received, Officers will grant Consent to the applicant in the terms that it was applied for.

3.5 Determining Applications through Mediation

3.5.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

3.5.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

3.5.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

3.6 Determining Applications Where Mediation Is Not Possible

3.6.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to the next available Licensing Sub-Committee for determination.

3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

3.7.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.
- ***the proposed consent holder is not considered to be a suitable person to be granted a street trading consent for any reason.***

3.8 Options Available to Licensing Sub-Committee

3.8.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.8.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

3.9 Grant of Consent

3.9.1 The grant of a street trading consent does not guarantee the holder of the Street Trading Consent unimpeded access to the location(s) where they are permitted to trade.

3.9.2 There may be occasions where the trading location(s) specified on the Street Trading Consent may be unavailable to the holder of the Street Trading Consent for reasons beyond the control of the Council.

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

- 4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid
- 4.1.3 A Street Trading Consent will normally be granted for 12 months and will then expire.
- 4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 12 months on application.
- 4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 12 months may be granted to provide a “trial period” during which any adverse impact of the trading can be assessed.

4.2 Renewal

- 4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.
- 4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

5.0 CONDITIONS ATTACHED TO CONSENTS

5.1 Standard Conditions

- 5.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 5.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex B** to this Policy.

5.2 Additional Conditions

- 5.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

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6.0 APPEALS

6.1 Refusals / Attached Conditions

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

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7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be taken in accordance with the Regulator's Code.

7.2 Offences

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a prohibited street;
- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

7.3 Complaints

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-

- verbal warning;
- written warning;
- simple caution;
- prosecution; or
- referral of the Consent Holder to a Licensing Sub-Committee.

- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-

- take no further action;
- give a warning to the Consent Holder;
- amend the days on which trading can take place;
- amend the times during which trading can take place;
- amend the location(s) where trading can take place;
- amend the articles that can be traded;
- amend the conditions attached to the Consent;
- amend the duration of the Consent; or
- revoke the Consent.

8.0 AMENDMENTS TO THIS POLICY

- 8.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

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9.0 FEES AND CHARGES

- 9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.
- 9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.
- 9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

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10.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Bromsgrove District Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none">• a pedlar with a Pedlar's Certificate;• anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order;• trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;• trading as a newsvendor selling only newspapers/magazines;• trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop;• selling things, or offering or exposing them for sale, as a roundsman;

- the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading Assistant

A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

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ANNEX A

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Bromsgrove District Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at the Customer Contact Centre, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p>	

ANNEX B

STREET TRADING CONSENT STANDARD CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

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 bylaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of these conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide **details and proof of** the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- **The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.**
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.

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- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- ***The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them..***
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 75 metres from the trading unit.

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.

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- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance **and any changes to vehicles used in the course of trading must be notified to the Council.**
- The Consent holder or his employee must move his trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- 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 request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Bromsgrove District Council.

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LICENSING COMMITTEE

11th September 2017

11th SEPTEMBER 2017

Results of Consultation on the Revised Street Trading Policy

Street Trading – Designation of Streets (Response to Proposals)

13th NOVEMBER 2017

Miscellaneous Proposals for Amendments to Hackney Carriage and Private Hire Licensing Policies (including the prohibition of “tinted windows” on vehicles and the requirements to undertaken an NVQ)

12th MARCH 2018

12 month review following the public awareness raising campaign (Jan / Feb 2017) on Wheelchair Accessible Vehicles (WAV's) – Update report.

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Hackney Carriage and Private Hire Penalty Points Scheme – review of the scheme

To Be Allocated To Suitable Available Dates in 2017/2018

NOTE:

Hackney Carriage and Private Hire Penalty Points Scheme – regular update reports on the scheme to continue into 2018/2019

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