

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Friday 1st November 2013 at 2.00 pm at Darby House, Lawn Central, Telford

PRESENT

Councillors: C Mason (Chair), T Hope, A Mackenzie, R Scammell, J Seymour, J Thompson and C Turley

Officers in attendance: E Griffin – Solicitor, T Reah – Building Control Team Leader and P. Smith - Democratic Services Team Leader

LC-10 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 18th September 2013 be confirmed and signed by the Chair.

LC-11 APOLOGIES FOR ABSENCE

Councillors R Sloan, M Smith and K Tomlinson

LC-12 DECLARATIONS OF INTEREST

None.

LC-13 RENUMBERING OF EXISTING PROPERTIES AT GLEN COTTAGES, BRICKHILL LANE, KETLEY AND ALLOCATION OF NEW NUMBERS TO NEW DEVELOPMENTS PROPOSED AT BRICKHILL LANE, KETLEY

The Building Control Team Leader presented the report of the Assistant Director: Development, Business & Employment which requested Members to consider a proposed solution in respect of re-numbering and numbering of houses at Brickhill Lane, Ketley to resolve difficulties that would arise as a result of new housing developments.

The Council had statutory powers to deal with the numbering of new properties under the Town Improvement Clauses Act 1847. The Building Control Team Leader referred to the five plans appended to the report which showed the current and proposed situation, along with a proposed solution. Currently, there were properties on one side of the road only – whose numbering already contained anomalies. Four of these dwellings were to be demolished, to be replaced by 9 new properties. In addition, a new large-scale housing development (by a different developer) would surround the existing properties in Brickhill Lane, including the construction of new dwellings on the opposite side of the road. Whilst the Council would normally seek to avoid the need to re-number existing properties, in this instance the problem of allocating 9 new property numbers on one side of the road, and the need to allocate numbers to the new proposed development on the other side, meant that re-numbering of the existing properties was unavoidable if there was to be a logical

solution. A proposed solution was shown on Plan 5, which would result in numbering on both sides of Brickhill Lane, and avoid further re-numbering when the remaining phases of the larger development came through.

Consultation had taken place on the proposed changes, and three objections had been received from residents of existing properties. One objector was particularly concerned about the loss of "Glen Cottages" from his address, and it had subsequently been agreed that all properties on that side of the road could retain Glen Cottages as part of their address. Another respondent had indicated that they did not object to the re-numbering, provided that the Council accepted responsibility for any charges they may incur from obtaining new documents from organisations such as the Passport Office and the DVLA following a change of address. A representation from the applicants, Sanctuary Housing Group, in support of the proposed solution was tabled. The Solicitor reported that one of the main objectors was unable to attend the meeting due to illness, but had reiterated his opposition as well as the issue of costs that would be incurred by residents as a result of the re-numbering.

Mr and Mrs Parry of 10 Glen Cottages, Brickhill Lane were present, and the Chair invited Mr Parry to address the Committee. Mr Parry stated that he had not previously objected because he had only recently become aware of the proposed re-numbering. The Building Support Team Leader explained how the proposed re-numbering would work (with odd numbers on one side of the road and even numbers on the other), and that Mr and Mrs Parry's property would change to 43 Glen Cottages, Brickhill Lane. Mr Parry stated that he personally did not understand the need for change, and was against the re-numbering.

Members then considered the information that had been presented to them, and the representations that had been received. In response to questions, the Building Control Team Leader further explained the siting of proposed new properties in the vicinity (including where letterboxes would be located) and the access arrangements. In relation to the potential costs that existing residents might face as a result of re-numbering, it was advised that the Council did not have a budget to pay for such costs. A request had been made to the developer to contribute towards any expenses incurred by residents, but they had declined. In response to a question, the Solicitor advised that the Council did not have any powers to require developers to meet these costs.

Members had some sympathy for the residents who would be affected by the re-numbering, but having viewed all the plans and considered the different options, it appeared that the proposal of having consecutive odd numbering for the left hand side of Brickhill Lane was the only practical solution.

RESOLVED - that authority be delegated to the Development Manager to approve the re-numbering and numbering of the properties identified on Plan 5 appended to the report with the numbers 1-43 Glen Cottages, Brickhill Lane, Ketley.

The meeting closed at 2.31 pm.

Chairman:

Dated:

Telford & Wrekin Council

Licensing Committee – 14th January 2014

Review of the Council's Street Trading Policy, Conditions and Fees

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the proposal to amend the current Policy and Conditions in respect of Street Trading Consents and to approve a twelve week consultation with affected bodies.
- 1.2 To inform Members of proposed licence fees which are relevant to the proposed new policy.

2. Recommendations

- 2.1.1 That Members approve a twelve week consultation to amend the current Policy and Conditions in relation to Street Trading Consents.
- 2.1.2 That Members delegate authority to the Chair of the Licensing Committee and the Principal Licensing Officer to consider and determine the results of the consultation. If there are any significant comments made as a result of the consultation, then matters will be brought back to Members of the Licensing Committee for consideration.
- 2.1.3 That Members approve the proposed licence fees for implementation subject to the above consultation and a legal notice subsequently being advertised in the local newspaper.

3. Previous Minutes

- 3.1 There are no previous minutes for Members to consider.

4. Information

4.1 Background.

- 4.1.1 Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. As a result, Telford & Wrekin Council, in

pursuant to Section 3 of the 1982 Act, has resolved to adopt Schedule 4 of the Act to control street trading within the Borough. Furthermore, the Council has resolved every street within Telford & Wrekin should be designated as a Consent street under the Act.

4.1.2 Street trading involves the sale and exposing or offering for sale, of any article in a street. Street includes any road, footway, or other area to which the public have access without payment and includes any part of a street.

4.1.3 Members should note that for the purposes of the Act, the following matters are not deemed to be street trading;-

- Trading by a person acting as a Pedlar under the authority of a Pedlars Certificate granted under the Pedlars Act 1871. A pedlar is a person who travels and trades on foot and cannot trade from a fixed location. Such certificates are issued by the Police Authority and not the local authority.
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order.
- Trading as a news vendor.
- Selling items, or offering or exposing them for sale, as a rounds person.
- Trading which is carried on at a premises used as a petrol filling station, or is carried on at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.

4.1.4 Telford & Wrekin Council has approved conditions for street trading consent to control street trading. These conditions are attached as **Appendix A**.

4.1.5 In addition to the conditions there are Guidance Notes issued to applicants detailing the application process to obtain street trading consent. These are attached as **Appendix B**.

4.1.6 The Policy & Conditions applicable to street trading have not been reviewed for a considerable period of time and have been in place for over 15 years. As a result, the Licensing Service consider that it is appropriate to revisit the Policy and Conditions issued by the Council. Whilst the legislation governing street trading has not changed, the

Borough has seen a significant amount of new and re-development, which has resulted in a continuing increase in the number of street traders.

4.1.7 At the time of preparing this report, the Licensing Service currently issues two forms of street trading consent:-

30 Street Trading Consents for static sites.

25 Street Trading Consents for mobile units.

4.1.8 Telford & Wrekin Council issue static consents for units such as food catering trailers that operate from a designated fixed pitch.

4.1.9 Telford & Wrekin Council issue mobile consents for units such as ice cream vans and vans delivering sandwiches and snacks which are only stationary whilst conducting a sale.

4.1.10 All street trading consents are issued for a period up to one year and are renewed annually. Currently, Telford & Wrekin Council charge £300 for a street trading consent, and this is renewed at a cost of £280.

4.1.11 The Licensing Service receives a growing number of requests to provide day street trading consents. In addition, the Licensing Service has liaised with the Town Park Managers and Neighbourhood & Leisure Services, with an attempt to encourage the use of the Borough's open spaces. All parties are keen to provide a number of possible street trading sites within the parks.

4.1.12 It is evident that the failure to provide day street trading consents has been a barrier to a number of possible applicants, and the current fee structure approved by Members of the Licensing Committee could be considered as prohibitive. Members are asked to note that many licensing authorities do provide day consents and the Licensing Service believes that we should allow this provision.

4.1.13 The Licensing Service is fully aware that fees for street trading can only be charged on a cost recovery basis. In other words, the fees must reflect the actual cost to the licensing authority of the Officer time involved in administering the issuing of consents for street trading. As a result, the Licensing Service proposes to charge £60.00 for a day Consent (and an additional £18 per day up to one week).

4.1.14 The Licensing Service has now formulated a Policy Statement outlining the criteria applied before consent is granted and Conditions to be complied with. These are attached as **Appendix C & D** respectively.

4.1.15 To assist applicants, the Licensing Service has also provided an Information Pack for Street Traders. This is attached as **Appendix E**.

4.1.16 The Licensing Service will consult with all existing street traders. **Appendix F** lists other bodies that will be asked for their comments and views on the new Policy and Conditions for street trading.

5.2 Equal Opportunities

5.2.1 A Community Impact Assessment has been carried out on this review of Council's Policy and Conditions in respect of Street Trading and is attached at **Appendix G**.

5.3 Environmental Impact

5.3.1 The Licensing Service is fully aware that there may be an environmental impact as a result of this report. Additional Street Trading consents could possibly lead to a rise in littering. Members should note that any such impact will be addressed in the revised conditions which are attached to this report.

5.4 Legal Comment

5.4.1 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 allows councils to resolve that Schedule 4 of the Act apply to the licensing and consent regime.

5.4.2 Paragraph 8, Schedule 4 states that the council may charge such fees as considered reasonable for the grant or renewal of a street trading licence.

5.4.3 The consultation process enables consultees to make representations during the 12 week consultation period. All representations will be considered and any relevant representations made will be referred to the Licensing Committee. The Licensing Committee will consider all the evidence before it to enable them to make a reasoned decision.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

Protect and Create Jobs as a 'Business Supporting Winning Council'

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

5.7 Financial Implications

5.7.1 Income totalling £15k was received in 2012/13 in respect of Street Trading Licenses with £12.9k received to date in 2013/14. Income generated from day licenses will be in addition to income received for annual licenses.

5.7.2 The charges for day licenses have been calculated based upon the recovery of staff costs associated with administering the licenses, including on costs, however they do not include overheads. Charges have been benchmarked against several other Local Authorities. Proposed charges are attached in the Street Traders Information pack at **Appendix E**. Benchmarking information is attached at **Appendix H**.

MLB 02.01.14

6. Ward Implications

6.1.1 This report has implications for all wards in the District.

7. Background Papers

7.1.1 Equality Act 2010

7.1.2 Local Government (Miscellaneous Provisions) Act 1982.

7.1.3 T&WC Street Trading Policy

7.1.4 T&WC Street Trading Conditions.

Report prepared by, Carl Phillips – Licensing Technical Officer - For further information please telephone 01952-383267 or email licensing@telford.gov.uk.

Conditions of Consent

1. Where appropriate, the holder of the consent in street trading, must comply with all relevant Food Hygiene and Health and Safety legislation
2. The consent holder shall only trade as approved by the Council in writing and is authorised to trade only between the times and days specified on the consent and at that specified location only
3. The consent holder shall conduct his or her business in such a manner to ensure that he/she does not
 - a. cause an obstruction to vehicles or pedestrians in the street or Highway. (see serials 1&2)
 - b. cause a danger to occupiers of adjoining property or to other users of the street or Highway.
 - c. sell or display goods within 50 metres of an established commercial premises dealing in the same commodities, during the opening hours of such commercial premises or other trader
 - d. sell or display for sale goods within 200 metres of any school premises.
 - e. under any circumstances sell cigarettes or tobacco to any persons under 16 years of age or to any school children.
4.
 - a. Where refuse is generated storage must be provided to the street trading area. The storage must be of a substantial construction, waterproof and animal proof. The refuse must be removed to an approved disposal area at the end of each working day, or, if the amount of refuse warrants it, when the means of the refuse storage is full, whichever is the sooner.
 - b. Where grease, cooking fat, oil or similar products are generated such must be disposed of in such a manner approved by the council and specifically must not be disposed of into surface water drains or onto land adjacent to the street trading area.
5. In accordance with paragraph 7(8) of schedule 4 of the act, the holder is authorised in addition to trade from a stationary van, cart, barrow or other vehicle or portable store that has been inspected and approved by Councils Environmental Health Officers.
7. No process or operation shall be carded out which would give rise to nuisance by reason of noise, vibration, smoke or smell.
8. Nothing in this consent shall purport to grant to the holder any other licence or permission required under any other Enactment or requirement and the holder is specifically advised to obtain such other approval as may be required and the consent holder shall obtain any necessary formal planning consent.
9. In addition to the above, where the consent holder is trading from a lay-by he or she:
 - a. shall seek permission from the appropriate Highways Authority.
 - b. may only sell food, such being intended for immediate consumption on a “take-away” basis only.
 - c. may only trade between the hours of sunrise and sunset in accordance with local “lighting up times”.
 - d. will remove any structure, vehicle, or other means of street trading during “lighting up” time unless prior approval has been given by the council for such to remain at the site.
 - e. will provide adequate and suitable integral or attached sanitary accommodation and handwashing facilities for their own use.

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Consent

Guidance Notes

New Applications

With reference to the above and in accordance with conditions adopted by Telford & Wrekin Council all persons who wish to trade on the highway must obtain consent from this Authority.

This information pack has been compiled by Telford and Wrekin Council, Licensing Service to simplify your application, and has been set out as a step by step guide for new applicants and a separate section for renewal of an existing street trading consent.

Before it grants a Street Trading Consent, the Council will wish to verify that your vehicle/stall complies with the conditions set out in the application pack.

Applicants are advised to telephone the Licensing Service on 01952 383264

Step 1

Submit your fully completed application form and the fee of £300 to Public Protection, Darby House, Lawn Central, Telford, TF3 4JA

Submit your fully completed application form for Registration of a Food Business to Public Protection as above. An Environmental Health Officer will contact you to arrange inspection of your food van/trailer.

Step 2

The Council will inform local Councillors, Parish Councils, Police, Planning and other interested parties of the application.

Step 3

Providing there has been no objections from interest parties, the application will be granted.

The Council will now issue a Street Trading Consent subject to the standard conditions and also any special conditions deemed appropriate.

The consent will be in the form of a laminated A4 document that must be displayed in a prominent position on the vehicle/stall whilst trading.

You may now commence trading on the approved site and between the times specified on the Consent.

Step 4

In the event of the vehicle/stall failing inspection by Environmental Health Officer, any faults listed must be rectified and a re-inspection carried out. Trading is not permitted during this time. Once the vehicle/stall has been re-inspected and certified fit for use the guidelines as in **Step 3** will be followed.



Telford & Wrekin
C O U N C I L

Renewals

A Street Trading Consent is renewable every Twelve Months.

It is the responsibility of the holder of the Street Trading Consent to re-apply for a new consent, and have their vehicle/stall re-inspected by Environmental Health.

This must be carried out one calendar month before the expiry of the current Street Trading Consent.

Step 1

Submit your application and fee to the Council's Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford TF3 4JA. Email Licensing@telford.gov.uk.

Step 2

After the application has been submitted, it is the responsibility of the applicant to contact the Environmental Health Department of Telford and Wrekin Council on 01952 381818 to make an appointment with them to have an inspection carried out on the vehicle/stall intended for street trading.

Step 3

If the vehicle/stall passes inspection the Environmental Health section will inform the Licensing Service.

The Council will now re-issue the Street Trading Consent.

The consent will be in the form of a laminated A4 document that must be displayed in a prominent position on the vehicle/stall whilst trading.

You may now continue trading on the approved site and between the times specified on the Consent.

Step 4

In the event of the vehicle/stall failing inspection by Environmental Health Officer, any faults listed must be rectified and a re-inspection carried out. Once the vehicle/stall has been re-inspected and certified fit for use the guidelines as in **Step 3** will be followed.

Failure to renew your Street Trading Consent may lead to the loss of the Consent holder's specified location. Any further trading will be without Consent.

Street Trading - Policy Statement

Portfolio	Health & Wellbeing, Public Protection
Business Unit	Public Protection
Service Area	Licensing

Underlying Principles

1. Street Trading is regarded as an acceptable activity in Telford & Wrekin and all streets are designated as consent streets.
2. The Council is the responsible authority for granting Street Trading Consents in Telford & Wrekin and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix B).
3. The Council accepts that Telford & Wrekin comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council may consult with the following agencies:
 - The Highways Authority
 - The Chief Officer of Police;
 - Public Protection – Compliance Team
 - Public Protection – Food, Health & Safety
 - The Planning Authority
 - The Councils Street Scene and Community Services Team;
 - The Council's Community Safety Team;
 - Public Protection - 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 a 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 Principal Licensing Officer, or otherwise by the Council's Licensing 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 Committee.

Criteria for Considering Applications for Street Trading

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.

Local Government (Miscellaneous Provisions) Act 1982

Street Trading – Standard Conditions of Consent

Portfolio	Health & Wellbeing, Public Protection
Business Unit	Public Protection
Service Area	Licensing

1. Telford & Wrekin Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) has adopted Schedule 4 of the Act to control street trading in the district.
2. The Council has resolved that every street within Telford & Wrekin is to be designated as a Consent Street under the Act
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 Applicant shall pay a fee to the Council in accordance with the approved list of fees.
 - (c) The Consent may be surrendered by the Applicant at any time, providing that the Council shall repay to the Applicant that part of the fee considered by the Council appropriate for the unexpired period of the licence.
 - (d) The Applicant must at all times while trading display in a prominent position the Consent issued by the Council.
 - (e) The Applicant 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 Applicant 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 Applicant shall not sell any type of food, goods or merchandise other than that specified in the Consent.
 - (h) The Applicant shall have in place a documented food safety management system.
 - (i) The Applicant 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. Proof of a Trade Waste Agreement

should accompany the application. The Applicant shall be responsible for any damage to the highway or otherwise resulting from the trading activity.

- (j) The Applicant 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.
- (k) The Applicant shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (l) The Applicant shall not trade outside the times and days permitted by the Consent
- (m) The Applicant shall not trade in any location other than the location permitted by the Consent
- (n) The Consent does not permit sale or display goods within 50 metres of an established commercial premises or within 100 metres of another street trader dealing in the same commodities, during the opening hours of such commercial premises or other trader
- (o) The Consent does not permit the sale or display for sale goods within 200 metres of any school premises
- (p) Where refuse is generated storage must be provided to the street trading area. The storage must be of a substantial construction, waterproof and animal proof. The refuse must be removed to an approved disposal area at the end of each working day, or, if the amount of refuse warrants it, when the means of the refuse storage is full, whichever is the sooner.
- (q) Any vehicle, stall or container used by the Applicant 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.
- (r) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (s) The Consent shall not operate for any other purpose than to permit the Applicant to trade in a Consent street in accordance with the conditions imposed. The Applicant must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
- (t) The Applicant 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.

- (u) The Consent is personal to the Applicant and shall not be assigned or transferred to any other person or company.
 - (v) The Applicant 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.
 - (w) The Applicant 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.
4. 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.
 5. Nothing contained in these conditions shall relieve or excuse the Applicant or his/her employee or agent from any legal duty or liability and the Applicant shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
 6. The conditions attached to the Consent may be varied by the Council at any time.
 7. Any breach of these conditions may lead to the Consent being suspended or revoked.
 8. In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Street Trading

Information Pack

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 in a street, whether with or without a stall or vehicle.
- iii. Trades from a fixed location.

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.

How is Street Trading Controlled in Telford & Wrekin?

Telford & Wrekin 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 Telford & Wrekin have been designated as consented streets.
- ii. This means that it is an offence to trade without a Consent granted by Telford & Wrekin Council 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 Telford & Wrekin 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 Telford & Wrekin, an application should be made to Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA. Applications can be obtained by telephoning us on 01952 383267 or by email at licensing@telford.gov.uk, or at www.telford.gov.uk
- vii. The Licensing Service feels it is important to advise applicants that it is highly probable that any grant of a street trading consent is also likely to require planning consent. Applicants are strongly advised to contact the Planning Department, Wellington Civic Offices, Wellington, Telford, TF2 2FH. Telephone 01952 380380. Email – planning.control@telford.gov.uk
- viii. The Licensing Service will not expect applications for street trading consents from applicants who are selling or exposing for sale any article (whether food or non-food) that is part of a bona-fide charity event.

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. The application form must be accompanied by the following documentation:-
 - Proof that the business is registered with Telford & Wrekin Council as a Food Business (if applicable).**
 - Food Hygiene Certificate (if applicable).**
 - Written consent from the landowner if the street trading unit is to be located on private land.**
 - A photograph showing the exact location of the pitch where you wish to trade from.**
- iii. Post or bring the application to the Licensing Service to our address at Darby House. Please note that if you would like to meet with a relevant Officer an appointment is required;

What Are the Fees Payable for Consent?

- i. Fees are payable for each unit or site. 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) for 12 months	£300.00	£280.00	£300.00	£280.00
Mobile traders for 12 months	£300.00	£280.00		
Day Consents	£60.00 (each additional day up to one week £18.00 per day)			

How Long Does Consent Last for?

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

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.
- iii. Refunds may be made on a pro rata basis, subject to an administration charge.
- iv. If you do not renew the Consent on or before the expiry date or if you surrender it before that date, then any other person will be able to apply to trade from that site.

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 (if stored at an address within Telford & Wrekin) is registered with the Council if selling food of any description. Food Business Registration Forms are obtained by contacting 01952 381818 or email environmental.health@telford.gov.uk
- 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

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.

Consideration and Determination of your Application

- i. When received by the Licensing Service your application form will be checked. Provided there are no queries 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 Council may consult with the following agencies:
 - The Highways Authority
 - The Chief Officer of Police;
 - Public Protection (Food, Health & Safety)
 - Public Protection (Pollution)
 - Planning Department
 - The Council's Community Safety Team;
 - 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
- iii. The Licensing Service will undertake a four week consultation with all responsible bodies.
- 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.
- v. Having received all comments/recommendations and taking into account the Council's adopted Street Trading Policy, then the Principal Licensing Officer, under the Council's Scheme of Delegation, may then determine applications. If any relevant representations to the application are received, determination

of an application could take longer, as the matter may require determination by a Licensing Committee hearing.

- vi. You will be informed in writing if your application needs to be referred to the Licensing 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.

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 National Caterers Association Limited (formerly known as Mobile and Outside Catering Association Ltd.) and is located at:-

Britannic Court

The Lakeside

180 Lifford Lane

Kings Norton

B30 3NU

Tel 0121 603 2524

Website www.ncass.org.uk

Portfolio	Health & Wellbeing, Public Protection
Business Unit	Public Protection
Service Area	Licensing

Street Trading – Consultation

List of consultees

- Chief Constable for West Mercia Police
- Police Licensing Officer for Telford and Wrekin area
- Shropshire Fire and Rescue Service
- Shropshire Chamber and Business Link
- Wellington Chamber of Commerce
- Telford and Wrekin Council Members
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Public Health
- British Hospitality and Restaurant Association

- All current 55 street traders

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council

- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Schools

All schools in Telford and Wrekin area
 Libraries – all in Telford & Wrekin area

Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Review of the Council's Street Trading Policy & Conditions.

2. What are the objectives of the policy? For example, what are we aiming to achieve? Please provide a brief description

The objective is to consider and consult with partners, the community and existing street traders on:

1. The reviewing the Policy & Conditions applicable to street trading consents.

3. This policy affects

- Existing Street Traders and those applicants who are considering applications.
- People who use street trading units.
- Residents and Businesses that are near street trading operators.

4. What period does the policy cover?

The consultation will commence on 20th January 2014 and will be undertaken over a twelve week period.

5. Your contact details:

Name of person completing impact assessment and their post	Carl Phillips, Licensing Technical Officer
Telephone	01952 383267
Date	19 th December 2013

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?

Yes (go to Q2)

2. The Policy contributes to the following [Priority Plan objectives](#)

1. 'Business Supporting, Business Winning Council'

Ensure Compliance – Business

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages Helpbox - Age			X
People with ill health or people with a disability Helpbox - Disability			X
People of different gender Helpbox - Gender (Sex)			x
People who are transgender Helpbox - Transgender			X
Different racial groups Helpbox - Race			X
People with different religion or beliefs Helpbox - Religion or Beliefs			X
People of different sexual orientation Helpbox - Sexual Orientation			X
Women who are pregnant or breast-feeding Helpbox -Pregnancy and Maternity			X
People that are married or in a civil partnership Helpbox - Marriage or Civil Partnership			X
People affected by deprivation Helpbox - people affected by deprivation			X

4. What is the expected impact?

Whilst the Licensing Service believe that there will be no significant impact on the above groups, we are aware of the possible environmental impact. Additional street traders could result in greater impact on the surrounding environment with more litter. The Licensing Service will address these concerns by ensuring a set of robust conditions are in place to tackle the effects of litter.

5. What engagement and consultation have you already carried out?

A full consultation exercise will be undertaken from 20th January 2014 with the street traders, partner organisations, Councillors, Town & Parish Councils, Residents Associations, Community Associations. The consultation will finish on 14th April 2014. In addition the consultation will be published on the Council's website and copies were also placed in libraries within the borough.

You can contact the Community Engagement team for support – 82131

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

Any negative impact (environmental impact) will be addressed by way of ensuring robust conditions are put in place to address matters such as littering.

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

The introduction of day street trading consents will benefit businesses who want to trade within Telford & Wrekin Council. In association with Neighbourhood & Leisure Services, we intend to promote the open spaces of the Borough and encourage street traders who wish to apply for sites within the parks. This could result in greater access to our parks and offer the users of the parks more catering facilities.

- 4..The policy contributes to the following aims of the General Equality Duty;
 - **advance equality of opportunity**

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

Any amendments to the policy and conditions resulting from this consultation exercise will be implemented at a date to be determined by the Chair of the Licensing Committee in discussions with the Principal Licensing Officer. Any adverse comments to the consultation will result in the matter being referred back to Members of the Licensing Committee.

2. When will the actual impacts of the policy be monitored and reviewed?

The Licensing Service will collate comments from the consultees and any feedback from the consultation will be reviewed by the Chair of the Licensing Committee and Principal Licensing Officer (and Licensing Committee if appropriate).

3. How will the actual impact of the policy be monitored and reviewed?

Any changes to the Council's Policy and Conditions of licence resulting will be monitored by the Licensing Service on a regular basis. If any concerns come to light after the introduction of the new Policy and Conditions, every effort will be made to address such matters, and if necessary a further report to Members of the Licensing Committee can be instigated.

Appendix G

Ensure that appropriate confirmation has been given by your line manager.

DRAFT

Appendix G

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Appendix H

Benchmarking Information

Shropshire Council - £60 per day (£13.50 for each additional day)

Worcestershire Regulatory Services - £61.00 (£17.00 for each additional day)

South Staffordshire - £45.00 per day.

Walsall MBC - £215.00 (per month).

A number of Midlands authorities still do not permit day consents
(Wolverhampton, Dudley, Sandwell included).