

REGULATORY SERVICES COMMITTEE NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Wednesday, 6 December 2023 at 7.30 pm

Members of the Committee

Councillors:

Roger Seabourne (Chair)
Stephen Cox
David Coltman
Raj Khiroya
Ian Morris

Tony Humphreys (Vice-Chair)
Andrew Scarth
Matthew Bedford
Sarah Nelmes

*Joanne Wagstaffe, Chief Executive
28 November 2023*

The Council welcomes contributions from members of the public on agenda items at the Regulatory Services Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

In the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Committee.

Those wishing to observe the meeting are requested to arrive from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. MINUTES

(Pages 5
- 8)

To confirm, as a correct record, the minutes of the Regulatory Services Committee meeting held on 12 October 2023

3. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify the consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. DECLARATIONS OF INTEREST

To receive any Declarations of Interest.

5. REVIEW OF STREET TRADING POLICY AND CHANGES TO "DESIGNATION OF STREETS"

(Pages 9
- 122)

The Committee is asked to consider and agree to:

1. The adoption of the Street Trading policy with implementation taking effect in January 2024 following
 - a) Approval of the new schedule of street trading fees; and
 - b) Completion of the relevant consultation process.
2. The intention to pass a resolution in respect of the changes to the designation of streets subject to the relevant consultation requirements as set out in the relevant statutory provisions

6. REGULATORY COMMITTEE SERVICES WORK PROGRAMME

(Pages
123 -
124)

To consider the Committee's Work Programme.

7. OTHER BUSINESS

Any Other Business if approved under Item 3.

8. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item(s) in private, it will be appropriate for a resolution to be passed in the following terms:-

"That, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined under Paragraph 3 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.

9. OTHER BUSINESS

Any Items of Other Business under Item 3 of the agenda which is classified as being exempt under Section 100A of the Local Government Act 1972.

General Enquiries: Please contact the Committee Team at committeeteam@threerivers.gov.uk

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THREE RIVERS DISTRICT COUNCIL

At a special meeting of the Regulatory Services Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 12 October 2023 from 7.30 pm - 7.55 pm

Present: Councillors

Tony Humphreys, Vice-Chair
Stephen Cox
David Coltman
Ian Morris
Matthew Bedford
Sarah Nelmes
Ciaran Reed
Narinder Sian

Officers in Attendance:

Kimberley Grout
Matthew Roberts
Lorna Fryer

RG7/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Roger Seabourne, Councillor Raj Khiroya and Councillor Andrew Scarth.

RG8/23 MINUTES

The minutes of the Regulatory Services Committee meeting held on 14 June 2023 were confirmed as a correct record and will be signed by the Chair.

RG9/23 DECLARATIONS OF INTEREST

None received.

RG10/23 NOTICE OF OTHER BUSINESS

None received.

RG11/23 APPLICATION FOR HACKNEY CARRIAGE FARE INCREASE

A joint request was submitted by Mealing Taxis and South Oxhey Radio Taxis in May 2023 seeking permission from the council for price increases for the Hackney Carriage fare tariff. Those requests are an increase of £4 for the first 1015 metres or part thereof, and an increase of £1 to the night time charge, making it £4.50. This request follows last year's increases, last year's review agreed to changes to the tariff that previously remained unchanged, since 2013, although last year's review agreed only to the nighttime hour to 9.30pm, instead of the original proposal of 11.00pm.

Officers followed the same methodology used in 2013 and 2022, and agreed to the changes proposed, which are reflected within the recommendation; the varied version of the fare tables are advertised for 21 days, however, having regard to the legislative requirements and last year's discussion on this point, 14 days is considered acceptable as it meets the legislative

requirements, enables the table to be amended and come into force quicker and reduces the press notice cost to the council.

No comments have been received to date from the drivers who had been contacted.

Members raised the following points:

A 25% percent increase in the tariff is significantly high, and the council should consider whether it is appropriate.

However, as the fares had not been increased previously up until 2022, this increase does not seem unreasonable.

In response to a question a Member asked, the officer advised that there was no feedback regarding the price increase from 2022. Hackney Carriage trade is very limited, and ultimately, we don't want to keep inflating the prices to make it unreasonable for the public to use them.

On being put to the Committee the recommendations, as detailed in the report, were declared CARRIED by the Chair, the voting being by general assent.

RESOLVED:

That the Members of the Committee:

- a) Agree the increase of HC fares as follows:
 - A £1 increase to the 'first 1015 metres or part thereof to £4
 - A £1 increase to the 'night time charge' to £4.50
- b) Agree for Officers to publish the agreed varied version of the Hackney Fare Table in the Watford Observer for 21 days (the legislation requests not less than 14 days) and for the Head of Regulatory Services to consider any objections in consultation with the Lead Member.
- c) If no objections are received for the varied tariff to take effect following the expiration of the press notice.
- d) If objections are received and not withdrawn, for Officers to arrange an Extraordinary Regulatory Services Committee by 12 December 2023 to consider the representations received.

RG12/23 POLLING DISTRICT AND POLLING PLACE REVIEW 2023

The Council is required to carry out a polling district and polling place review every 5 years, and this time around the review falls between 1 October 2023 and 31 January 2025.

The Committee are asked to note the timeline for the statutory review of polling districts and polling places now, as there will be a parliamentary election before the end of January 2025.

The review went live in the beginning of October, and the proposed time table is in place, so an updated register could be in place for 1 February 2024, which will work with all of our local elections on 2 May 2024 and if there is a General Election as well on the same day.

Members will be aware that in December 2013, Council delegated to Regulatory Committee the approval of any changes should they need to take place. There will be a requirement to have another Special Regulatory Committee meeting in January 2024 to provide the outcome of the review and adopt any changes required.

Members raised the following points:

It would be useful to have some statistics on the number of people on the register in each polling district and the number of people who vote on the day in each polling district, as it

might help to inform any decisions the council will want to make in terms of locations, and which polling stations are appropriate.

In addition, if the information could also be provided on the number of postal votes, that have been cast, divided compared to where their polling place would be.

RESOLVED:

That the Committee note and comment on the timeline for the statutory review of polling districts and polling places.

RG13/23 EXCLUSION OF PRESS AND PUBLIC

“Under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph (X) of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

RG14/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

None.

CHAIRMAN

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REGULATORY SERVICES COMMITTEE – 6 DECEMBER 2023

Review of Street Trading Policy and changes to ‘Designation of Streets’

PART I – NOT DELEGATED

1 Summary

- 1.1 Following a review of the Street Trading Policy 2022 by Officers an amended Policy (“the Policy”) was presented to members of the Regulatory Services Committee (“the Committee”) on 14 June 2023. The changes to the Policy also sought to amend the ‘Designation of Streets’.
- 1.2 At the Committee, Members agreed to pursue the Policy but with a few amendments (see **section 2** below).
- 1.3 Upon receiving member agreement, a 6-week public consultation took place throughout July and August. A total of 5 responses were received (see **Appendix D**).
- 1.4 After the public consultation it was recognised that as the Policy is seeking changes to the ‘designation of streets’ the Council must first pass a resolution and then consult as per the requirements of Schedule 4, Section 2 of the Local Government (Miscellaneous Provisions) Act 1982¹. **Section 6** of this report explains the required consultation process if members resolve their intention to pass a resolution.
- 1.5 Initially, the agreed recommendation at the Committee was that the Policy would be ratified by Policy & Resources Committee (P&R), however, it has since been confirmed by the legal department that the Regulatory Services Committee is the correct committee for all street trading functions so there is no constitutional requirement for P&R to ratify the Policy.
- 1.6 Officers are therefore seeking members to consider and agree to:
 - a) the adoption of the Policy with implementation taking effect in January 2024 following a) the approval of the new schedule of street trading fees (to be presented at P&R in December 2023) and b) completion of the relevant consultation process*; and,
 - b) the intention to pass a resolution in respect of the changes to the designation of streets subject to the relevant consultation requirements as set out within the Act.

*It is anticipated that the report to P&R for the new fees and charges will seek to grant delegated approval to implement the street trading fees subject to the relevant consultation process.

2 Changes to the Policy

- 2.1 At the Committee members raised a number of points with Officers before resolving to agree to the Officer recommendation to consult on the Policy. Members agreed the following amendments to be made to the Policy:

¹<https://www.legislation.gov.uk/ukpga/1982/30/schedule/4/paragraph/2>

- It needs to be specified within the policy that only a section of Prestwick Road, between the junctions of Hayling Road and Oxhey Drive is prohibited.
 - The time limit under section 4.9.2, in respect of ice cream vans, should be removed from the draft policy.
 - “It is not limited to but including” should be included under section 6.3.1 before the list of items that are prohibited to be sold.
 - To include under section 9.2 that the Licensing department should be notified with 48 hours if an ID badge is lost or stolen.
- 2.2 The above amendments have been incorporated into the Policy (see **Appendices B and C**).

3 Changes to ‘Designation of Streets’

- 3.1 At the Committee members also agreed that the following named roads should be included as ‘prohibited streets’ within the Councils list of ‘Designation of Streets’ to safeguard the South Oxhey market.
- Prestwick Road (only between the junction of Hayling Road and junction with Oxhey Drive)
 - Fairfield Avenue
 - St Andrews Way
 - Tom Lake Way
 - Bridlington Road
 - Station Approach
- 3.2 The amended ‘designation of streets’ can be viewed at **Appendix E** but now must be subject to a new consultation process, see **section 5** below.

Other notable changes to the Policy from 2022 version:

- 3.3 Officers have removed the requirement for a basic disclosure criminal record check and replaced with a self-declaration form for convictions. Officers have noted that requiring basic disclosure checks have taken a considerable period of time and have delayed many previous applications from obtaining consent quickly. It should be notified that as part of the consultation process for any street trading consent, the Police are notified so any concerns regarding the event / event organiser will be provided to Officers.
- 3.4 It should also be noted that Officers have received legal advice which confirms that Watford Rural Parish Council would not require consent for their future market at Market Square on Prestwick Road. This market obtained planning permission as part of the South Oxhey redevelopment and is also to be managed by the Parish via the powers afforded to them via Part III of the Food Act 1984.
- 3.5 The Policy includes the following proposed exemptions meaning that no consent will be required from the Licensing department in the following circumstances. These are in addition to those set out at paragraph 2.3.1 of the Policy:
- Activities which take place on Council (both district and parish) owned land, including;
 - i. parks and green / open public spaces such as Commons along with their associated carparks
 - ii. carparks

- Activities which take place within the boundaries of school and Church premises
- Activities which take place within the curtilage of a residential property
- Buskers
- Non-commercial events organised by charity or community organisations where proceeds are wholly donated to charity or for use to benefit a community organisation. These may include community fetes/carnivals.

3.6 A new set of fees have also been introduced to enable greater choice and flexibility for customers (see **Section 5** below).

4 Public Consultation Exercise

4.1 As part of the 6-week public consultation, 5 responses were received and these are set out at **Appendix D**. Officer responses to the comments received are detailed below:

4.2 Response to Respondent No1:

4.2.1 Officers acknowledge the response from Trading Standards that the policy appears proportionate and relevant.

4.3 Response to Respondent No2:

4.3.1 Officers acknowledge positive changes to the Policy as commented on by Chorleywood Parish Council.

4.4 Response to Respondent No3:

4.4.1 Positive response noted.

4.5 Response to Respondent No4:

4.5.1 Renewal fee has been calculated based on officer time.

4.5.2 Typo in paragraph 1.6 has been rectified within amended Policy version.

4.6 Response to Respondent No5:

4.6.1 As it stands no 'licence streets' are designated by the Council meaning we would not issue any 'Street Trading Licences'. All streets within the district, other than those that are 'prohibited' are consent streets and therefore require a Street Trading Consent. The Local Government (Miscellaneous Provisions) Act 1982 defines the two as follows:

'Consent street' means a street in which street trading is prohibited without the consent of the district council.

'Licence street' means a street in which street trading is prohibited without a licence granted by the district council.

4.6.2 There are different limitations to both 'consents' and 'licences' with the latter being more rigid in the assessment process with the ability to appeal to the magistrates court for example.

- 4.6.3 Whilst there are no specific exemptions for activities within the curtilage/boundaries of churches/religious sites, officers consider that the other exemptions are likely to apply for such events.
- 4.6.4 At paragraph 2.3.2 it does refer to the fact that non-commercial events organised by charity or community organisations where proceeds are charity would be exempt.
- 4.6.5 Officers consider that the consultation exercise was acceptable and all those that were required to be notified were. Additionally, a number of press notices were placed in the local paper thorough a 6 week period, the consultation was listed on the Council's website and promoted via social media channels.

5 New Fees

- 5.1 As a result of the introduction of the new Policy, if agreed, a range of fees will apply as follows:
- **'Occasional/Seasonal Street Trading Consent** – this would be issued for a period of 30 days and can be issued to an individual trader or to a market/event such as Christmas tree sellers and seasonal stalls. A fee of **£69*** would be applied.
 - **One-off Street Trading Consent** – this would be issued for up to a maximum of 4 consecutive days and can be used where street trading is either taking place as part of an event, or is a one-off event of its own. This consent may also be used to support events organised by community groups where the event itself is exempt however there are one or two commercial traders. A fee of **£30*** would be applied.
 - **Annual consent fee - £269***
 - **Renewal of annual consent fee - £246***

*Fees have increased following a review of all fees and charges with inflation added.

- 5.2 It is anticipated that all the above fees will take effect once the relevant fee consultation has taken place, as required by Schedule 4, Section 9 of the Local Government (Miscellaneous Provisions) Act 1982². This sets out that the Council must consult all licence holders and publish notice of the changes in a local newspaper for a 'reasonable' period (28 days is considered reasonable).
- 5.3 If the Policy is agreed to be implemented, its adoption will commence following the expiration of the fee consultation and any relevant period for the consideration of any comments received.
- 5.4 It is recognised that some applications for street trading consents may be submitted following the December Committee date and thus would be pending consideration prior to the Policy's formal adoption. If a pending consent application would be exempt as a result of the Policy, a full refund will be applied. These applications are likely to be low in number.

6 Future Consultation

² <https://www.legislation.gov.uk/ukpga/1982/30/schedule/4/paragraph/9>

- 6.1 No further consultation will be necessary for the Policy, unless further material changes are made by members (**Option 2**).
- 6.2 As highlighted above, in respect of the new fees, a consultation process will commence for 28 days in December with any comments considered (delegated to the Head of Regulatory Services).
- 6.3 In respect of the 'designation of streets' a timetable for implementation is as follows:

Members to agree ' intention to grant resolution ' on 6 December 2023.	December 2023
↓	
Officers to consult for 28 days (i.e. 15 December to 12 January 2024) in local paper (including copy of draft resolution) and contact all existing licence/consent holders. Officers to seek authority from Chief Officer of Police and Highway Authority.	January 2024
↓	
Consider representations.	
If comments received, the Head of Regulatory Services to consider any objections in consultation with the Lead Member and seek to approve the resolution via delegated authority (or alternatively if objections cannot be set aside to return the Policy to Committee).	
No comments received, that Head of Regulatory Services approves resolution via delegated authority.	
↓	February 2024
Resolution published in local paper for 2 weeks (i.e. 26 January to 9 February 2024)	
↓	
Resolution to come into force within 28 days of the first publication date. i.e. Could take effect from Monday 19 February 2024 but no later than 8 March 2024.	

7 Summary

- Current policy had been in place for over a year and was subject to criticism.

- Officers have reviewed the policy to include changes in early 2023.
- Officers engaged with local parishes prior to going ahead with amended policy.
- Officers sought agreement from members of the Regulatory Services Committee in June 2023.
- Officers undertook a 6-week public consultation.
- Officers have reviewed the comments received.
- Officers to seek agreement to the adoption of the new policy in January 2024 following the required fee consultation.
- Officers to seek agreement from members of their intention to pass a resolution to the amended 'designation of streets' and to follow the relevant consultation process.
- Officers to seek delegated authority to pass a resolution which must be published for two consecutive weeks.
- Resolution to come into effect within 28 days from the first publication date.

8 Options and Reasons for Recommendations

8.1 In respect of the Policy:

Option 1: Authorise Officers to adopt the Policy with implementation taking effect in January 2024 following a) the approval of the new schedule of street trading fees (to be presented at P&R in December 2023) and b) completion of the relevant fee consultation process (with the Head of Regulatory Services to consider any representations received in consultation with the Lead Member).

Option 2: Authorise Officers to make further changes on the Policy. Following the expiry of the consultation for the Policy to be brought back to a future Extraordinary Regulatory Services Committee for agreement before adoption at the relevant committee.

Option 3: Decide not to adopt the Policy.

8.2 In respect of the 'Designation of Streets':

Option 1: Agreement from members to the following:

a) their intention to pass a resolution in respect of the changes to the designation of streets.

b) Officers to consult for 28 days with the Head of Regulatory Services to consider any representations received in consultation with the Lead Member. In the event no comments are received that:

i) delegated authority is given to the Head of Regulatory Services to agree the resolution; and,

ii) Officers to publish the resolution in a local paper for 2 consecutive weeks with the resolution taking effect within 28 days of the first publication date.

Or;

If objections are received and cannot be set aside, then the 'Designation of Streets' proposals are returned to Committee for further consideration.

Option 2: Authorise Officers to make further changes on designation of streets and their intention to pass a resolution on the amended 'Designation of Streets' and following the process in Option 1.

Option 3: Decide not to implement the changes to the designation of streets.

9 Policy/Budget Reference and Implications

9.1 The purpose of the Policy is to ensure that only specific markets and events will be subject to a consent while also providing a more cost-effective service with different options available to customers so as to not stifle commercial events.

9.2 Due to the new fee range and list of exemptions there will be an income reduction resulting from the changes. It is likely that the occasional fee and one-off fee will be used by markets and events across the district where required. This would replace the current requirement to pay the annual fee of £243.96. However, there will be monthly markets and mobile traders such as ice cream vans (currently have 3 licenced) which will still potentially require the yearly fee.

9.3 Income from previous and current financial years:

- 2018/2019: £1,893 (9 x street trading consents issued)
- 2019/2020: £828 (5 x street trading consents issued)
- 2020/2021: £1,102 (7 x street trading consents issued)
- 2021/2022: £2,205 (10 x street trading consents issued)
- 2022/2023: £3,446 (17 x street trading consents issued)
- 2023/2024: £3,659 (15 x street trading consents paid for so far)

9.4 The existing Policy came into force in March 2022.

9.5 The budget will however need to be monitored throughout the year once the policy and fees are adopted.

10 Equal Opportunities Implications

10.1 None identified.

11 Impact Assessment

11.1.1 There is no detrimental impact likely towards any protected group from introducing the Policy.

12 Climate Change and Sustainability Implications

12.1 A sustainability impact assessment has been undertaken resulting in a score of:

Climate and Sustainability Impact Assessment Summary	
---	--

Homes, buildings, infrastructure, equipment and energy	2.50
Travel	2.67
Goods and Consumption	3
Ecology	0
Adaptation	0
Engagement and Influence	3
Total Overall Average Score	1.9

13 Community Safety Implications

13.1 The Police would be consulted for all submitted applications for street trading consents.

14 Public Health implications

14.1 None Specific.

15 Customer Services Centre Implications

15.1 CSC staff will be made aware of the Policy once it comes into force and the relevant consultations.

16 Communications and Website Implications

16.1 If agreed the Policy will be displayed on the TRDC website and will be published via TRDC social media platforms.

16.2 The Digital Team will be made aware of the relevant consultation processes.

17 Risk and Health & Safety Implications

17.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

17.2 The subject of this report is covered by the Regulatory Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
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Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
Street Trading Policy				
Option 1:	Ensures that the changes to the Policy can come into effect as soon as practicably possible. Provides greater clarity for event organisers across the district.	Members to agree to recommendation provided to ensure it can be adopted in line with fee schedule	Treat.	Low 2.
Option 2:	Delays the implementation of Policy and the department/Council likely to be subject to further complaints. Continues the uncertainty for event organisers.	Officers to make the necessary changes and bring back to the relevant Committee at their earliest opportunity (if such changes require further consultation)	Treat.	Low 3.
Option 3:	Complaints against the Council likely to be raised and greater unauthorised events likely to take place which will need to be investigated / enforced. Council likely to be criticised by Parishes for not making changes as originally suggested.	Officers to advise against this approach to ensure changes can be brought in as soon as practicable.	Treat.	Medium 6.
Change to 'Designation of Streets'				
Option 1:	Ensures that the changes to the list of 'Designation of Streets' can come into effect as soon as practicably possible.	Members to agree to recommendation	Treat.	Low 2.

Option 2:	Delays the implementation of the amended designation of streets. Continues the uncertainty for event organisers.	Officers to make the necessary changes and bring back to the relevant Committee at their earliest opportunity (if such changes require further consultation)	Treat.	Low 3.
Option 3:	Would require Officers to use existing list of 'Designated Streets' which prevents street trading from various specific named roads across the District.	Officers to advise against this approach to ensure changes can be brought in as soon as practicable	Treat.	Low 4.

17.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low	----->		Unacceptable

Impact Score
4 (Catastrophic)
3 (Critical)

Likelihood Score
4 (Very Likely (≥80%))
3 (Likely (21-79%))

2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

17.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

18 Recommendation

18.1 With regards to the Street Trading Policy, it is recommended that Members agree to **Option 1**:

Authorise Officers to adopt the Policy with implementation taking effect in January 2024 following:

- a) the approval of the new schedule of street trading fees (to be presented at P&R in December 2023); and,
- b) completion of the relevant fee consultation process and consideration of comments received by the Head of Regulatory Services in consultation with the Lead Member.

18.2 With regards to the changes to the 'Designation of Streets' that Members agree to **Option 1**:

Agreement from members to the following:

a) their intention to pass a resolution in respect of the changes to the designation of streets.

b) Officers to consult for 28 days with the Head of Regulatory Services to consider any representations received in consultation with the Lead Member. In the event no comments are received that:

- i) delegated authority is given to the Head of Regulatory Services to agree the resolution; and,
- ii) Officers to publish the resolution in a local paper for 2 consecutive weeks with the resolution taking effect within 28 days of the first publication date.

Or;

If objections are received and cannot be set aside, then the 'Designation of Streets' proposals are returned to Committee for further consideration.

That public access to the report be immediate.

Committee Decision on Public Access:-

- | | | |
|----|-----------------------------|---|
| 1. | Public access to report - | immediate |
| 2. | Public access to report - | denied until (date): |
| 3. | Public access to report - | Council agenda publication |
| 4. | Public access to report - | denied until issue resolved (see future agenda) |
| 5. | Public access to decision - | immediate or Council agenda publication |

Report prepared by: Lorna Fryer (Lead Licensing Officer)

Data Quality

Data sources:

Data checked by: Matthew Roberts, Team Leader, Development Management

Data rating: Tick

1	Poor	
2	Sufficient	
3	High	X

Background Papers: None

APPENDICES / ATTACHMENTS

Appendix A: Current Street Trading Policy 2022

Appendix B: Draft Amended Street Trading Policy 2023 (track change version)

Appendix C: Clean version of Draft Amended Street Trading Policy 2023

Appendix D: Consultation Responses

Appendix E: Amended 'Designation of Streets'

Appendix F: Notice of Intention to designate streets (for press notice purposes)

Appendix G: Draft notice of agreed resolution (for press notice purposes)

THREE RIVERS DISTRICT COUNCIL

STREET TRADING POLICY 2022



Adopted: 15 March 2022

Committee process for adoption:

Policy and Resources Committee: 14 March 2022

Regulatory Services Committee: 8 March 2022

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Definitions:

'Act' means Local Government (Miscellaneous Provisions) Act 1982

'Authorised Officer' means any authorised officer of Three Rivers District Council.

'Consent Street' means a street in which street trading is prohibited without a consent from Three Rivers District Council.

'Licence Street' means a street in which street trading is prohibited without a licence from Three Rivers District Council.

'Non-established markets' are markets that have not been established in law either by charter, prescriptive rights or by statute.

'Prohibited Street' means a street in which street trading is prohibited. Under no circumstances will street trading be allowed.

'Street' includes any road, footway, lay-by or any other open area to which the public have access without payment.

'Street Trading' means the selling, or exposing or offering for sale, of any article in a street.

'The Council' or 'District Council' means Three Rivers District Council.

'Trader' or 'Consent/Licence holder' means the person(s) to whom the Licence has been granted or renewed and includes any other person employed or assisting the principal trader.

'Police Officer' means any Police Officer of Hertfordshire Constabulary.

1 Introduction

1.1 Street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may designate streets within its district as "consent" streets or "licence" streets in order to control street trading, whereby trading would not be permitted without the permission of the Authority.

1.2 For clarification - a street includes a street, highway or other area (e.g. carpark, park, green, pavement) to which the public have access without payment and as such any land adjacent to the street will also fall within the scope of this policy. The definition does not include buildings themselves or commercial premises.

1.3 In order to provide guidance to applicants and decision makers, the Council has adopted a Street Trading Policy ("the Policy").

1.4 The aim of the Policy is to create a street trading environment which:

- a) ensures fair trading between mobile traders in the district;
- b) protects the amenity of the residents by ensuring that licenced traders do not cause nuisance, damage, disturbance or annoyance;
- c) ensures the safety of the people using them;

- d) promotes diversity and consumer choice;
 - e) provides applicants with advice and guidance on the council's approach to the administration of applications for street trading consents/licences
 - f) prevent obstruction of the streets in the district and to ensure the safety of persons using them.
- 1.5 In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in Three Rivers.
- 1.6 This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.7 The Council adopted this legislation in 1984 and all streets in the District currently have either been determined as 'consent' streets or 'prohibited' streets. No 'licence' streets are currently designated by the Authority but the list of designated streets may be amended to include 'licence' streets in future. Currently, anyone who wishes to trade on a consent street must hold a street trading consent. All streets listed in **Appendix III** under prohibited streets cannot be used for street trading.
- 1.8 There are some exemptions from requiring a consent/licence to trade. These include:
- Pedlars: To operate as a pedlar, a pedlar's certificate must be obtained through the local Police Authority who can provide advice on the application and the conditions of the certificate.
 - News Vendors selling newspapers or periodicals.
 - Shop forecourts selling goods associated with the shop.
 - Trading as a roundsman: Anyone trading as a roundsman has defined customers and defined routes. There is no statutory definition of a roundsman, however for the purposes of this Policy, the Licensing Authority considers a roundsman to be anyone who does the round of his customers for orders and the delivery of goods, generally trading door to door rather than from the street.
 - Anything done in a market or fair the right to hold which was acquired by virtue of the grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
 - Sales of articles by householders on land within the curtilage of their property, for example garage sales. This does not include selling products relating to a business.
 - Goods from working farms or smallholdings sold at the premises where they were produced.
 - Trading as part of an established travelling fair where permission for the event has already been granted by Three Rivers District Council e.g. Carters Steam Fair, Classics on the Green.

- Community or charitable events where the profits are not used for private gain or are wholly passed to a charity, educational organisation or community based organisation.
- Any event whereby an entrance fee is charged to members of the public by the organiser.

1.9 Applicants should be aware that the Council is the land owner for some streets in the District, for which there may be an additional charge and/or restrictions on availability. Permission must be sought from the Council's Property department prior to submitting an application.

2 Guidance for applicants

2.1 Different types of street trading activities

Street trading includes, but is not limited to:

2.1.1 Static Trading

A static street trading consent/licence is issued for a trader who remains in one place during trading and who is not positioned on a Prohibited Street in the District. This would include food vans and stalls.

2.1.2 Mobile Trading (including ice cream traders)

Mobile consents/licences are issued to those who want to trade from numerous locations for a short period of time around the District. In order to meet the criteria for a mobile consent/licence, a trader generally must not remain in one place for more than 15 minutes at a time and not return to the same street within 2 hours. A 'particular length of street/site' should normally be interpreted as being a length of street up to 500 metres long.

2.1.3 Buskers

Buskers do not normally require a street trading consent/licence and accordingly are not within the scope of this Policy. However, a street trading consent/licence may be required for those who wish to sell items associated with their performance, for example, CD's or merchandise.

2.1.4 Markets/Fetes/Carnivals/Special events

Trading at community and charitable events, non-established markets and special events are covered in section 10 of this policy.

2.1.5 Selling a vehicle on the street

A street trading consent/licence is required where vehicles which are advertised for sale are placed on the highway/street. This includes any vehicle displaying signs that name an individual or business; or displays notices/signs intended to sell the vehicle.

2.2 Choosing a trading location/pitch

- 2.2.1 Before applying for a static street trading consent/licence, applicants must first identify a suitable trading location. It is for the applicant/trader to identify a suitable location, having regard to the requirements laid out in the Policy and their business needs. The Licensing Authority does not maintain a list of suitable sites. The Licensing Authority also does not hold a list of available trading pitches or a waiting list for existing pitches.
- 2.2.2 It is for the applicant to determine the business viability of any location. A pitch must satisfy a number of criteria before being considered suitable to trade from. The applicant is expected to conduct this research themselves and provide the information to the Licensing Authority before submitting a full application.
- 2.2.3 Any pitch in use before the approval of this Policy may remain under grandfather rights (an old rule which may continue to apply to some existing street traders, while a new rule will apply to all new applicants) until the licence is renewed. However any new pitches must meet **all** of the following criteria:
- a) Safe for public access by foot or by vehicle
 - b) Has suitable parking spaces for customers and trading vehicle
 - c) Is suitably lit (if trading after dark) to promote safe access and egress for customers and for visibility by other road users.
 - d) Does not breach highway regulations or make hazardous the passage of the public, including people with disabilities, over the highway or otherwise cause a traffic hazard.
 - e) Does not impede the passage of emergency vehicle access.
 - f) Where adjacent to a highway, there must be a safety barrier of a verge or footpath between the proposed trading location and the carriageway.
 - g) Does not cause the loss of parking spaces to residents or businesses. No consent/licences will be granted in an areas of permit parking.
 - h) Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g., noise nuisance, litter, odour etc.) to local residents or businesses.
- 2.2.4 In order for the Licensing Authority to assess the potential trading pitch, the applicant will be required to submit a map of the location with the potential pitch marked out clearly.
- 2.2.5 If the pitch is on private land, to which the public have access without paying, written evidence of the landowner's permission to use that site will also be required as part of the application.
- 2.2.6 The applicant or landowner must determine if there is appropriate or necessary planning permission to sell goods from the proposed location. Applicants are required to contact the Planning department prior to making an application for a consent/licence, to ascertain whether planning permission is required.
- 2.2.7 If the site is on land owned by the Council then prior written permission will be required from the Property Services team prior to the submission of a Street Trading application.

- 2.2.8 If a pitch of interest is already occupied, or is of interest to two street traders, then a pitch can be shared by splitting either the times or the days on which the traders wish to operate. The street traders must have a written mutual agreement between them, approved by the Licensing Authority, detailing when the pitch is going to be occupied by both traders. The location can be shared even if the exact pitch, where the trading vehicle is located, is not. The individual traders will need their own consent/licences for the location.
- 2.2.9 The Licensing Authority will inform applicants if a pitch is unlikely to meet the criteria. However, advice from the Licensing Authority does not guarantee that a proposed pitch applied for will not be subject to relevant objections during the consultation process following an official application and therefore be deemed unsuitable.

2.3 Site Assessment

Street trading licences from static locations will not normally be granted where:

- a) 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
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- d) There is already adequate provision in the immediate vicinity of the site to be used for street trading purposes; or
- e) There is a conflict with Traffic Orders such as waiting restrictions; or
- f) 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
- g) The trading unit obstructs the safe passage of users of the footway or carriageway; or
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- i) The site does not allow the consent/licence holder, staff and customers to park in a safe manner; or
- j) 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.
- k) Trading from lay-by locations is restricted to sites which provide:-
 - a. Sufficient width to allow vehicles to park and pass;
 - b. Sufficient length to allow several large vehicles to park without causing congestion; and
 - c. A verge (minimum width 1 metre) physically separating the lay by and the highway.

2.4 Trading from a vehicle/trailer

- 2.4.1 The trading and/or towing vehicle used must be compliant with the Driver and Vehicle Standards Agency (DVSA) MOT standards.

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

- 2.4.2 The trading and/or towing vehicle must be maintained in a roadworthy condition, taxed, insured and hold a valid MOT at all times. The type, colour and dimensions of any trading vehicles to be used will be submitted to the Licensing Authority along with colour photos for approval.
- 2.4.3 Details of where the trading vehicle is to be kept overnight must also be submitted.
- 2.4.4 The trading trailer/vehicle must not be set up as a permanent structure and must be removed from the trading pitch within 30 minutes of the end of the consented hours, unless agreed in writing by the Licensing Authority; and upon any reasonable request made by the emergency services, Highway Authority (Hertfordshire County Council) or similar authority.
- 2.4.5 Maintenance logs must be kept for the trading vehicle and made available for inspection when requested by an authorised officer from the Police, Licensing Authority or DVSA.
- 2.4.6 If a trailer is going to be used as the trading vehicle, it must comply with the relevant laws around maximum weight that can be towed and height restrictions. The driver of the vehicle towing the trailer to and from the location must have the appropriate B3 driving category included on their DVLA driving licence.
- 2.4.7 All vehicles to be used for mobile trading must comply with Euro 6 standards for emissions and be no more than 7 years old at the time of application.
- 2.4.8 All renewing vehicles must pass an annual MOT and pass the required emissions test. Should we receive complaints about vehicle emissions, consent/licence holders will be required to provide the Licensing Authority an emissions report from a garage.

2.5 Employees

- 2.5.1 Under the Immigration Act, introduced in 2016, <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. You are required to check the residency status and right to work of anyone who you employ to trade under your street trading consent/licence and you must include their names on an application form. Proof of their right to work must also be submitted as part of the application.
- 2.5.2 For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent/licence reviewed and/or revoked. <https://www.gov.uk/topic/immigration-operational-guidance>
- 2.5.3 A passport style colour photo of each employee who will be working on the stall/in the vehicle will also be required to be submitted as part of the application.

2.6 Goods for Sale

Traders wishing to sell food items must be registered as a food business with the Environmental Health department in whose area the trading vehicle is stored and where any off site food preparation takes place.

2.7 Advertising

2.7.1 There must be no available means of attracting attention for the purposes of trading or any stands or signs away from the consented pitch. Any trader wishing to display advertising, such as A-boards, will require the approval of both the Planning department as well as the highways authority. Any unauthorised advertising will be removed.

2.7.2 Advertising on the trading vehicle must be approved by the Licensing Authority.

2.8 Waste

2.8.1 Where goods are sold that are for immediate use or consumption, the trader must provide at least one suitably sized waste container with signage requesting the customers to use it. The consent/licence holder is responsible for disposal of refuse and must not use Council, highway or other waste bins. The consent/licence holder has a duty of care to dispose of the commercial waste lawfully.

2.8.2 Advice can be sought from the Environment Agency at Environment Agency Website. Further information can also be found on the council's web site www.threerivers.gov.uk

2.8.3 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil as it leads to blockages, odour, vermin problems and can pollute watercourses. Such action could result in prosecution. Waste oils should also not be disposed of with the rest of the catering or kitchen waste. Section 111 of the Water Industry Act 1991 makes it illegal to permit any substance, which may interfere with the free flow of the sewerage system, to pass down any sewer or drain connecting to a public sewer. This is enforced by Thames Water. Further information about disposal of waste oils from catering premises can be found on the Food Standards Agency website <https://www.food.gov.uk/>.

2.8.4 All wastewater from the trading vans' sinks must be collected and disposed of correctly. Officers of the responsible authorities will take the steps that they consider appropriate if traders are found to be disposing of oils, waste water etc. in an unlawful or unacceptable manner. Consent/licence holders must also organise adequate sanitation provision for themselves and their employees.

2.9 Opening/Trading hours

2.9.1 Street trading is limited to the days of the week and between the hours stated on the consent/licence.

2.9.2 The consent/licence holder will be allowed 30 minute preparation time prior to the start of their trading hours in order to set up their trading vehicle, and there will be a 30 minute closing time to allow the trader to tidy and pack up. Consent/Licence holders are not permitted to trade during the preparation or closing times. If a pitch is shared between two Consent/Licence holders who will be operating on the same day, there will be an hour between the end time of the first consent/licence and the start time of the other Consent/Licence to allow for the respective closing and preparation time. If the location is shared (for example a lay-by), and not the exact pitch, then the preparation and closing times may overlap, requiring a 30 minute gap between trading times.

2.9.3 Ice cream vans will not be permitted to trade before 09:00hrs and after 20:00hrs.

2.10 Street trading and the Licensing Act 2003

2.10.1 Street traders that either serve hot food or drink at any time between 23:00-hrs and 05:00-hrs the following day or sell alcohol will also require a licence under the Licensing Act 2003.

2.10.2 Details of the various licences issued under the Licensing Act 2003 can be found on the Licensing page of the Council's website www.threerivers.gov.uk

2.10.3 A trader will not be allowed to trade if a licence is needed but not been issued.

2.11 Ice Cream Van Chimes guidance

2.11.1 Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/245699/pb14030-ice-cream-vans.pdf

2.11.2 It is an offence under S62 of the Control of Pollution Act 1974 to sound chimes before 12:00hrs (noon) or after 19:00hrs.

2.11.3 Vans must not sound chimes as loudly in areas of low background noise or narrow streets as elsewhere and:

- for longer than 12 seconds at a time;
- more often than once every 2 minutes;
- more than once when the vehicle is stationary at a selling point;
- except on approach to or at a selling point;
- when in sight of another vehicle which is trading;
- when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
- more often than once every 2 hours in the same length of street;
- louder than LAmax 80dB at 7.5 metres

2.12 Trading Near to a School

2.12.1 As part of the Every Child Matters: Change for Children Agenda, Central Government made a commitment in the national Children's Plan to publish a child health strategy jointly between the Department of Health and the Department for Children, Schools and Families. Published on 12 February 2009, the "Healthy lives, brighter futures: the strategy for children and young people's health" Strategy presents the Government's vision for children and young people's health and wellbeing.

2.12.2 The Council recognises that a healthy start in life is vital for all children and young people to realise their full potential. In terms of child obesity there are benefits of not having certain traders such as ice cream vehicles and burger vans outside a school. This Policy seeks to support the Council's commitment to reducing obesity and improving dental health and accordingly the Council has attached a condition to all

street trading consent/licence that states there is a 50 metre exclusion zone around the curtilage of the school, as measured from any school boundary or entrances onto a highway, in which street traders are not allowed to trade, subject to the following times; during term time and then between the hours of 12pm to 2.00pm and 15.00pm to 17.00pm on any school day. The restrictions apply to all street trading consents, regardless of whom the consent/licence holders are targeting and whether the application is new or for a renewal of an existing Consent/licence.

3. Application and determination process for new applications

3.1 Types of consent/licence issued

Two types of consents/licences are issued; static or mobile

3.2 Duration of consents/licences

- A standard consent/licence is granted for a period of 12 months.
- An occasional consent/licence may be granted for up to 7 days for activities such as street buskers selling merchandise, pop-up stalls etc.
- A seasonal consent/licence may be granted for a period of 6 months for seasonal traders e.g. ice-cream vendors.

3.3 Submitting an application

3.3.1 An application for a Street Trading consent/licence must be made to the Council, and the following will be required to be submitted:

- a) A completed Street Trading consent/licence application form which can be downloaded from the Council website.
- b) The payment of the full fee as appropriate for the periods of trading applied for.
- c) Where the proposed street trading activity is from a fixed position, a plan showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site
- d) Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc. that will be used for the street trading activity. (digital image can be emailed to licensing.team@threerivers.gov.uk)
- e) One passport size photograph of applicant; as well as one of any employee working in stall/vehicle (not applicable to market events where organiser is consent/licence holder)
- f) A basic disclosure certificate (dated within the last 3 months) for the applicant.
- g) Two forms of ID for applicant (one photographic and at least one which must show evidence of home address)

- h) Evidence of right to reside and work in the UK for the applicant; as well as for any employee working in stall/vehicle (not applicable for market events where organiser is consent/licence holder)
 - i) A copy of a current Public Liability certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £5 million.
 - j) Valid food safety/food hygiene certificate(s) (food business only)
 - k) Evidence of registration of the food business with the appropriate Local Authority and food hygiene rating (food business only)
 - l) V5, MOT certificate and vehicle insurance certificate if trading from vehicle.
 - m) Copy of driving licence of applicant if trading from vehicle. A print out from the DVLA website dated within the previous 14 days is preferred. See <https://www.gov.uk/view-driving-licence>
 - n) Commercial waste removal contract, including oil if relevant.
 - o) Consent to use the proposed site location (if required) i.e. from the land/property owner, Hertfordshire County Council or Three Rivers District Council.
 - p) Any further consents/permissions required i.e. planning permission, authorisation under Licensing Act 2003 if applicable
- 3.3.2 Incomplete applications will not be validated or processed. The Licensing Authority will return any incomplete or invalid applications to the applicant if a period of 1 month has passed without the application being validated.
- 3.3.3 Once an application is validated applicants should allow a minimum of 28 days for the Council to carry out consultation and to process the application.

4 Consultations

- 4.1 Before a Street Trading consent/licence is granted the Council will carry out a consultation process with various persons and groups on all applications. In particular the following organisations or persons will be consulted where appropriate:
- a) Three Rivers District Council Environmental Health Department (including Environmental Control and Food and Safety Teams)
 - b) Three Rivers District Council Property and Estates Department
 - c) Three Rivers District Council Planning Department
 - d) Three Rivers District Council Transport and Parking Team
 - e) Hertfordshire County Council Highways
 - f) Hertfordshire Fire & Rescue Service
 - g) Hertfordshire Police

- h) Trading Standards
 - i) The appropriate Local Ward Councillor(s) and members of the Regulatory Services Committee
 - j) The appropriate Parish or Town Council
 - k) Any other person or body the Licensing Authority may consider appropriate depending on the type of application
- 4.2 In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation may require the Licensing Authority to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.
- 4.3 Only written representations will be taken into consideration when determining an application. The Council will take into account any representations made by a person, business or body that is likely to be directly affected by the application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.
- 4.4 The consultation period for new and renewal applications will run for 28 days. This allows time for the responsible authorities to consider the application and respond to the consultation. Responses received after this period will only be considered at the discretion of the Licensing Authority.
- 4.5 Licensing officers will advise consultees of any relevant history and information in relation to the applicant, including any relevant information that may be received during the consultation period.

5 Criteria used to determine the Application

The Council will use the criteria listed in this Policy below in determining any applications for Street Trading consent/licences. Any representations received will be considered against the criteria. All criteria should normally be satisfied, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

5.1 Suitability of Applicant:

5.1.1 When determining an application for the grant or renewal of a consent/licence, the Council will consider all relevant information relating to the suitability of the applicant and any employees including;

5.1.2 Whether they have been cautioned or convicted of any offences of:

- a) Violence
- b) Dishonesty
- c) Drug related offences
- d) Sexual offences
- e) Public Order offences

- f) Food safety or health and safety offences
- g) Any offence resulting in a sentence of imprisonment

This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

- 5.1.3 An applicant's history of street trading including whether previous consents/licences have been used appropriately.
- 5.1.4 An applicant who has been found to have been trading in the District without a valid consent/licence at any time will be prohibited from applying for a consent/licence for a period of 12 months from the date that he was found to be trading without a consent/licence
- 5.1.5 The Council will reserve the right to request a basic disclosure check at any time where it considers there is a risk to children and/or vulnerable people.

5.2 **Nature of goods:**

- 5.2.1 The type of goods proposed to be sold will be taken into consideration.
- 5.2.2 The consent/licence holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

5.3 **Public Safety:**

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term "public" refers to both the applicant's customers and other members of the public using the street. In particular, reference will be made to the guidelines set out in section 2.3 on site assessment criteria.

5.4 **Public Order:**

The street trading activity should not present a risk to good public order in the locality in which it is situated.

5.5 **Avoidance of Nuisance:**

The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

5.6 **Character of the Area:**

In determining the area for the proposed activity, the following will be taken into consideration:

- a) The presence of similar outlets already existing in the immediate locality of the proposed street trading site.
- b) The general needs of a locality, should no comparable outlets exist. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.
- c) The quality of the goods sold by the applicant.

d) The appearance of the applicant's stall, van, barrow, cart etc.

5.7 Compliance with legal requirements:

The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation, such as food hygiene and health and safety.

5.8 Consultees' Observations:

In relation to the points above, consideration will be given to written observations from any consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.

6 Issue of Consents & Licences

6.1 If there are no objections to the application, the consent/licence will be granted under delegated authority by the Licensing officers, and will be active from the date issued. No trading may take place until a consent/licence has been issued.

6.2 The consent/licence granted is specific to the person to whom it is issued and is non-transferable and there can be no sub-letting.

6.3 In all cases when a consent/licence has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

6.4 If the Licensing Authority receive valid and relevant objections from any of the consultees, the application may be refused. Valid objections can relate to any matters pertaining to the list in at Section 3(6)(a) to (g) of the Act.

6.5 Section 3(6)(2)(i) & (ii) of the Act states that where the Council propose to refuse an application they shall first serve a notice on the applicant/licence holder as follows:

- i) specifying the ground(s) on which their decision would be based; and
- ii) stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.

6.6 In exceptional circumstances whereby objections are received or whereby the additional information from the applicant has been received which should be considered further, the application will be referred to a sub-committee of the Regulatory Services - Committee.

7 Appeal Process

7.1 Determination by Regulatory Services Committee

7.1.1 Decisions of the Regulatory Services Committee and rights of appeal in relation to Street Trading Consents & Licences will be in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Where an application is to be referred to a Regulatory Services Committee, an applicant (and if relevant any persons making written objections) will be informed of the decision to refer

an application to the Regulatory Services Committee and notified of the date of the hearing of the application.

- 7.1.2 The applicant can be represented by a solicitor, or supported by a friend or colleague. The Regulatory Services Committee will call a sub-committee comprising of 3 members, none of whom may be ward councillors to the area under the application and will follow a set procedure that will be notified to the applicant in advance of the meeting, along with an officer report that will be presented at the meeting.
- 7.1.3 In determining the application, the Regulatory Services sub-committee will consider presentations from the applicant, any person or organisation making an objection and the Council's Licensing Officer. Applicants and persons making objections to an application should notify the Council's Democratic Services Section at least five working days in advance of the meeting of any witnesses they intend to call and details of any evidence (written, photographic or other material or media) they intend to present at the hearing.
- 7.1.4 Where objections have been raised to the granting of a street trading consent or licence the Regulatory Services sub-committee will consider the objections or representations made. Only persons who have raised objections to the application will be allowed the opportunity to address the Regulatory Services sub-committee and ask questions relating to the application.
- 7.1.5 The Regulatory Services sub-committee will consider all the evidence presented to it during the hearing and members may ask questions of the applicant, officers and persons making an objection (if any). After hearing the evidence presented to it, the Regulatory Services sub-committee will retire and come to a decision on the application. When a decision has been reached the sub-committee will inform the applicant of their decision. The decision of the Regulatory Services sub-committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.
- 7.1.6 The Regulatory Services sub-committee will endeavour to ensure that, when considering an application that all persons get a fair hearing through:
- a) Considering each case on its merits.
 - b) Using this Policy to assess applications as appropriate.
 - c) Dealing with the application in a balanced and impartial manner.
 - d) Ensuring that the rules of natural justice are applied at the hearing.
 - e) Give equal time to those to make their representations and ask questions at the hearing.

7.2 Further Rights of Appeal

- 7.2.1 There is no right of appeal to the Magistrates' Court against decisions of the Council in relation to street trading consents under the Act. A person aggrieved by a decision of the Licensing Authority, or the Regulatory Services sub-committee may make an application to the High Court for Judicial Review of the decision. There are strict time limits for making such applications. For further information about the potential grounds for Judicial Review and the procedure for making an application, applicants should seek legal advice from a solicitor as soon as they receive notice of the decision of the Regulatory Services committee.

7.2.2 If an application is refused either at grant or renewal of a street trading licence, any person aggrieved may appeal to the Magistrates' Court against the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3(6)(d)–(g) of the Act. There is no right of appeal where refusal is based on grounds in 3(6)(a)–(c) of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a licence was notified to the applicant or licence holder.

7.2.3 If a street trading licence is revoked, any person aggrieved may appeal to the Magistrates' Court against the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3(6)(d) – (g) of the Act. There is no right of appeal where refusal is based on grounds in 3 (6)(a) – (c) of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a licence was notified to the applicant or licence holder.

8 Display of Consent/Licence and Badges

8.1 Individual static traders shall at all times, whilst trading, prominently display the consent/licence issued by the Council.

8.2 Mobile traders will be issued with an ID badge which must be worn by the consent/licence holder whilst trading. A consent/licence summary will also be issued for the authorised vehicle, which must be displayed in a prominent location visible to customers all times whilst trading.

8.3 Traders at events shall at all times prominently display on their stall the consent/licence provided to them by the organiser of the event.

9 Consent/Licence renewal process

9.1 Applications for renewal will only be considered for standard consents/licences issued for 12 months. Whilst the application form and required supporting documents remain the same, the consultation process may be waived (see 9.4)

9.2 The application form must be downloaded from the Council's website and, once completed, emailed to the Licensing team along with ALL required supporting documents as listed on the application and as follows:

- a) Where the proposed street trading activity is from a fixed position, a plan showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site
- b) Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc. that will be used for the street trading activity. (digital images can be emailed to licensing.team@threeivers.gov.uk)
- c) One passport size photograph of the applicant; as well as one of any employee working in stall/vehicle (static trader/mobile trader, not including market events where organiser is consent/licence holder)

- d) A basic disclosure certificate (dated within the last 3 months) for the applicant.
- e) Two forms of ID (one photographic and a least one showing evidence of home address)
- f) Evidence of right to reside and work in the UK for the applicant; as well as for of any employee working in stall/vehicle (static trader/mobile trader, not including market events where organiser is consent/licence holder)
- g) A copy of a current Public Liability certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £5 million.
- h) Valid food safety/food hygiene certificate(s) (food business only)
- i) Evidence of registration of the food business with the appropriate Local Authority and food hygiene rating (food business only)
- j) V5, MOT certificate and vehicle insurance certificate if trading from vehicle.
- k) Copy of driving licence of applicant if trading from vehicle. A print out from the DVLA website dated within the previous 14 days is preferred. See <https://www.gov.uk/view-driving-licence>
- l) Commercial waste removal contract, including oil if relevant.
- m) Consent to use the proposed site location (if required) i.e. from the land/property owner, Hertfordshire County Council or Three Rivers District Council.
- n) Any further consents/permissions required i.e. planning permission, authorisation under Licensing Act 2003 if applicable

The current fee must be paid on submission of the application, by calling customer services on 01923 776611. Please consult our list of licensing fees online.

- 9.3 Applications for renewal of a consent/licence will normally be granted, provided that no substantiated complaints have been received regarding;
- the manner in which the consent/licence holder has conducted their business; or
 - the consent holder's conduct; and
 - where no relevant objections have previously been received
- 9.4 All renewal applications must be submitted a minimum of 4 weeks prior to the expiry of the current licence to allow for the processing of the application. Generally no further consultation will be necessary when dealing with a renewal application, however, the Council reserves the right to consult where there are, or have been, concerns raised in the previous consent/licence period.
- 9.5 The responsibility for ensuring renewal of consent/licence rests solely with the consent/licence holder, the Council will not send out reminders.

- 9.6 If a renewal application and fee are not submitted before the expiry date of the current consent/licence, then the consent/licence will lapse. A renewal application will not be accepted after the expiry of any existing consent/licence. The effect of this will be that a trader will not be permitted to trade until a new application and fee has been submitted and a new consent/licence is granted.

10 Street trading during events

10.1 Overview

10.1.1 This Policy recognises that street trading may take place at various events throughout the district and aims to promote and support the organisers of events and encourage traders to attend. The Policy recognises that events take place for different reasons, from small scale events for charitable or community purposes to larger scale commercial ventures.

10.1.2 Community and charity events are important in terms of promoting local causes and participation in local matters. The Council should assist organisers of these types of events in order to encourage community engagement. It should also be recognised that commercial events have an importance to the district in terms of promoting tourism and economic growth and that the Council should also assist organisers of commercial events.

10.1.3 It should be recognised that the Council does also have a regulatory role to protect the public and existing businesses at any event.

10.1.4 The decision as to whether an event falls within the non-commercial event or commercial event category rests with the Licensing Authority, with the Lead Licensing Officer's decision being final. Event organisers are recommended to contact the Licensing Authority at the earliest opportunity in order to discuss what licences may be required for their event.

10.2 Non-commercial events - community and charity events:

10.2.1 Whilst the activity may be legally regarded as street trading, trading at charity or non-commercial community events (where the profits from individual stalls/units are donated to either a community-based organisation, an educational organisation or to a charity) will be exempt from the Council's Street Trading requirements, subject to the following conditions;

- a) All traders must be invited to trade at the event by the organisers, and;
- b) The profits from individual stalls/units are donated to a registered charity, community-based or educational organisation. This must be evidenced on request by the licensing team.

10.2.2 Such community and charitable events will normally be organised by a Town or Parish Council, Three Rivers District Council or by a recognised group or charity with aims of engaging with and providing support to the local community.

10.2.3 Any traders (such as traders selling food or refreshments) attending such events for solely commercial gain may still be subject to the Street Trading policy.

10.3 Commercial events - special events and non-established markets

- 10.3.1 Special/commercial events such as Christmas markets or continental street markets, and all other non-established markets (as defined on page 4 of this policy) require a street trading consent/licence. By written agreement from the organiser, the Council may issue one blanket street trading consent/licence to the person organising the event. This aims to promote events and encourage traders to attend. However in the absence of such an agreement, each individual trader will be required to apply.
- 10.3.2 If the organiser is to apply, the application must be accompanied by a list giving full details of each trader attending the event. This list must include;
- the name of the trader and trading business
 - type of goods for sale
 - confirmation that the organiser has ascertained that each trader has the appropriate food business registration if selling food or licence if selling alcohol/providing late night refreshment
- 10.3.3 Once issued, a copy of the consent/licence must be provided to each trader by the event organiser and must be displayed by each individual stall holder during the event.
- 10.3.4 A special event or non-established market must have a minimum of ten stalls and have potential to deliver significant economic benefit to the district.

The event organiser:

- must be able to demonstrate how the event will deliver economic benefits to the district.
 - must have public liability insurance of at least £5 million per claim to cover the event.
 - must submit their completed event management plan to us at least one month before the event. This includes:
 - i. risk assessment
 - ii. insurance details
 - iii. traffic management
 - iv. stewarding provisions
 - v. emergency procedures
 - vi. fire safety
 - vii. additional street cleansing
 - viii. plan and stall layout, etc.
 - must agree that they will promote the event and outline/agree the marketing they will deliver up front.
 - must provide a copy of the previous years' accounts (where applicable).
 - must attend safety advisory group meetings (these are established for larger events, where applicable) and take responsibility for agreed actions where necessary.
- 10.3.5 As there will be an identified organiser of the market, who will be considered responsible for its delivery, management and supervision of stall holders, the Council will not require a basic disclosure certificate from each individual street trader. When this occurs it will be expected that the organiser has regard to the requirements of this policy, in particular Annex III Guidelines on the Suitability of Applicants, and ensure that each trader is suitable based on these requirements.

- 10.3.6 Each application in this category will be considered according to its merits and may be referred to the Regulatory Services Sub-Committee for determination if objection(s) are received from any consultee, or whereby officers give notice of refusal and receive further representations.
-

11. Fees

- 11.1 Fees will be set and reviewed as part of the Regulatory Services work programme on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the Consent/Licence, trading hours and the articles to be sold. Details of the current fees can be found on the Council's website or on application to the Licensing Authority.
- 11.2 Applications should be accompanied by the full relevant fee upon submission of the application. Fees should be paid to the Council's Customer Service team by calling 01923 776611. If the application is not successful, the application fee will be retained to cover the administration cost incurred in processing the application.
- 11.3 If a valid application is submitted and the applicant cancels the application prior to a determination a partial refund will be granted on request minus an administration fee. There will be no refund if the application is refused.
-

12 Surrender of Consent/Licence

The consent/licence holder will be required to return all street trading documentation with a written explanation as to why they have ceased trading. No refund will be paid for a surrendered consent/licence.

13 Conditions

- 13.1 Consents/licences will be subject to standard conditions in order to promote public safety and avoid obstructions, nuisance and annoyance. Other additional conditions may be attached to a consent/licence and will be relevant to the category of consent/licence issued and the nature of the local environment. The Council's standard consent/licence conditions can be seen in **Appendix I**.
- 13.2 The Council may at any time vary the conditions of a street trading consent/licence. Should conditions change during the consent/licence time the amended conditions would come into force once the consent/licence is renewed.
- 13.3 The conditions must be complied with at all times and failure to do so could lead to the consent or licence being revoked, or not renewed.
-

14 Enforcement

- 14.1 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health &

Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and applicants must ensure all such permissions, etc. are in place prior to trading.

- 14.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the offences for non-compliance with the provisions as set out in this Policy. Offences for which a person may be convicted and fined include for example:
- engaging in street trading in a consent/licence street without being authorised to do so; or
 - contravening any condition of their consent/licence; or
 - making a false statement which he knows to be false, in connection with an application for a consent/licence
- 14.3 Without prejudice to the Council's powers to prosecute for any offences under the Act, the Council may take the following enforcement steps where appropriate dependant on the severity of the breach or offence:
- Verbal / written warning to trader
 - Issue of Fixed Penalty Notice
 - Refuse to renew a consent/licence
 - Revocation of consent/licence
 - Prosecution
- 14.4 In determining what course of action is necessary the following matters will be considered: Seriousness of the breach or offence
- Previous trading history
 - Level of past compliance
 - Traders response to previous warnings
- 14.5 An Authorised Officer may visit the consent/licence holder and inspect the vehicle/stall or other vehicle or premises that the applicant trades from to ensure compliance with the conditions and criteria set down within this Policy. Periodic inspections may occur during the consent/licence period to ensure full compliance.
- 14.6 Where, during the course of the consent/licence, there are any charges, police investigations, and/or convictions against the consent/licence holder or nominated assistant, the consent/licence may be revoked with immediate effect. A consent or licence may also be revoked for any other reasonable cause. A consent/licence may also be revoked for any of the grounds listed at paragraph 5(1) of Schedule 4 of the Act. The Council shall not be liable in any circumstances whatsoever to pay any compensation to a consent/licence holder in respect of any revocation.
- 14.7 In the event that a further application for a street trading consent/licence is made following revocation of a previous consent/licence the matter will be passed to the Regulatory Services Sub-Committee for a determination.
- 14.8 Failure of the trader to advise the Council within 7 days in writing of any charges, police investigations and/or convictions or cautions which arise during the term of the licence may result in refusal to grant any future applications.
- 14.9 Where a complaint is received from either the public or another authority, such as the police or local authority, the complaint will be investigated and the Council may revoke the consent/licence.

- 14.10 Where two consent/licence holders are investigated due to complaints of breaches of conditions or arguments over trading times and areas, both consent/licence holders will be expected to fully participate in mediation. Where issues persist or mediation is refused the Council may consider enforcement action or referral to the Regulatory Services Sub-Committee for a consideration of the matter and a decision on whether to apply additional conditions, revoke or renew Consents/licences for either or both parties.
- 14.11 The Council holds the right to ask traders causing a nuisance to cease the activity that they are conducting and leave the area.
-

15 Review Procedures

- 15.1 This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within the Three Rivers District. In any case, this Policy will be reviewed within five years of adoption or as a result of any major legislative changes.
- 15.2 Any minor changes that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Regulatory Services.
- 15.3 Any significant changes can be approved by the Regulatory Services Committee.
-

16 Return of Consent/Licence

- 16.1 Once a consent/licence has expired, been surrendered, suspended or revoked the consent/licence MUST be returned to the Licencing Authority within 7 days.

APPENDIX I – Street trading consent/licence - Standard Conditions

1. Trading may only take place on the days and during the times as specified on the consent/licence.
2. The consent/licence holder shall not sell any type of food, goods or merchandise other than as specified on the consent/licence.
3. Static traders are only permitted to trade from the stationary vehicle/trailer or stall, as detailed on the consent/licence, and in the position indicated by the deposited location plan. In the event of this position being unavailable for any reason beyond the control of the Council the position may be relocated at any authorised officer's discretion to another nearby area.
4. Mobile traders are only permitted to trade in locations that are agreed by the Licensing Authority.
5. The trader shall at all times, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business or which has been deposited on the highway by the customers.
6. The trader shall not deposit fat or other liquid or solid waste onto land or into highway drains.
7. The trader shall not operate in a manner which causes nuisance to the public or other persons in the vicinity. The trader will not be permitted to use loudspeakers, radios, or any amplified sound.
8. No animals shall be present on any stall or vehicle.
9. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent/licence.
10. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) NO 852/2004 on the hygiene of foodstuffs and any associated legislation
11. The trader shall maintain a minimum food hygiene rating score of 3. The hygiene rating must be displayed prominently on the stall or vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council. The consent/licence may be revoked.
12. The trader shall allow access by any authorised officer or his/her representatives at all times to ensure that the terms of the licence are being carried out to their satisfaction.
13. The trader shall display the street trading consent/licence, which shall be plainly visible to the public and available for inspection by officers of the Council or Police. In addition, all mobile traders must wear the ID badge issued along with the consent/licence.
14. The trader shall provide insurance to the sum of £5,000,000 to ensure against third party liability claims and to indemnify the Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this licence. The

trader shall provide insurance certificate upon application and on demand for inspection by the Council.

15. The trader is not permitted to hold any auction sale.
16. If the licence allows the trader to trade from a specific vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.
17. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.
18. No child under the age of 17 shall be engaged in the trading.
19. The consent/licence is personal to the applicant and is not transferable to any other person, firm or company.
20. No sub-letting of consents/licences is permitted.
21. The trader may not sell, display or wear any article which is offensive either in writing or pictures. This includes assistants working on static stalls. The authorised officer's decision as to what is offensive is final.
22. The trader shall reimburse all costs incurred by the Council as a result of any damage caused by the trader's occupation of the approved site.
23. The Council may revoke the consent/licence at any time and will normally give four weeks' notice of revocation unless earlier revocation is appropriate due to a breach of the conditions or public safety reasons.
24. The trader shall maintain the vehicle/stall in good condition, to the satisfaction of the Council. Any vehicle/trailer must be kept in a roadworthy condition, taxed, insured and MOT'd at all times where relevant.
25. The trader shall remove the vehicle/stall at the end of each day's trading unless otherwise agreed as part of the application process by the Licensing Authority (static trading).
26. Traders who have a consent/licence to trade in any town centre will not be authorised to do so on any designated market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre. The Council will notify the trader of the dates when trading is not permitted.
27. The trader shall not place or display any sign or structures on or adjacent to the highway; this includes street furniture such as tables, chairs, gazebo's etc.
28. The trader shall at all times ensure that the prices of the goods on sale are clearly and visibly displayed.
29. The Council may at any time vary, substitute or modify the conditions as shown above, provided a copy is then provided to the consent/licence holder in advance of any change or on renewal of their consent/licence.

30. The consent/licence holder will advise the Council in writing of ANY dealings with the Police within 7 days of any reportable incident.
31. Consent/licence holders shall notify the Council in writing of any changes to their contact details, such as home address, telephone or email, within 7 days. A fee is applicable for the amendment to the consent/licence record(s).
32. The consent/licence holder must notify the Council in writing within 7 days of any charges, convictions or cautions issued during the course of the consent/licence. Failure to do so may result in revocation and/or the refusal to grant any future applications.
33. If a consent/licence holder fails to comply with any of the conditions attached to a street trading consent/licence, the consent/licence may either be suspended for an indefinite period or revoked. The consent/licence holder may also be prosecuted if offences have taken place.

Additional conditions for mobile street traders (Ice cream van traders)

1. Must not stop within 50 metres of any school grounds from an hour before the start of the school day until an hour after the end of the school day (unless with the written authority of Head Teacher of any school).
2. Must move from position to position, remaining stationary for no more than 15 minutes on any residential street to initially attract customers, and thereafter only long enough to serve customers present. The vehicle must move on as soon as the last customer has been served and if no other customer is clearly awaiting service.
3. Ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to highway users.
4. Must not sound chimes before 12:00hrs (noon) or after 19:00hrs.
5. The chimes should not be played when in sight of any other ice cream van (whether moving or stationary) which might reasonably be taken to be in the street for trading purposes.
6. Must not trade within 50m radius from any other street trader.
7. Not stop in any 500 metres section of any street more than once in every two hours.

Additional conditions applicable to Markets

1. The consent/licence holder must keep records of each stallholder present at the market, to include where relevant; the stallholder's pitch number, individual's name and address, business name and address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to an authorised officer.
2. The consent/licence holder must ascertain that all other required authorisations have been obtained where necessary for e.g. food business registration, licence issued under the Licensing Act 2003.

APPENDIX II – List of current Prohibited/Consent/Licence Streets

Prohibited Streets

These are streets where street trading is prohibited and an application for street trading consent/licence will be refused.

Trunk Roads

- A41
- A405 - between A41 and Watford Borough boundary.
- A405 - that part which lies between the roundabout at Long Lane and the A412 Denham Way.
- A405 - that part of the road which lies within the Three Rivers District at Garston.

Principal Roads

All of the following roads which lie within the Three Rivers District:-

- A412
- A404
- A4145
- A4008
- A4125

Abbots Langley

- High Street
- Langley Road
- Adrian Road
- School Mead
- Abbots Road
- The Crescent
- St Lawrence Close
- Chequers Lane
- Langleybury Lane to 200m from A41
- College Road

- High Elms Lane
- Bucknalls Lane from its junction with the A405 to Tudor Manor Gardens

Bedmond

- Bedmond High Street
- Station Road
- Lower Road
- Primrose Hill

Carpenders Park

- Delta Gain
- Carpenders Avenue

Chorleywood

- Station Approach
- Link roads between A404 and North Hill
- Heronsgate Road
- Whitelands Avenue

Croxley Green

- The Green.

At the Regulatory Services Committee of 6th December 2017 it was agreed that trading be prohibited with 50m of any School Boundary unless written permission is ascertained from the Head Teacher.

CONSENT STREETS

Any other street within the District of Three Rivers not designated as a Prohibited Street subject to meeting the application criteria specified in the Policy.

[Note: LICENCE STREETS – currently none]

APPENDIX III - Guidance on suitability of applicants

The Council will take into account the following guidance concerning any 'unspent' cautions or convictions for the offences listed below when determining whether a new applicant or current consent/licence holder is suitable to hold a street trading consent/licence.

a. Violence

A consent/licence application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence of violence.

b. Dishonesty

A consent/licence application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence of dishonesty.

c. Drug related

A consent/licence application will normally be refused when it is made within 3 years (at least) of a conviction or caution for a drug related offence.

For offences of supplying drugs, consent/licence applications will normally be refused for 5 years (at least) following conviction.

d. Sexual and indecency

A consent/licence application will normally be refused when it is made within 5 years (at least) of cautions or convictions for any serious sexual offences. Applications will be refused from applicants currently on the Sex Offender's Register.

e. Public Order

A consent/licence application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence relating to breaches of public order.

f. Food safety or health and safety

A consent/licence application will normally be refused when it is made within 3 years of a conviction or caution for an offence relating to food safety (where the Licence involves sale of food or drink) or health and safety.

g. Any offence resulting in a sentence of imprisonment

A consent/licence application will normally be refused when it is made within 3 years (at least) of the date of release from prison, where a custodial sentence has been imposed.

The safeguarding of children, young people and vulnerable people is of a particular concern. Where the Council receives notification that:

- i. an applicant or consent/licence holder is the subject of an investigation by the Police into inappropriate conduct, or illegal activity, or
- ii. an applicant or consent/licence holder has been implicated in a safeguarding issue i.e. where children, young people or vulnerable people have been or may be exposed to inappropriate behaviour or language by the applicant/consent/licence holder the matter shall be referred to the Regulatory Services Sub-Committee to determine

whether the person can be considered as suitable to either be granted or retain a street trading consent/Licence.

Notwithstanding the existence of the convictions guidance, each case will be decided on its own merits.



THREE RIVERS DISTRICT COUNCIL

STREET TRADING POLICY 2023



Adopted: **XX January 2024**

Committee process for adoption:

Regulatory Services Committee: 14th June 2023 & 6th December 2023

V1: Agreed to be adopted on 6th December 2023

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Definitions:

'Act' means Local Government (Miscellaneous Provisions) Act 1982

'Authorised Officer' means any authorised officer of Three Rivers District Council.

'Consent Street' means a street in which street trading is prohibited without a consent from Three Rivers District Council.

'Licence Street' means a street in which street trading is prohibited without a licence from Three Rivers District Council.

'Non-established markets' are markets that have not been established in law either by charter, prescriptive rights or by statute.

'Prohibited Street' means a street in which street trading is prohibited. Under no circumstances will street trading be allowed.

'Street' includes any road, footway, lay-by, or any other open area to which the public have access without payment.

'Street Trading' means the selling, or exposing or offering for sale, of any article in a street.

'The Council' or 'District Council' means Three Rivers District Council.

'Trader' or 'Consent holder' means the person(s) to whom the consent has been granted or renewed and includes any other person employed or assisting the principal trader.

'Police Officer' means any Police Officer of Hertfordshire Constabulary.

1 Introduction

- 1.1 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may designate streets within its district as “consent” streets or “licence” streets to control street trading, whereby trading would not be permitted without the permission of the Authority.
- 1.2 The Council adopted this legislation in 1984 and all streets in the district currently have either been determined as ‘consent’ streets or ‘prohibited’ streets. No ‘licence’ streets are currently designated by the Authority, but the list of designated streets may be amended to include ‘licence’ streets in future. Currently, anyone who wishes to trade on a consent street must hold a street trading consent. All streets listed in **Appendix II** under ‘prohibited streets’ cannot be used for street trading.
- 1.3 Street trading brings vibrancy to an area and increases footfall which in turn benefits other local businesses.
- 1.4 Street trading also provides a springboard for start-up businesses as well as providing expansion opportunities for existing local business, something which has generated interest within the area.
- 1.5 Street trading will also provide more consumer choice enhancing the attractiveness of an area to visit.
- 1.6 The Council has agreed that some activities will be exempt from requiring a consent to trade. A list of such activities can be found in paragraphs [2.3.1](#) and [2.3.2](#) of this Policy. In exempting these activities the Council recognises that occasional, community-run events and those of a similar nature, are important **to the vibrancy and local economy**.
- 1.7 This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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For clarification - a street includes a street, highway or other area (e.g. carpark, park, green, pavement) to which the public have access without payment and as such any land adjacent to the street will also fall within the scope of this policy. The definition does not include buildings themselves or commercial premises.¶

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(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 M1 Highways Act 1980, and also includes any part of a street

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2 What is Street Trading

2.1 Definition

- 2.1.1 Street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 2.1.2 For clarification Schedule 4 of the Act defines a street as any road, footway, beach or other area (for example a public or business carpark, park or green) to which the public have access without payment and a service area as defined in Section 329 of the Highways Act 1980. The definition does not include buildings themselves or commercial premises.

2.2 Types of streets in Three Rivers

- 2.2.1 “Consent street” means a street in which street trading is prohibited without a consent issued by the district council.
- 2.2.2 “Prohibited street” means a street in which street trading is prohibited.

2.2.3 “Licenced street” means a street in which street trading is prohibited without a licence issued by the district council. There are no licenced streets within Three Rivers therefore no licences are issued.

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2.3 Exemptions

2.3.1 The following activities are not classed as street trading under paragraph 2 Schedule 4 of the Act:

- a person acting under the authority of a pedlar’s certificate ([Pedlars Act 1871](#))
- anything done in a market or fair, the right to hold which having been obtained by a grant, enactment, or order (including those created under Part III of the Food Act 1984)
- trade carried out by a roundsmen e.g., milkmen
- trading in a trunk road picnic area ([Section 112 of the Highways Act 1980](#))
- trading as a news vendor
- trading which;
 - i. is carried on at premises used as a petrol filling station, or
 - ii. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop (such businesses must not obstruct the highway)
- 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.

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2.3.2 The following activities have also been exempted by the Council from requiring a street trading consent:

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- Activities which take place on Council (both district and parish) owned land, including:
 - i. parks and green / open public spaces such as Commons along with their associated carparks
 - ii. carparks
- Activities which take place within the boundaries of school and Church premises
- Activities which take place within the curtilage of a residential property
- Buskers
- Non-commercial events organised by charity or community organisations where proceeds are wholly donated to charity or for use to benefit a community organisation. These may include community fetes/carnivals

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2.4 Types of street trading activities that require consent

2.4.1 For the purposes of this policy and administering street trading consents within Three Rivers

- a) static street traders are those who trade from a single fixed location ↓
- b) mobile street traders are those who trade from a vehicle at various locations in the district, remaining on location for a limited duration of time, to carry out a transaction, before moving on to another location. ↓

The following types of activities would require consent:

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2.4.2 **Commercial events/markets** - these include but are not limited to:

- Regular markets
- Farmers markets
- Continental markets
- Seasonal markets

2.4.2.1 The Council will allow a single application from the person organising the market/event, and may then issue one 'blanket' street trading consent for the market/event. This aims to promote events and encourage traders to attend. The applicant will be held responsible for the street trading activities that takes place.

2.4.2.2 If the organiser is to apply, the application must be accompanied by a list giving full details of each trader attending the event. This list must include;

- the name of the trader and/or trading business
- contact number and email address for trader
- type of goods for sale
- details of each traders appropriate food business registration including evidence of their food hygiene rating if selling food, and copy of Licensing Act 2003 licence if proposing to sell alcohol/providing late night refreshment.

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2.4.2.3 Once issued, a copy of the consent must be provided to each trader by the event organiser. The consent must then be displayed by each individual stall holder for the duration of the event.

2.4.2.4 If however the organiser does not wish to apply for 'blanket' consent then each individual trader will be required to apply.

2.4.3 **Mobile traders** - these include but are not limited to:

- Ice cream vans
- Mobile food/drinks vans

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2.4.4 **Individual static traders** - these include but are not limited to:

- Food/drinks vendors
- Fruit and vegetable stalls
- Christmas tree sales

2.5 **Types of street trading consents**

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2.5.1 Annual street trading consent

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- This consent is issued for a period of one year.
- This consent can be issued for static or for mobile trading
- The consent can be limited to specific days only for example weekdays only or every third Sunday
- This consent can be renewed annually
- Examples of traders: ice-cream vans, monthly markets

2.5.2 Occasional/seasonal street trading consent

- This consent is issued for a period of up to 30 consecutive days
- This consent can be issued to an individual trader or to a market/event
- Examples of traders: Christmas tree sellers, [seasonal stalls](#)

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2.5.3 One-off street trading consent

- The consent may be issued for up to a maximum of 4 consecutive days.
- This consent may be used where street trading is either taking place as part of an event, or is a one-off event of its own, such as a specialist one-off market.
- This consent may also be used to support events organised by community groups where the event itself is exempt however there are one or two commercial traders (no more than two)
- There are two types of one-off consents;
 - Individual one-off consent – this may be used by a single trader when trading as part of an event or if trading on their own. Example: commercial food vendor at a community fete
 - Market/event one-off consent – this may be used by one-off markets/events

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2.5.4 [The full schedule of fees can be found on the TRDC website via the licensing webpage: https://www.threerivers.gov.uk/services/licensing/licensing-fees](#)

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<https://www.threerivers.gov.uk/eqcl-page/licensing>

2.5.5 [The fee schedule is subject to change and based on cost recovery.](#)

3 Key principles taken into account by The Council in the exercise of its street trading functions

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3.1 Public Safety

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If the street trading activity is likely to represent a substantial risk to the public, Factors considered will include:

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- obstruction
- fire hazard
- unhygienic conditions
- danger that may occur when a trader is accessing the site.

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3.2 Public Order and Nuisance

If the street trading activity could cause disorder, nuisance, or annoyance to the public from matters including:

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- noise
- light
- odour
- the behaviour of traders, particularly in residential or quieter areas

3.3 Appearance of stall/vehicle

The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the Consent conditions. The general appearance of the stall or unit will also be considered to determine that it will not detract from the appearance of the surrounding area. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road). It is recommended that enquiries are made with a licensing officer prior to the purchase of any vehicle or stall.

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3.4 Location of trader(s)

The Council will consider what benefit a particular street trader will bring to the local area and to persons frequenting that area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. Some pitches may be placed in clusters to create an attraction (or as part of event) and some pitches may be placed with a view to seeking a specific type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as providing opportunities for local businesses to trade, and for bringing more footfall to an area.

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3.5 Site assessment

Street trading consents will not normally be granted where:

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- a) 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
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- d) There is already adequate provision in the immediate vicinity of the site to be used for street trading purposes; or
- e) There is a conflict with Traffic Orders such as waiting restrictions; or
- f) 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
- g) The trading unit obstructs the safe passage of users of the footway or carriageway; or
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- i) The site does not allow the consent holder, staff, and customers to park in a safe manner; or
- j) 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.
- k) The sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent. The type of goods allowed to be sold will be considered on a

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pitch-by-pitch basis having particular regard to local needs, product diversity and specialism e.g., artisan breads, and appropriateness of the proposed location in terms of space and balance.

- l) Trading from lay-by locations is restricted to sites which provide: -
- i. Sufficient width to allow vehicles to park and pass
 - ii. Sufficient length to allow several large vehicles to park without causing congestion; and
 - iii. A verge (minimum width 1 metre) physically separating the lay by and the highway.

3.6 Environmental Suitability

The Council consider the impact of the proposed operation on the local environment including but not limited to:

- power supply
- carbon footprint
- supply chain
- low food mileage
- packaging
- waste minimisation
- waste disposal
- waste generated by customers
- provision of adequate measures to minimise the environmental impact of the proposed operation
- the offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution.
- those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

3.7 Contribution to local area

The applicants offer will need to positively enhance the contribution in the local area. This may be by offering products not currently available or by providing greater choice for consumers. Preference will be given to those who are resident in the local area and those offering local products

4 Guidance for applicants

4.1 Choosing a trading location/pitch

- 4.1.1 Before applying for a street trading consent, applicants must first identify suitable trading location(s). It is for the applicant/trader to identify a suitable location, having regard to the requirements laid out in the Policy and their business needs. The Licensing Authority does not maintain a list of suitable sites. The Licensing Authority also does not hold a list of available trading locations. It is for the applicant to determine the business viability of any location. The applicant is expected to conduct

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this research themselves and provide the information to the Licensing Authority before submitting a full application.

4.1.2 Any pitch/location in use before the approval of this Policy may remain under grandfather rights (an old rule which may continue to apply to some existing street traders, while a new rule will apply to all new applicants) until the consent is renewed. However, any new pitches/locations must meet all of the following criteria:

- a) Safe for public access by foot or by vehicle
- b) Has suitable parking spaces for customers and trading vehicle, if required by location
- c) Suitably lit (if trading after dark) to promote safe access and egress for customers and for visibility by other road users.
- d) Does not breach highway regulations or make hazardous the passage of the public, including people with disabilities, over the highway or otherwise cause a traffic hazard.
- e) Does not impede the passage of emergency vehicle access.
- f) Where adjacent to a highway, there must be a safety barrier of a verge or footpath between the proposed trading location and the carriageway.
- g) Does not cause the loss of parking spaces to residents or businesses. No consents will be granted in an areas of permit parking.
- h) Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g. noise nuisance, litter, odour etc.) to local residents or businesses.
 - i. For the Licensing Authority to assess the potential trading pitch, as part of the application the applicant will be required to submit a map of the location with the potential pitch clearly marked out. This relates to static trading only.
 - ii. If the proposed pitch is on private land, to which the public have access without paying, written evidence of the landowner's permission to use that site will also be required as part of the application.
 - iii. The applicant must determine if there is appropriate or necessary planning permission to sell goods from the proposed location. Applicants are required to contact the Planning Department prior to making an application for a consent, to ascertain whether planning permission is required.
 - iv. If a pitch of interest is already occupied, or is of interest to two street traders, then a pitch can be shared by splitting either the times or the days on which the traders wish to operate. The street traders must have a written mutual agreement between them, approved by the Licensing Authority, detailing when the pitch is going to be occupied by both traders. The location can be shared even if the exact pitch, where the trading vehicle is located, is not. The individual traders will need their own consents for the location.

- v. The Licensing Authority will inform applicants if a pitch is unlikely to meet the criteria. However, advice from the Licensing Authority does not guarantee that a proposed pitch applied for will not be subject to relevant objections during the consultation process following an official application and therefore be deemed unsuitable.

4.2 Trading from a vehicle/trailer

4.2.1 The trading and/or towing vehicle used must be compliant with the Driver and Vehicle Standards Agency (DVSA) MOT standards.

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

4.2.2 The trading and/or towing vehicle must be maintained in a roadworthy condition, taxed, insured, and hold a valid MOT at all times. The type, colour, and dimensions of any trading vehicles to be used will be submitted to the Licensing Authority along with colour photos for approval.

4.2.3 Details of where the trading vehicle is to be kept overnight must also be submitted.

4.2.4 The trading trailer/vehicle must not be set up as a permanent structure and must be removed from the trading pitch within 30 minutes of the end of the consented hours, unless agreed in writing by the Licensing Authority; and upon any reasonable request made by the emergency services, Highway Authority (Hertfordshire County Council) or similar authority.

4.2.5 Maintenance logs must be kept for the trading vehicle and made available for inspection when requested by an authorised officer from the Police, Licensing Authority or DVSA.

4.2.6 If a trailer is going to be used as the trading vehicle, it must comply with the relevant laws around maximum weight that can be towed and height restrictions. The driver of the vehicle towing the trailer to and from the location must have the appropriate B3 driving category included on their DVLA driving licence.

4.2.7 All vehicles to be used for mobile trading must comply with Euro 6 standards for emissions and be no more than 7 years old at the time of application (including renewals).

4.2.8 All renewing vehicles must pass an annual MOT and pass the required emissions test. Should we receive complaints about vehicle emissions, consent holders will be required to provide the Licensing Authority an emissions report from a garage.

4.3 Employees

4.3.1 Under the Immigration Act, introduced in 2016, <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. You are required to check the residency status and right to work of anyone who you employ to trade under your street trading consent, and you must include their names on an application form. Proof of their right to work must also be submitted as part of the application.

4.3.2 For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked. <https://www.gov.uk/topic/immigration-operational-guidance>

4.4 Goods for Sale

4.4.1 Consents will not be granted to traders who propose to sell offensive weapons including imitation firearms, firearms, airguns, swords and crossbows.

4.4.2 Traders wishing to sell food items must be registered as a food business with the Environmental Health department in whose area the trading vehicle is stored and where any off-site food preparation takes place.

4.4.3 [See also paragraph 6.2 of this Policy.](#)

4.5 Advertising

4.5.1 There must be no available means of attracting attention for the purposes of trading or any stands or signs away from the consented pitch. Any trader wishing to display advertising, such as A-boards, will require the approval of both the Planning department as well as the highways authority. Any unauthorised advertising will be removed.

4.5.2 Advertising on the trading vehicle must be approved by the Licensing Authority.

4.6 Waste

4.6.1 Where goods are sold that are for immediate use or consumption, the trader must provide at least one suitably sized waste container with signage requesting the customers to use it. The consent holder is responsible for disposal of refuse and must not use Council, highway or other waste bins. The consent holder has a duty of care to dispose of the commercial waste lawfully.

4.6.2 Advice can be sought from the Environment Agency at Environment Agency Website. Further information can also be found on the council's website – Three Rivers District Council Commercial Waste and Recycling

4.6.3 There must be no disposal of liquid waste down the drains or onto the pavement, road, or grassland. This includes waste cooking oil as it leads to blockages, odour, vermin problems and can pollute watercourses. Such action could result in prosecution. Waste oils should also not be disposed of with the rest of the catering or kitchen waste. Section 111 of the Water Industry Act 1991 makes it illegal to permit any substance, which may interfere with the free flow of the sewerage system, to pass down any sewer or drain connecting to a public sewer. This is enforced by Thames Water. Further information about disposal of waste oils from catering premises can be found on the Food Standards Agency website <https://www.food.gov.uk/>.

4.6.4 All wastewater from the trading vans' sinks must be collected and disposed of correctly. Officers of the responsible authorities will take the steps that they consider appropriate if traders are found to be disposing of oils, wastewater etc. in an unlawful or unacceptable manner. Consent holders must also organise adequate sanitation provision for themselves and their employees.

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4.7 Opening/Trading hours

4.7.1 Street trading is limited to the days of the week and between the hours stated on the consent.

4.7.2 The consent holder will be allowed 30-minute preparation time prior to the start of their trading hours in order to set up their trading vehicle, and there will be a 30 minute closing time to allow the trader to tidy and pack up. Consent holders are not permitted to trade during the preparation or closing times. If a pitch is shared between two Consent holders who will be operating on the same day, there will be an hour between the end time of the first consent and the start time of the other Consent to allow for the respective closing and preparation time. If the location is shared (for example a lay-by), and not the exact pitch, then the preparation and closing times may overlap, requiring a 30-minute gap between trading times.

4.7.3 Ice cream vans will not be permitted to trade before 09:00hrs and after 20:00hrs.

4.8 Street trading and the Licensing Act 2003

4.8.1 Street traders that will either serve hot food or drink at any time between 23:00hrs and 05:00hrs the following day or will sell alcohol will also require a licence under the Licensing Act 2003.

4.8.2 Details of the various licences issued under the Licensing Act 2003 can be found on the Licensing page of the Council's website;

<https://www.threerivers.gov.uk/services/licensing/food-alcohol-entertainment-licensing>

4.9 Trading Near to a School

4.9.1 The Council recognises that a healthy start in life is vital for all children and young people to realise their full potential. In terms of child obesity there are benefits of not having certain traders such as ice cream vehicles and burger vans outside a school. This Policy seeks to support the Council's commitment to reducing obesity and improving dental health.

4.9.2 Accordingly the Council has attached a condition to all street trading consents that states that there is a 50 metre exclusion zone around the curtilage of any school, as measured from the school boundary or entrances onto a highway, in which street traders are not allowed to trade. The restriction will only be in place during term time, and on school days.

4.9.3 The restriction applies to all street trading consents, regardless of whom the consent holders are targeting and whether the application is new or for a renewal of an existing consent.

4.10 Ice cream van chimes guidance

4.10.1 Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/245699/pb14030-ice-cream-vans.pdf

4.10.2 It is an offence under S62 of the Control of Pollution Act 1974 to sound chimes before 12:00hrs (noon) or after 19:00hrs.

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4.10.3 Traders must not sound chimes as loudly in areas of low background noise or narrow streets as elsewhere and:

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- for longer than 12 seconds at a time
- more often than once every 2 minutes
- more than once when the vehicle is stationary at a selling point
- except on approach to or at a selling point
- when in sight of another vehicle which is trading
- when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
- more often than once every 2 hours in the same length of street
- louder than LAmax 80dB at 7.5 metres

5 Application process

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5.1 New consent application

5.1.1 A new application for a street trading consent must be submitted to the Council at least 30 days before the proposed trading start date. This is to allow the Council time to validate and process the application and to allow for the mandatory 28 day consultation period.

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5.2 Consent renewal application

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5.2.1 Applications for renewal will only be considered for standard consents issued for 12 months. Whilst the application form and required supporting documents may remain the same, the consultation process may be waived. Applications for renewal of a consent will normally be granted, provided that there have been no relevant changes to the Policy and no substantiated complaints have been received regarding;

- the way the consent holder has conducted their business, or
- the consent holder's conduct, and
- where no relevant objections have previously been received

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5.2.2 All renewal applications must be submitted a minimum of 4 weeks (28 days) prior to the expiry of the current consent to allow for the processing of the application. Generally, no further consultation will be necessary when dealing with a renewal application, however, the Council reserves the right to consult where they consider it is required.

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5.2.3 The responsibility for ensuring renewal of consent rests solely with the consent holder, the Council is not required to send out reminders but may do so.

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5.2.4 If a renewal application and fee are not submitted before the expiry date of the current consent, then the consent will lapse. A renewal application will not be accepted after the expiry of any existing consent. The effect of this will be that a trader will not be permitted to trade until a new application and fee has been submitted and a new consent is granted.

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5.3 Application process

5.3.1 All consent applications must consist of:

- a) A fully completed application form. This can be found on our website <https://www.threerivers.gov.uk/services/licensing/pavement-street-trading-licensing>.

b) The payment of the full fee as appropriate for the type of consent applied for

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c) A clear map/plan showing the precise trading position and its proximity to other similar retail outlets within a 100-metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site. NOTE: maps/plans are not required for mobile traders

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d) Colour photographs showing the front, side and rear aspects of the unit/vehicle that will be used for the street trading activity. A digital image(s) to be emailed to licensing.team@threerivers.gov.uk. NOTE: this is only required for vehicles/trailers and not required for stalls

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e) One recent passport size photograph of applicant

f) Signed self-declaration by applicant, relating to criminal convictions.

g) Evidence of right to reside and work in the UK for the applicant.

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h) Full name, evidence of right to reside/work in UK and colour photo of any employees that will be working in the stall/vehicle (mobile and individual traders only)

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i) A copy of a current Public Liability certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £2 million.

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j) Valid food safety/food hygiene certificate(s) (food related trading only)

k) Evidence of registration of the food business with the appropriate Local Authority and food hygiene rating (food related trading only)

l) V5, MOT certificate and vehicle insurance certificate NOTE: this is only required if trading from vehicle

m) Copy of driving licence of applicant NOTE: this is only required if trading from vehicle

n) Evidence of having a suitable method for waste disposal where applicable

o) Consent to use the proposed site location (if required) i.e., from the land/property owner such as Hertfordshire County Council.

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p) Any further consents/permissions required i.e., planning permission, authorisation under Licensing Act 2003 if applicable

5.3.2 Incomplete applications will not be validated or processed. The Licensing Authority will return any incomplete or invalid applications to the applicant if a period of 1 month has passed without the application being validated where the applicant has failed to correspond with the Licensing Team.

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5.4 Consultations

5.4.1 Before a street trading consent is granted the Council will carry out a consultation process with various persons and groups on all applications. The following organisations or persons will be consulted where appropriate:

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a) Three Rivers District Council Environmental Health Department (including Environmental Control and Food and Safety Teams)

b) Three Rivers District Council Property and Estates Department

c) Three Rivers District Council Planning Department

d) Three Rivers District Council Transport and Parking Team

e) Hertfordshire County Council Highways

f) Hertfordshire Fire & Rescue Service

g) Hertfordshire Police

h) Trading Standards

i) The appropriate Local Ward Councillor(s) and members of the Regulatory Services Committee

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j) The appropriate Parish or Town Council

k) Any other person or body the Licensing Authority may consider appropriate depending on the type of application.

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5.4.2 In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation may require the Licensing Authority to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.

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5.4.3 Only written representations will be taken into consideration when determining an application. The Council will consider any representations made by a person, business or body that is likely to be directly affected by the application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

5.4.4 The consultation period for new applications (and if required, renewal applications) will run for 28 days. This allows time for the responsible authorities to consider the application and respond to the consultation. Responses received after this period will only be considered at the discretion of the Licensing Authority.

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5.4.5 Licensing officers will advise consultees of any relevant history and information in relation to the applicant, including any relevant information that may be received during the consultation period.

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6 Criteria used to determine the Application

The Council will use the criteria listed in this Policy below in determining any applications for street trading consents. Any representations received will be considered against the criteria. All criteria should normally be satisfied, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

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6.1 Suitability of Applicant

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6.1.1 When determining an application for the grant or renewal of a consent, the Council will consider all relevant information relating to the suitability of the applicant and any employees including;

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6.1.2 Whether they have been cautioned or convicted of any offences of:

- a) Violence
- b) Dishonesty
- c) Drug related offences
- d) Sexual offences
- e) Public Order offences
- f) Food safety or health and safety offences
- g) Any offence resulting in a sentence of imprisonment.

6.1.3 This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

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6.1.4 An applicant's history of street trading including whether previous consents have been used appropriately.

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6.1.5 An applicant who has previously been found to have been trading in the district without a valid consent at any time will be prohibited from applying for a consent for a period of 12 months from the date that they were found to be trading without a consent.

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6.1.6 The Council will reserve the right to request a basic disclosure check at any time where it considers there is a risk to children and/or vulnerable people.

6.2 Nature of goods:

The type of goods proposed to be sold will be taken into consideration. The below is not limited to but includes a number of items which would not be granted a street trading consent:

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a) Firearms and replica firearms

b) Weapons and replica weapons

c) Tobacco, tobacco related products and e-cigarettes/vapes

d) Fireworks and sky lanterns

[e\) Helium balloons](#)

[f\) Animals](#)

[g\) Articles that would typically be sold in sex shops](#)

6.3 Public Safety:

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction, and fire hazard. The term “public” refers to both the applicant’s customers and other members of the public using the street. Reference will be made to the guidelines set out in section 11 on site assessment criteria.

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The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows.¶
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6.4 Public Order:

The street trading activity should not present a risk to good public order in the locality in which it is situated.

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6.5 Avoidance of Nuisance:

The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

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6.6 Character of the Area:

In determining the area for the proposed activity, the following will be taken into consideration:

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- a) The presence of similar outlets already existing in the immediate locality of the proposed street trading site.
- b) The general needs of a locality should no comparable outlets exist. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.
- c) The quality of the goods sold by the applicant.
- d) The appearance of the applicant’s stall, van, barrow, cart etc.

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6.7 Compliance with legal requirements:

The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation, such as food hygiene and health and safety.

6.8 Consultees’ Observations:

In relation to the points above, consideration will be given to written observations from any consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.

7 **Decision**

7.1 **Grant of consent**

7.1.1 If there are no objections to the application, the consent will be granted under delegated authority by the Licensing officers and will be active from the date issued. No trading may take place until a consent has been issued.

7.1.2 The consent granted is specific to the person to whom it is issued. Consents are non-transferable and there can be no sub-letting.

7.2 **Refusal of consent**

7.2.1 ~~The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for any legal appeals against the decision of a Council in relation to the refusal or revocation of street trading consents. A person aggrieved by a decision of a council may seek a Judicial Review of the decision, should it be felt necessary.~~

7.2.2 ~~Should the Council decide to effuse or revoke a street trading consent, the applicant will be notified within 10 working days of that decision and the reasons for it.~~

8 **Appeal Process**

8.1 Appeals are determined by the Regulatory Services Committee.

8.1.1 ~~Decisions of the Regulatory Services Committee and rights of appeal in relation to street trading consents will be in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Where an application is to be referred to a Regulatory Services Committee, an applicant (and if relevant any persons making written objections) will be informed of the decision to refer an application to the Regulatory Services Committee and notified of the date of the hearing of the application.~~

8.1.2 ~~The applicant can be represented by a solicitor or supported by a friend or colleague. The Regulatory Services Committee will call a sub-committee comprising 3 members, none of whom may be ward councillors to the area under the application and will follow a set procedure that will be notified to the applicant in advance of the meeting, along with an officer report that will be presented at the meeting.~~

8.1.3 ~~In determining the application, the Regulatory Services Sub-Committee will consider presentations from the applicant, any person or organisation making an objection and the Council's Licensing Officer. Applicants and persons making objections to an application should notify the Council's Democratic Services Section at least five working days in advance of the meeting of any witnesses they intend to call and details of any evidence (written, photographic or other material or media) they intend to present at the hearing.~~

8.1.4 ~~Where objections have been raised to the granting of a street trading consent, the Regulatory Services Sub-Committee will consider the objections or representations made. Only persons who have raised objections to the application will be allowed the opportunity to address the Regulatory Services Sub-Committee and ask questions relating to the application.~~

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Deleted: <#>If the Licensing Authority receive valid and relevant objections from any of the consultees, the application may be refused. Valid objections can relate to any matters pertaining to the list in at Section 3(6)(a) to (g) of the Act. ¶ Section 3(6)(2)(i) & (ii) of the Act states that where the Council propose to refuse an application, they shall first serve a notice on the applicant holder as follows:¶ specifying the ground(s) on which their decision would be based, and¶ stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.¶ ¶ In exceptional circumstances whereby objections are received or whereby the additional information from the applicant has been received which should be considered further, the application will be referred to the relevant a sub-committee of the Regulatory Services Committee. ¶

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~~8.1.5 The Regulatory Services Sub-Committee will consider all the evidence presented to it during the hearing and members may ask questions of the applicant, officers and persons making an objection (if any). After hearing the evidence presented to it, the Regulatory Services Sub-Committee will retire and come to a decision on the application. When a decision has been reached the Sub-Committee will inform the applicant of their decision. The decision of the Regulatory Services Sub-Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.~~

~~8.1.6 The Regulatory Services Sub-Committee will endeavour to ensure that, when considering an application, that all persons get a fair hearing through:~~

- ~~a) Considering each case on its merits.~~
- ~~b) Using this Policy to assess applications as appropriate.~~
- ~~c) Dealing with the application in a balanced and impartial manner.~~
- ~~d) Ensuring that the rules of natural justice are applied at the hearing.~~
- ~~e) Give equal time to those to make their representations and ask questions at the hearing.~~

8.2 Further Rights of Appeal

~~8.2.1 There is no right of appeal to the Magistrates' Court against decisions of the Council in relation to street trading consents under the Act. A person aggrieved by a decision of the Licensing Authority, or the Regulatory Services Sub-Committee may make an application to the High Court for Judicial Review of the decision. There are strict time limits for making such applications. For further information about the potential grounds for Judicial Review and the procedure for making an application, applicants should seek legal advice from a solicitor as soon as they receive notice of the decision of the Regulatory Services Committee.~~

~~8.2.2 If an application is refused either at grant or renewal of a street trading consent, any person aggrieved may appeal to the Magistrates' Court against the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3(6)(d) – (g) of the Act. There is no right of appeal where refusal is based on grounds in 3(6)(a) – (c) of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a consent was notified to the applicant or consent holder.~~

~~8.2.3 If a street trading consent is revoked, any person aggrieved may appeal to the Magistrates' Court against the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3(6)(d) – (g) of the Act. There is no right of appeal where refusal is based on grounds in 3(6)(a) – (c) of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a consent was notified to the applicant.~~

9 Display of consent and badges

9.1 Static traders shall always, whilst trading, prominently display the consent issued by the Council.

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9.2 Mobile traders will be issued with a photo ID badge which must be worn by the consent holder whilst trading. A consent summary will also be issued for the authorised vehicle, which must be displayed in a prominent location inside the vehicle, visible to customers all times whilst trading.

9.3 If the consent or badge is lost or damaged the consent holder must contact the licensing department within 48 hours to obtain a replacement. A charge will be made for a replacement consent/badge.

10 Changes to consent

10.1 Should the consent holder wish to make minor changes to the consent at any time during the life of the consent, a notification of change of details form must be completed and submitted along with supporting evidence. An administration fee will be charged*. Changes that can be made to consents are:

- Changing the existing consent holders own name/address/contact details
- Changing the vehicle on a mobile trading consent

10.2 For all other proposed changes please contact the licensing department as you may need to make a new application if the proposed change is significant and impacts on the objectives of this policy.

*The fees are publically available via the following link: <https://www.threerivers.gov.uk/eqcl-page/licensing>.

11 Transfer of consents

11.1 Street trading consents are non transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and/or location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application.

12 Return of consent

12.1 If the consent holder wishes to surrender their consent they will be required to return all street trading documentation with a written explanation as to why they have ceased trading. No refund will be paid for a surrendered consent.

12.2 On expiry, surrender, suspension, or revocation, the consent/badge MUST be returned to the Licensing Authority within 7 days.

13 Conditions:

13.1 Consents will be subject to standard conditions to promote public safety and avoid obstructions, nuisance and annoyance. Other additional conditions may be attached to a consent and will be relevant to the category of consent issued and the nature of the local environment. The Council's standard consent conditions can be seen in **Appendix I**.

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13.2 The Council may at any time vary the conditions of a street trading consent.

13.3 The conditions must be always complied with and failure to do so could lead to the consent being revoked, or not renewed.

14 Enforcement and revocation

14.1 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. Obtaining consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and applicants must ensure all such permissions, etc. are in place prior to trading.

14.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the offences for non-compliance with the provisions as set out in this Policy. Offences for which a person may be convicted and fined include for example:

- engaging in street trading in a consent street without being authorised to do so; or
- contravening any condition of their consent; or
- making a false statement which ~~they know to be false~~, in connection with an application for a consent.

14.3 Without prejudice to the Council's powers to prosecute for any offences under the Act, the Council may take the following enforcement steps where appropriate dependant on the severity of the breach or offence:

- Verbal / written warning to trader
- Issue of Fixed Penalty Notice
- Refuse to renew a consent
- Revocation of consent
- Prosecution

14.4 In determining what course of action is necessary the following matters will be considered:

- Seriousness of the breach or offence;
- Previous trading history
- Level of past compliance
- Traders response to previous warnings

14.5 An Authorised Officer may visit the consent holder and inspect the vehicle/stall or other vehicle or premises that the applicant trades from to ensure compliance with the conditions and criteria set down within this Policy. Periodic inspections may occur during the consent period to ensure full compliance.

14.6 ~~During the consent period, if there are any charges, police investigations, and/or convictions against the consent holder or nominated assistant, the consent may be revoked with immediate effect.~~

14.7 A consent may be revoked for ~~any of the grounds listed at paragraph 5(1) of Schedule 4 of the Act~~ as well as for any other reasonable cause. The Council shall not be liable

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in any circumstances whatsoever to pay any compensation to a consent holder in respect of any revocation.

- 14.8 If a further application for a street trading consent is made following revocation of a previous consent the matter will be passed to the Regulatory Services Sub-Committee for a determination.
- 14.9 Failure of the trader to advise the Council within 7 days in writing of any charges, police investigations and/or convictions or cautions which arise during the term of the consent may result in the revocation of a consent or refusal to grant any future applications.
- 14.10 Where a complaint is received from either the public or another authority, such as the police or local authority, the complaint will be investigated, and the Council may revoke the consent.
- 14.11 Where two consent holders are investigated due to complaints of breaches of conditions or arguments over trading times and areas, both consent holders will be expected to fully participate in mediation. Where issues persist or mediation is refused the Council may consider enforcement action or referral to the Regulatory Services Sub-Committee for a consideration of the matter and a decision on whether to apply additional conditions, revoke or renew Consents for either or both parties.

14.12 The Council holds the right to ask traders causing a nuisance to cease the activity that they are conducting and leave the area.

14.13 Consent holders must allow access to authorised officers and police officers at all reasonable times.

15 Fees

15.1 Fees will be set and reviewed annually on a full cost recovery basis, as part of the Council's fees and charges setting process.

15.2 Should an application be refused there will be no refund of the application fee.

15.3 Should an applicant wish to withdraw their application a partial refund will be issued minus an administration fee.

15.4 Details of the current fees can be found on our website;

<https://www.threerivers.gov.uk/egcl-page/licensing>

16 Review of policy

16.1 This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or because of local considerations within the Three Rivers District. In any case, this Policy will be reviewed within five years of adoption or because of any major legislative changes.

16.2 Any minor changes that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Regulatory Services.

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16.3 Any significant changes can be approved by the Regulatory Services Committee.

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APPENDIX I

Street trading consent - Standard Conditions

1. Trading may only take place on the days and during the times as specified on the consent.
2. Trading is prohibited from within a 50 metre exclusion zone around the curtilage of any school, as measured from the school boundary or entrances onto a highway. This restriction will only be in place during term time, and on school days.
3. The consent holder shall not sell any type of food, goods or merchandise other than as specified on the consent.
4. Static traders are only permitted to trade from the stationary vehicle/trailer or stall, as detailed on the consent, and in the position indicated by the deposited location plan. In the event of this position being unavailable, for any reason beyond the control of the Council, the position may be relocated at any authorised officer's discretion to another nearby area.
5. Mobile traders are only permitted to trade in locations that are agreed by the Licensing Authority.
6. The trader shall always, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business, or which has been deposited on the highway by the customers.
7. The trader shall not deposit fat or other liquid or solid waste onto land or into highway drains.
8. The trader shall not operate in a manner which causes nuisance to the public or other persons in the vicinity. The trader will not be permitted to use loudspeakers, radios, or any amplified sound.
9. No animals shall be present on any stall or vehicle where food and drink is sold.
10. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent.
11. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) No. 852/2004 on the hygiene of foodstuffs and any associated legislation.
12. The trader shall maintain a minimum food hygiene rating score of 3. The hygiene rating must be displayed prominently on the stall or vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a rerating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council. The consent may be revoked.

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- 13. The trader shall always allow access by any authorised officer or ~~their~~ representatives to ensure that the terms of the consent are being carried out to their satisfaction.
- 14. The trader shall display the street trading consent, which shall be plainly visible to the public and available for inspection by officers of the Council or Police. In addition, all mobile traders must wear the ID badge issued along with the consent.
- 15. The trader shall provide insurance to the sum of £2,000,000 to ensure against third party liability claims and to indemnify the Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this consent. The trader shall provide insurance certificate upon application and on demand for inspection by the Council.
- 16. The trader is not permitted to hold any auction sale.
- 17. If the consent allows the trader to trade from a specific vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.
- 18. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.
- 19. No child under the age of 17 shall be engaged in the trading.
- 20. The consent is personal to the applicant and is not transferable to any other person, firm or company.
- 21. No sub-letting of consents is permitted.
- 22. The trader may not sell, display or wear any article which is offensive either in writing or pictures, this includes assistants working on static ~~vehicle~~/stall. The authorised officer's decision as to what is offensive is final.
- 23. The trader shall reimburse all costs incurred by the Council because of any damage caused by the trader's occupation of the approved site.
- 24. The Council may revoke the consent at any time and will normally give four weeks' notice of revocation unless earlier revocation is appropriate due to a breach of the conditions or public safety reasons.
- 25. The trader shall maintain the vehicle/stall in good condition, to the satisfaction of the Council. Any vehicle/trailer must be kept in a roadworthy condition, taxed, always insured and MOT'd where relevant.

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26. The trader shall remove the vehicle/stall at the end of each day's trading unless otherwise agreed as part of the application process by the Licensing Authority (static trading).

27. Traders who have a consent to trade in any town centre will not be authorised to do so on any designated market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre. The Council will notify the trader of the dates when trading is not permitted.

28. The trader shall not place or display any sign or structures on or adjacent to the highway; this includes street furniture such as tables, chairs, gazebo's etc.

29. The trader shall always ensure that the prices of the goods on sale are clearly and visibly displayed.

30. The Council may at any time vary, substitute, or modify the conditions as shown above, provided a copy is then provided to the consent holder in advance of any change or on renewal of their consent.

31. The consent holder will advise the Council in writing of ANY dealings with the Police within 7 days of any reportable incident.

32. Consent holders shall notify the Council in writing of any changes to their contact details, such as home address, telephone, or email, within 7 days. A fee is applicable for the amendment to the consent record(s).

33. The consent holder must notify the Council in writing within 7 days of any charges, convictions or cautions issued during the consent. Failure to do so may result in revocation and/or the refusal to grant any future applications.

34. If a consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may either be suspended for an indefinite period or revoked. The consent holder may also be prosecuted if offences have taken place.

Additional conditions for mobile street traders (ice cream van traders)

1. ~~Must not stop within 50 metres of any school grounds from an hour before the start of the school day until an hour after the end of the school day (unless with the written authority of Head Teacher of any school).~~

2. Must move from position to position, remaining stationary for no more than 15 minutes on any residential street to initially attract customers, and thereafter only long enough to serve customers present. The vehicle must move on as soon as the last customer has been served and if no other customer is clearly awaiting service.

3. Ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to highway users.

4. Ice cream vans must not sound chimes before 12:00hrs (noon) or after 19:00hrs.

5. Ice cream vans should not sound their chimes, when in sight of any other ice cream van (whether moving or stationary) which might reasonably be taken to be in the street for trading purposes.

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6. Must not trade within 50m radius from any other street trader.
7. Not stop in any 500 metres section of any street more than once in every two hours.

Additional conditions applicable to Markets

1. The consent holder must keep records of each stallholder present at the market, to include where relevant; the stallholder's pitch number, individuals name and address, business name and address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to an authorised officer.
2. The consent holder must ascertain that all other required authorisations have been obtained where necessary for e.g. food business registration, licence issued under the Licensing Act 2003 [and hold records there of,](#)

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APPENDIX II – List of **current** Prohibited/Consent Streets

Commented [MR11]: Subject to change, following relevant consultation period

Prohibited Streets

These are streets where street trading is prohibited and an application for street trading consent/licence will be refused.

Trunk Roads

- A41
- A405 - between A41 and Watford Borough boundary.
- A405 - that part which lies between the roundabout at Long Lane and the A412 Denham Way.
- A405 – that part of the road which lies within the Three Rivers District at Garston.

Principal Roads

All of the following roads which lie within the Three Rivers District:-

- A412
- A404
- A4145
- A4008
- A4125

Abbots Langley

- High Street
- Langley Road
- Adrian Road
- School Mead
- Abbots Road
- The Crescent
- St Lawrence Close
- Chequers Lane
- Langleybury Lane to 200m from A41
- College Road
- High Elms Lane
- Bucknalls Lane from its junction with the A405 to Tudor Manor Gardens

Bedmond

- Bedmond High Street
- Station Road Lower Road
- Primrose Hill

Carpenders Park

- Delta Gain
- Carpenders Avenue

Chorleywood

- Station Approach
- Link roads between A404 and North Hill
- Heronsgate Road
- Whitelands Avenue
- Croxley Green The Green.

At the Regulatory Services Committee of 6th December 2017 it was agreed that trading be prohibited with 50m of any School Boundary unless written permission is ascertained from the Head Teacher.

CONSENT STREETS

Any other street within the District of Three Rivers not designated as a Prohibited Street subject to meeting the application criteria specified in the Policy.

[Note: LICENCE STREETS – currently none]

THREE RIVERS DISTRICT COUNCIL

STREET TRADING POLICY 2023



Adopted: XX January 2024

Committee process for adoption:

Regulatory Services Committee: 14th June 2023 & 6th December 2023

V1: Agreed to be adopted on 6th December 2023

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Definitions:

'Act' means Local Government (Miscellaneous Provisions) Act 1982

'Authorised Officer' means any authorised officer of Three Rivers District Council.

'Consent Street' means a street in which street trading is prohibited without a consent from Three Rivers District Council.

'Licence Street' means a street in which street trading is prohibited without a licence from Three Rivers District Council.

'Non-established markets' are markets that have not been established in law either by charter, prescriptive rights or by statute.

'Prohibited Street' means a street in which street trading is prohibited. Under no circumstances will street trading be allowed.

'Street' includes any road, footway, lay-by, or any other open area to which the public have access without payment.

'Street Trading' means the selling, or exposing or offering for sale, of any article in a street.

'The Council' or 'District Council' means Three Rivers District Council.

'Trader' or 'Consent holder' means the person(s) to whom the consent has been granted or renewed and includes any other person employed or assisting the principal trader.

'Police Officer' means any Police Officer of Hertfordshire Constabulary.

1 Introduction

- 1.1 Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may designate streets within its district as “consent” streets or “licence” streets to control street trading, whereby trading would not be permitted without the permission of the Authority.
- 1.2 The Council adopted this legislation in 1984 and all streets in the district currently have either been determined as ‘consent’ streets or ‘prohibited’ streets. No ‘licence’ streets are currently designated by the Authority, but the list of designated streets may be amended to include ‘licence’ streets in future. Currently, anyone who wishes to trade on a consent street must hold a street trading consent. All streets listed in **Appendix II** under ‘prohibited streets’ cannot be used for street trading.
- 1.3 Street trading brings vibrancy to an area and increases footfall which in turn benefits other local businesses.
- 1.4 Street trading also provides a springboard for start-up businesses as well as providing expansion opportunities for existing local business, something which has generated interest within the area.
- 1.5 Street trading will also provide more consumer choice enhancing the attractiveness of an area to visit.
- 1.6 The Council has agreed that some activities will be exempt from requiring a consent to trade. A list of such activities can be found in paragraphs 2.3.1 and 2.3.2 of this Policy. In exempting these activities the Council recognises that occasional, community-run events and those of a similar nature, are important to the vibrancy and local economy.
- 1.7 This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
-

2 What is Street Trading

2.1 Definition

- 2.1.1 Street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 2.1.2 For clarification Schedule 4 of the Act defines a street as any road, footway, beach or other area (for example a public or business carpark, park or green) to which the public have access without payment and a service area as defined in Section 329 of the Highways Act 1980. ~~The definition does not include buildings themselves or commercial premises.~~

2.2 Types of streets in Three Rivers

- 2.2.1 “Consent street” means a street in which street trading is prohibited without a consent issued by the district council.
- 2.2.2 “Prohibited street” means a street in which street trading is prohibited.

2.2.3 “Licenced street” means a street in which street trading is prohibited without a licence issued by the district council. There are no licensed streets within Three Rivers therefore no licences are issued.

2.3 Exemptions

2.3.1 The following activities are not classed as street trading under paragraph 2 Schedule 4 of the Act:

- a person acting under the authority of a pedlar’s certificate (Pedlars Act 1871)
- anything done in a market or fair, the right to hold which having been obtained by a grant, enactment, or order (including those created under Part III of the Food Act 1984)
- trade carried out by a roundsmen e.g., milkmen
- trading in a trunk road picnic area (Section 112 of the Highways Act 1980)
- trading as a news vendor
- trading which;
 - i. is carried on at premises used as a petrol filling station, or
 - ii. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop (such businesses must not obstruct the highway)
- 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.

2.3.2 The following activities have also been exempted by the Council from requiring a street trading consent:

- Activities which take place on Council (both district and parish) owned land, including;
 - i. parks and green / open public spaces such as Commons along with their associated carparks
 - ii. carparks
- Activities which take place within the boundaries of school and Church premises
- Activities which take place within the curtilage of a residential property
- Buskers
- Non-commercial events organised by charity or community organisations where proceeds are wholly donated to charity or for use to benefit a community organisation. These may include community fetes/carnivals

2.4 Types of street trading activities that require consent

2.4.1 For the purposes of this policy and administering street trading consents within Three Rivers

- a) static street traders are those who trade from a single fixed location
- b) mobile street traders are those who trade from a vehicle at various locations in the district, remaining on location for a limited duration of time to carry out a transaction, before moving on to another location.

The following types of activities would require consent:

2.4.2 Commercial events/markets - these include but are not limited to:

- Regular markets
- Farmers markets
- Continental markets
- Seasonal markets

2.4.2.1 The Council will allow a single application from the person organising the market/event, and may then issue one 'blanket' street trading consent for the market/event. This aims to promote events and encourage traders to attend. The applicant will be held responsible for the street trading activities that takes place.

2.4.2.2 If the organiser is to apply, the application must be accompanied by a list giving full details of each trader attending the event. This list must include;

- the name of the trader and/or trading business
- contact number and email address for trader
- type of goods for sale
- details of each traders appropriate food business registration including evidence of their food hygiene rating if selling food, and copy of Licensing Act 2003 licence if proposing to sell alcohol/providing late night refreshment.

2.4.2.3 Once issued, a copy of the consent must be provided to each trader by the event organiser. The consent must then be displayed by each individual stall holder for the duration of the event.

2.4.2.4 If however the organiser does not wish to apply for 'blanket' consent then each individual trader will be required to apply.

2.4.3 Mobile traders - these include but are not limited to:

- Ice cream vans
- Mobile food/drinks vans

2.4.4 Individual static traders - these include but are not limited to:

- Food/drinks vendors
- Fruit and vegetable stalls
- Christmas tree sales

2.5 Types of street trading consents

2.5.1 Annual street trading consent

- This consent is issued for a period of one year.
- This consent can be issued for static or for mobile trading
- The consent can be limited to specific days only for example weekdays only or every third Sunday
- This consent can be renewed annually
- Examples of traders: ice-cream vans, monthly markets

2.5.2 Occasional/seasonal street trading consent

- This consent is issued for a period of up to 30 consecutive days
- This consent can be issued to an individual trader or to a market/event
- Examples of traders: Christmas tree sellers, seasonal stalls

2.5.3 One-off street trading consent

- The consent may be issued for up to a maximum of 4 consecutive days.
- This consent may be used where street trading is either taking place as part of an event, or is a one-off event of its own, such as a specialist one-off market.
- This consent may also be used to support events organised by community groups where the event itself is exempt however there are one or two commercial traders (no more than two)
- There are two types of one-off consents;
 - i. Individual one-off consent – this may be used by a single trader when trading as part of an event or if trading on their own. Example: commercial food vendor at a community fete
 - ii. Market/event one-off consent – this may be used by one-off markets/events

2.5.4 The full schedule of fees can be found on the TRDC website via the licensing webpage: <https://www.threerivers.gov.uk/services/licensing/licensing-fees>

2.5.5 The fee schedule is subject to change and based on cost recovery.

3 Key principles taken into account by The Council in the exercise of its street trading functions

3.1 Public Safety

If the street trading activity is likely to represent a substantial risk to the public. Factors considered will include:

- obstruction
- fire hazard
- unhygienic conditions
- danger that may occur when a trader is accessing the site.

3.2 Public Order and Nuisance

If the street trading activity could cause disorder, nuisance, or annoyance to the public from matters including:

- noise
- light
- odour
- the behaviour of traders, particularly in residential or quieter areas

3.3 Appearance of stall/vehicle

The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the Consent conditions. The general appearance of the stall or unit will also be considered to determine that it will not detract from the appearance of the surrounding area. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road). It is recommended that enquiries are made with a licensing officer prior to the purchase of any vehicle or stall.

3.4 **Location of trader(s)**

The Council will consider what benefit a particular street trader will bring to the local area and to persons frequenting that area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. Some pitches may be placed in clusters to create an attraction (or as part of event) and some pitches may be placed with a view to seeking a specific type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as providing opportunities for local businesses to trade, and for bringing more footfall to an area.

3.5 **Site assessment**

Street trading consents will not normally be granted where:

- a) 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
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- d) There is already adequate provision in the immediate vicinity of the site to be used for street trading purposes; or
- e) There is a conflict with Traffic Orders such as waiting restrictions; or
- f) 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
- g) The trading unit obstructs the safe passage of users of the footway or carriageway; or
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- i) The site does not allow the consent holder, staff, and customers to park in a safe manner; or
- j) 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.
- k) The sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent. The type of goods allowed to be sold will be considered on a

pitch-by-pitch basis having particular regard to local needs, product diversity and specialism e.g., artisan breads, and appropriateness of the proposed location in terms of space and balance.

- l) Trading from lay-by locations is restricted to sites which provide: -
- i. Sufficient width to allow vehicles to park and pass
 - ii. Sufficient length to allow several large vehicles to park without causing congestion; and
 - iii. A verge (minimum width 1 metre) physically separating the lay by and the highway.

3.6 **Environmental Suitability**

The Council consider the impact of the proposed operation on the local environment including but not limited to:

- power supply
- carbon footprint
- supply chain
- low food mileage
- packaging
- waste minimisation
- waste disposal
- waste generated by customers
- provision of adequate measures to minimise the environmental impact of the proposed operation
- the offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution.
- those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

3.7 **Contribution to local area**

The applicants offer will need to positively enhance the contribution in the local area. This may be by offering products not currently available or by providing greater choice for consumers. Preference will be given to those who are resident in the local area and those offering local products

4 **Guidance for applicants**

4.1 **Choosing a trading location/pitch**

- 4.1.1 Before applying for a street trading consent, applicants must first identify suitable trading location(s). It is for the applicant/trader to identify a suitable location, having regard to the requirements laid out in the Policy and their business needs. The Licensing Authority does not maintain a list of suitable sites. The Licensing Authority also does not hold a list of available trading locations. It is for the applicant to determine the business viability of any location. The applicant is expected to conduct

this research themselves and provide the information to the Licensing Authority before submitting a full application.

4.1.2 Any pitch/location in use before the approval of this Policy may remain under grandfather rights (an old rule which may continue to apply to some existing street traders, while a new rule will apply to all new applicants) until the consent is renewed. However, any new pitches/locations must meet all of the following criteria:

- a) Safe for public access by foot or by vehicle
- b) Has suitable parking spaces for customers and trading vehicle, if required by location
- c) Suitably lit (if trading after dark) to promote safe access and egress for customers and for visibility by other road users.
- d) Does not breach highway regulations or make hazardous the passage of the public, including people with disabilities, over the highway or otherwise cause a traffic hazard.
- e) Does not impede the passage of emergency vehicle access.
- f) Where adjacent to a highway, there must be a safety barrier of a verge or footpath between the proposed trading location and the carriageway.
- g) Does not cause the loss of parking spaces to residents or businesses. No consents will be granted in an areas of permit parking.
- h) Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g. noise nuisance, litter, odour etc.) to local residents or businesses.
 - i. For the Licensing Authority to assess the potential trading pitch, as part of the application the applicant will be required to submit a map of the location with the potential pitch clearly marked out. This relates to static trading only.
 - ii. If the proposed pitch is on private land, to which the public have access without paying, written evidence of the landowner's permission to use that site will also be required as part of the application.
 - iii. The applicant must determine if there is appropriate or necessary planning permission to sell goods from the proposed location. Applicants are required to contact the Planning Department prior to making an application for a consent, to ascertain whether planning permission is required.
 - iv. If a pitch of interest is already occupied, or is of interest to two street traders, then a pitch can be shared by splitting either the times or the days on which the traders wish to operate. The street traders must have a written mutual agreement between them, approved by the Licensing Authority, detailing when the pitch is going to be occupied by both traders. The location can be shared even if the exact pitch, where the trading vehicle is located, is not. The individual traders will need their own consents for the location.

- v. The Licensing Authority will inform applicants if a pitch is unlikely to meet the criteria. However, advice from the Licensing Authority does not guarantee that a proposed pitch applied for will not be subject to relevant objections during the consultation process following an official application and therefore be deemed unsuitable.

4.2 Trading from a vehicle/trailer

- 4.2.1 The trading and/or towing vehicle used must be compliant with the Driver and Vehicle Standards Agency (DVSA) MOT standards.

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

- 4.2.2 The trading and/or towing vehicle must be maintained in a roadworthy condition, taxed, insured, and hold a valid MOT at all times. The type, colour, and dimensions of any trading vehicles to be used will be submitted to the Licensing Authority along with colour photos for approval.
- 4.2.3 Details of where the trading vehicle is to be kept overnight must also be submitted.
- 4.2.4 The trading trailer/vehicle must not be set up as a permanent structure and must be removed from the trading pitch within 30 minutes of the end of the consented hours, unless agreed in writing by the Licensing Authority; and upon any reasonable request made by the emergency services, Highway Authority (Hertfordshire County Council) or similar authority.
- 4.2.5 Maintenance logs must be kept for the trading vehicle and made available for inspection when requested by an authorised officer from the Police, Licensing Authority or DVSA.
- 4.2.6 If a trailer is going to be used as the trading vehicle, it must comply with the relevant laws around maximum weight that can be towed and height restrictions. The driver of the vehicle towing the trailer to and from the location must have the appropriate B3 driving category included on their DVLA driving licence.
- 4.2.7 All vehicles to be used for mobile trading must comply with Euro 6 standards for emissions and be no more than 7 years old at the time of application (including renewals).
- 4.2.8 All renewing vehicles must pass an annual MOT and pass the required emissions test. Should we receive complaints about vehicle emissions, consent holders will be required to provide the Licensing Authority an emissions report from a garage.

4.3 Employees

- 4.3.1 Under the Immigration Act, introduced in 2016, <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. You are required to check the residency status and right to work of anyone who you employ to trade under your street trading consent, and you must include their names on an application form. Proof of their right to work must also be submitted as part of the application.

4.3.2 For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.
<https://www.gov.uk/topic/immigration-operational-guidance>

4.4 **Goods for Sale**

4.4.1 Consents will not be granted to traders who propose to sell offensive weapons including imitation firearms, firearms, airguns, swords and crossbows.

4.4.2 Traders wishing to sell food items must be registered as a food business with the Environmental Health department in whose area the trading vehicle is stored and where any off-site food preparation takes place.

4.4.3 See also paragraph 6.2 of this Policy.

4.5 **Advertising**

4.5.1 There must be no available means of attracting attention for the purposes of trading or any stands or signs away from the consented pitch. Any trader wishing to display advertising, such as A-boards, will require the approval of both the Planning department as well as the highways authority. Any unauthorised advertising will be removed.

4.5.2 Advertising on the trading vehicle must be approved by the Licensing Authority.

4.6 **Waste**

4.6.1 Where goods are sold that are for immediate use or consumption, the trader must provide at least one suitably sized waste container with signage requesting the customers to use it. The consent holder is responsible for disposal of refuse and must not use Council, highway or other waste bins. The consent holder has a duty of care to dispose of the commercial waste lawfully.

4.6.2 Advice can be sought from the Environment Agency at Environment Agency Website. Further information can also be found on the council's website – [Three Rivers District Council Commercial Waste and Recycling](#)

4.6.3 There must be no disposal of liquid waste down the drains or onto the pavement, road, or grassland. This includes waste cooking oil as it leads to blockages, odour, vermin problems and can pollute watercourses. Such action could result in prosecution. Waste oils should also not be disposed of with the rest of the catering or kitchen waste. Section 111 of the Water Industry Act 1991 makes it illegal to permit any substance, which may interfere with the free flow of the sewerage system, to pass down any sewer or drain connecting to a public sewer. This is enforced by Thames Water. Further information about disposal of waste oils from catering premises can be found on the Food Standards Agency website <https://www.food.gov.uk/>.

4.6.4 All wastewater from the trading vans' sinks must be collected and disposed of correctly. Officers of the responsible authorities will take the steps that they consider appropriate if traders are found to be disposing of oils, wastewater etc. in an unlawful or unacceptable manner. Consent holders must also organise adequate sanitation provision for themselves and their employees.

4.7 **Opening/Trading hours**

4.7.1 Street trading is limited to the days of the week and between the hours stated on the consent.

4.7.2 The consent holder will be allowed 30-minute preparation time prior to the start of their trading hours in order to set up their trading vehicle, and there will be a 30 minute closing time to allow the trader to tidy and pack up. Consent holders are not permitted to trade during the preparation or closing times. If a pitch is shared between two Consent holders who will be operating on the same day, there will be an hour between the end time of the first consent and the start time of the other Consent to allow for the respective closing and preparation time. If the location is shared (for example a lay-by), and not the exact pitch, then the preparation and closing times may overlap, requiring a 30-minute gap between trading times.

4.7.3 Ice cream vans will not be permitted to trade before 09:00hrs and after 20:00hrs.

4.8 **Street trading and the Licensing Act 2003**

4.8.1 Street traders that will either serve hot food or drink at any time between 23:00hrs and 05:00hrs the following day or will sell alcohol will also require a licence under the Licensing Act 2003.

4.8.2 Details of the various licences issued under the Licensing Act 2003 can be found on the Licensing page of the Council's website;

<https://www.threerivers.gov.uk/services/licensing/food-alcohol-entertainment-licensing>

4.9 **Trading Near to a School**

4.9.1 The Council recognises that a healthy start in life is vital for all children and young people to realise their full potential. In terms of child obesity there are benefits of not having certain traders such as ice cream vehicles and burger vans outside a school. This Policy seeks to support the Council's commitment to reducing obesity and improving dental health.

4.9.2 Accordingly the Council has attached a condition to all street trading consents that states that there is a 50 metre exclusion zone around the curtilage of any school, as measured from the school boundary or entrances onto a highway, in which street traders are not allowed to trade. The restriction will only be in place during term time, and on school days.

4.9.3 The restriction applies to all street trading consents, regardless of whom the consent holders are targeting and whether the application is new or for a renewal of an existing consent.

4.10 **Ice cream van chimes guidance**

4.10.1 Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/245699/pb14030-ice-cream-vans.pdf

4.10.2 It is an offence under S62 of the Control of Pollution Act 1974 to sound chimes before 12:00hrs (noon) or after 19:00hrs.

4.10.3 Traders must not sound chimes as loudly in areas of low background noise or narrow streets as elsewhere and:

- for longer than 12 seconds at a time
 - more often than once every 2 minutes
 - more than once when the vehicle is stationary at a selling point
 - except on approach to or at a selling point
 - when in sight of another vehicle which is trading
 - when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
 - more often than once every 2 hours in the same length of street
 - louder than LAmax 80dB at 7.5 metres
-

5 Application process

5.1 New consent application

5.1.1 A new application for a street trading consent must be submitted to the Council at least 30 days before the proposed trading start date. This is to allow the Council time to validate and process the application and to allow for the mandatory 28 day consultation period.

5.2 Consent renewal application

5.2.1 Applications for renewal will only be considered for standard consents issued for 12 months. Whilst the application form and required supporting documents may remain the same, the consultation process may be waived. Applications for renewal of a consent will normally be granted, provided that there have been no relevant changes to the Policy and no substantiated complaints have been received regarding;

- the way the consent holder has conducted their business, or
- the consent holder's conduct, and
- where no relevant objections have previously been received

5.2.2 All renewal applications must be submitted a minimum of 4 weeks (28 days) prior to the expiry of the current consent to allow for the processing of the application. Generally, no further consultation will be necessary when dealing with a renewal application, however, the Council reserves the right to consult where they consider it is required.

5.2.3 The responsibility for ensuring renewal of consent rests solely with the consent holder, the Council is not required to send out reminders but may do so.

5.2.4 If a renewal application and fee are not submitted before the expiry date of the current consent, then the consent will lapse. A renewal application will not be accepted after the expiry of any existing consent. The effect of this will be that a trader will not be permitted to trade until a new application and fee has been submitted and a new consent is granted.

5.3 Application process

5.3.1 All consent applications must consist of:

- a) A fully completed application form. This can be found on our website <https://www.threerivers.gov.uk/services/licensing/pavement-street-trading-licensing>

- b) The payment of the full fee as appropriate for the type of consent applied for
- c) A clear map/plan showing the precise trading position and its proximity to other similar retail outlets within a 100-metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site. NOTE: maps/plans are not required for mobile traders
- d) Colour photographs showing the front, side and rear aspects of the unit/vehicle that will be used for the street trading activity. A digital image(s) to be emailed to licensing.team@threerivers.gov.uk. NOTE: this is only required for vehicles/trailers and not required for stalls
- e) One recent passport size photograph of applicant
- f) Signed self-declaration by applicant, relating to criminal convictions.
- g) Evidence of right to reside and work in the UK for the applicant.
- h) Full name, evidence of right to reside/work in UK and colour photo of any employees that will be working in the stall/vehicle (mobile and individual traders only)
- i) A copy of a current Public Liability certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £2 million.
- j) Valid food safety/food hygiene certificate(s) (food related trading only)
- k) Evidence of registration of the food business with the appropriate Local Authority and food hygiene rating (food related trading only)
- l) V5, MOT certificate and vehicle insurance certificate NOTE: this is only required if trading from vehicle
- m) Copy of driving licence of applicant NOTE: this is only required if trading from vehicle
- n) Evidence of having a suitable method for waste disposal where applicable
- o) Consent to use the proposed site location (if required) i.e. from the land/property owner such as Hertfordshire County Council.
- p) Any further consents/permissions required i.e., planning permission, authorisation under Licensing Act 2003 if applicable

5.3.2 Incomplete applications will not be validated or processed. The Licensing Authority will return any incomplete or invalid applications to the applicant if a period of 1 month has passed without the application being validated where the applicant has failed to correspond with the Licensing Team.

5.4 **Consultations**

5.4.1 Before a street trading consent is granted the Council will carry out a consultation process with various persons and groups on all applications. The following organisations or persons will be consulted where appropriate:

- a) Three Rivers District Council Environmental Health Department (including Environmental Control and Food and Safety Teams)
- b) Three Rivers District Council Property and Estates Department
- c) Three Rivers District Council Planning Department
- d) Three Rivers District Council Transport and Parking Team
- e) Hertfordshire County Council Highways
- f) Hertfordshire Fire & Rescue Service
- g) Hertfordshire Police
- h) Trading Standards
- i) The appropriate Local Ward Councillor(s) and members of the Regulatory Services Committee
- j) The appropriate Parish or Town Council
- k) Any other person or body the Licensing Authority may consider appropriate depending on the type of application.

5.4.2 In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation may require the Licensing Authority to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.

5.4.3 Only written representations will be taken into consideration when determining an application. The Council will consider any representations made by a person, business or body that is likely to be directly affected by the application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

5.4.4 The consultation period for new applications (and if required, renewal applications) will run for 28 days. This allows time for the responsible authorities to consider the application and respond to the consultation. Responses received after this period will only be considered at the discretion of the Licensing Authority.

- 5.4.5 Licensing officers will advise consultees of any relevant history and information in relation to the applicant, including any relevant information that may be received during the consultation period.
-

6 Criteria used to determine the Application

The Council will use the criteria listed in this Policy below in determining any applications for street trading consents. Any representations received will be considered against the criteria. All criteria should normally be satisfied, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

6.1 Suitability of Applicant

- 6.1.1 When determining an application for the grant or renewal of a consent, the Council will consider all relevant information relating to the suitability of the applicant and any employees including;

- 6.1.2 Whether they have been cautioned or convicted of any offences of:

- a) Violence
- b) Dishonesty
- c) Drug related offences
- d) Sexual offences
- e) Public Order offences
- f) Food safety or health and safety offences
- g) Any offence resulting in a sentence of imprisonment.

- 6.1.3 This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

- 6.1.4 An applicant's history of street trading including whether previous consents have been used appropriately.

- 6.1.5 An applicant who has previously been found to have been trading in the district without a valid consent at any time will be prohibited from applying for a consent for a period of 12 months from the date that they were found to be trading without a consent.

- 6.1.6 The Council will reserve the right to request a basic disclosure check at any time where it considers there is a risk to children and/or vulnerable people.

6.2 Nature of goods:

The type of goods proposed to be sold will be taken into consideration. The below is not limited to but includes a number of items which would not be granted a street trading consent:

- a) Firearms and replica firearms
- b) Weapons and replica weapons
- c) Tobacco, tobacco related products and e-cigarettes/vapes
- d) Fireworks and sky lanterns

- e) Helium balloons
- f) Animals
- g) Articles that would typically be sold in sex shops

6.3 **Public Safety:**

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction, and fire hazard. The term “public” refers to both the applicant’s customers and other members of the public using the street. Reference will be made to the guidelines set out in section 11 on site assessment criteria.

6.4 **Public Order:**

The street trading activity should not present a risk to good public order in the locality in which it is situated.

6.5 **Avoidance of Nuisance:**

The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

6.6 **Character of the Area:**

In determining the area for the proposed activity, the following will be taken into consideration:

- a) The presence of similar outlets already existing in the immediate locality of the proposed street trading site.
- b) The general needs of a locality should no comparable outlets exist. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.
- c) The quality of the goods sold by the applicant.
- d) The appearance of the applicant’s stall, van, barrow, cart etc.

6.7 **Compliance with legal requirements:**

The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation, such as food hygiene and health and safety.

6.8 **Consultees’ Observations:**

In relation to the points above, consideration will be given to written observations from any consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.

7 Decision

7.1 Grant of consent

7.1.1 If there are no objections to the application, the consent will be granted under delegated authority by the Licensing officers and will be active from the date issued. No trading may take place until a consent has been issued.

7.1.2 The consent granted is specific to the person to whom it is issued. Consents are non-transferable and there can be no sub-letting.

7.2 Refusal of consent

7.2.1 The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for any legal appeals against the decision of a Council in relation to the refusal or revocation of street trading consents. A person aggrieved by a decision of a council may seek a Judicial Review of the decision, should it be felt necessary.

7.2.2 Should the Council decide to effuse or revoke a street trading consent, the applicant will be notified within 10 working days of that decision and the reasons for it.

8 Display of consent and badges

8.1 Static traders shall always, whilst trading, prominently display the consent issued by the Council.

8.2 Mobile traders will be issued with a photo ID badge which must be worn by the consent holder whilst trading. A consent summary will also be issued for the authorised vehicle, which must be displayed in a prominent location inside the vehicle, visible to customers all times whilst trading.

8.3 If the consent or badge is lost or damaged the consent holder must contact the licensing department within 48 hours to obtain a replacement. A charge will be made for a replacement consent/badge.

9 Changes to consent

9.1 Should the consent holder wish to make minor changes to the consent at any time during the life of the consent, a notification of change of details form must be completed and submitted along with supporting evidence. An administration fee will be charged*. Changes that can be made to consents are:

- Changing the existing consent holders own name/address/contact details
- Changing the vehicle on a mobile trading consent

9.2 For all other proposed changes please contact the licensing department as you may need to make a new application if the proposed change is significant and impacts on the objectives of this policy.

*The fees are publicly available via the following link:
<https://www.threerivers.gov.uk/egcl-page/licensing>

10 Transfer of consents

- 10.1 Street trading consents are non transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and/or location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application.

11 Return of consent

- 11.1 If the consent holder wishes to surrender their consent they will be required to return all street trading documentation with a written explanation as to why they have ceased trading. No refund will be paid for a surrendered consent.
- 11.2 On expiry, surrender, suspension, or revocation the consent/badge MUST be returned to the Licensing Authority within 7 days.

12 Conditions:

- 12.1 Consents will be subject to standard conditions to promote public safety and avoid obstructions, nuisance and annoyance. Other additional conditions may be attached to a consent and will be relevant to the category of consent issued and the nature of the local environment. The Council's standard consent conditions can be seen in **Appendix I**.
- 12.2 The Council may at any time vary the conditions of a street trading consent.
- 12.3 The conditions must be always complied with and failure to do so could lead to the consent being revoked, or not renewed.

13 Enforcement and revocation

- 13.1 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. Obtaining consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and applicants must ensure all such permissions, etc. are in place prior to trading.
- 13.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the offences for non-compliance with the provisions as set out in this Policy. Offences for which a person may be convicted and fined include for example:
- engaging in street trading in a consent street without being authorised to do so; or
 - contravening any condition of their consent; or
 - making a false statement which they know to be false, in connection with an application for a consent.

- 13.3 Without prejudice to the Council's powers to prosecute for any offences under the Act, the Council may take the following enforcement steps where appropriate dependant on the severity of the breach or offence:
- Verbal / written warning to trader
 - Issue of Fixed Penalty Notice
 - Refuse to renew a consent
 - Revocation of consent
 - Prosecution
- 13.4 In determining what course of action is necessary the following matters will be considered:
- Seriousness of the breach or offence;
 - Previous trading history
 - Level of past compliance
 - Traders response to previous warnings
- 13.5 An Authorised Officer may visit the consent holder and inspect the vehicle/stall or other vehicle or premises that the applicant trades from to ensure compliance with the conditions and criteria set down within this Policy. Periodic inspections may occur during the consent period to ensure full compliance.
- 13.6 During the consent period, if there are any charges, police investigations, and/or convictions against the consent holder or ~~nominated assistant~~, the consent may be revoked with immediate effect.
- 13.7 A consent may be revoked for any of the grounds listed at paragraph 5(1) of Schedule 4 of the Act as well as for any other reasonable cause. The Council shall not be liable in any circumstances whatsoever to pay any compensation to a consent holder in respect of any revocation.
- 13.8 If a further application for a street trading consent is made following revocation of a previous consent the matter will be passed to the Regulatory Services Sub-Committee for a determination.
- 13.9 Failure of the trader to advise the Council within 7 days in writing of any charges, police investigations and/or convictions or cautions which arise during the term of the consent may result in the revocation of a consent or refusal to grant any future applications.
- 13.10 Where a complaint is received from either the public or another authority, such as the police or local authority, the complaint will be investigated, and the Council may revoke the consent.
- 13.11 Where two consent holders are investigated due to complaints of breaches of conditions or arguments over trading times and areas, both consent holders will be expected to fully participate in mediation. Where issues persist or mediation is refused the Council may consider enforcement action or referral to the Regulatory Services Sub-Committee for a consideration of the matter and a decision on whether to apply additional conditions, revoke or renew Consents for either or both parties.
- 13.12 The Council holds the right to ask traders causing a nuisance to cease the activity that they are conducting and leave the area.

- 13.13 Consent holders must allow access to authorised officers and police officers at all reasonable times.
-

14 Fees

- 14.1 Fees will be set and reviewed annually on a full cost recovery basis, as part of the Council's fees and charges setting process.
- 14.2 Should an application be refused there will be no refund of the application fee.
- 14.3 Should an applicant wish to withdraw their application a partial refund will be issued minus an administration fee.
- 14.4 Details of the current fees can be found on our website:

<https://www.threerivers.gov.uk/egcl-page/licensing>

15 Review of policy

- 15.1 This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or because of local considerations within the Three Rivers District. In any case, this Policy will be reviewed within five years of adoption or because of any major legislative changes.
- 15.2 Any minor changes that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Regulatory Services.
- 15.3 Any significant changes can be approved by the Regulatory Services Committee.

APPENDIX I

Street trading consent - Standard Conditions

1. Trading may only take place on the days and during the times as specified on the consent.
2. Trading is prohibited from within a 50 metre exclusion zone around the curtilage of any school, as measured from the school boundary or entrances onto a highway. This restriction will only be in place during term time, and on school days.
3. The consent holder shall not sell any type of food, goods or merchandise other than as specified on the consent.
4. Static traders are only permitted to trade from the stationary vehicle/trailer or stall, as detailed on the consent, and in the position indicated by the deposited location plan. In the event of this position being unavailable, for any reason beyond the control of the Council, the position may be relocated at any authorised officer's discretion to another nearby area.
5. Mobile traders are only permitted to trade in locations that are agreed by the Licensing Authority.
6. The trader shall always, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business, or which has been deposited on the highway by the customers.
7. The trader shall not deposit fat or other liquid or solid waste onto land or into highway drains.
8. The trader shall not operate in a manner which causes nuisance to the public or other persons in the vicinity. The trader will not be permitted to use loudspeakers, radios, or any amplified sound.
9. No animals shall be present on any stall or vehicle where food and drink is sold.
10. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent.
11. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) No. 852/2004 on the hygiene of foodstuffs and any associated legislation.
12. The trader shall maintain a minimum food hygiene rating score of 3. The hygiene rating must be displayed prominently on the stall or vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council. The consent may be revoked.

13. The trader shall always allow access by any authorised officer or their representatives to ensure that the terms of the consent are being carried out to their satisfaction.
14. The trader shall display the street trading consent, which shall be plainly visible to the public and available for inspection by officers of the Council or Police. In addition, all mobile traders must wear the ID badge issued along with the consent.
15. The trader shall provide insurance to the sum of £2,000,000 to ensure against third party liability claims and to indemnify the Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this consent. The trader shall provide insurance certificate upon application and on demand for inspection by the Council.
16. The trader is not permitted to hold any auction sale.
17. If the consent allows the trader to trade from a specific vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.
18. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.
19. No child under the age of 17 shall be engaged in the trading.
20. The consent is personal to the applicant and is not transferable to any other person, firm or company.
21. No sub-letting of consents is permitted.
22. The trader may not sell, display or wear any article which is offensive either in writing or pictures - this includes assistants working on static vehicle/stall. The authorised officer's decision as to what is offensive is final.
23. The trader shall reimburse all costs incurred by the Council because of any damage caused by the trader's occupation of the approved site.
24. The Council may revoke the consent at any time and will normally give four weeks' notice of revocation unless earlier revocation is appropriate due to a breach of the conditions or public safety reasons.
25. The trader shall maintain the vehicle/stall in good condition, to the satisfaction of the Council. Any vehicle/trailer must be kept in a roadworthy condition, taxed, always insured and MOT'd where relevant.

26. The trader shall remove the vehicle/stall at the end of each day's trading unless otherwise agreed as part of the application process by the Licensing Authority (static trading).
27. Traders who have a consent to trade in any town centre will not be authorised to do so on any designated market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre. The Council will notify the trader of the dates when trading is not permitted.
28. The trader shall not place or display any sign or structures on or adjacent to the highway; this includes street furniture such as tables, chairs, gazebo's etc.
29. The trader shall always ensure that the prices of the goods on sale are clearly and visibly displayed.
30. The Council may at any time vary, substitute, or modify the conditions as shown above, provided a copy is then provided to the consent holder in advance of any change or on renewal of their consent.
31. The consent holder will advise the Council in writing of ANY dealings with the Police within 7 days of any reportable incident.
32. Consent holders shall notify the Council in writing of any changes to their contact details, such as home address, telephone, or email, within 7 days. A fee is applicable for the amendment to the consent record(s).
33. The consent holder must notify the Council in writing within 7 days of any charges, convictions or cautions issued during the consent. Failure to do so may result in revocation and/or the refusal to grant any future applications.
34. If a consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may either be suspended for an indefinite period or revoked. The consent holder may also be prosecuted if offences have taken place.

Additional conditions for mobile street traders (~~Ice cream van traders~~)

1. Must move from position to position, remaining stationary for no more than 15 minutes on any residential street to initially attract customers, and thereafter only long enough to serve customers present. The vehicle must move on as soon as the last customer has been served and if no other customer is clearly awaiting service.
2. Ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to highway users.
3. Ice cream vans must not sound chimes before 12:00hrs (noon) or after 19:00hrs.
4. Ice cream vans should not sound their chimes when in sight of any other ice cream van (whether moving or stationary) which might reasonably be taken to be in the street for trading purposes.
5. Must not trade within 50m radius from any other street trader.
6. Not stop in any 500 metres section of any street more than once in every two hours.

Additional conditions applicable to Markets

1. The consent holder must keep records of each stallholder present at the market, to include where relevant; the stallholder's pitch number, individuals name and address, business name and address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to an authorised officer.
2. The consent holder must ascertain that all other required authorisations have been obtained where necessary for e.g. food business registration, licence issued under the Licensing Act 2003 and hold records there of.

DRAFT

APPENDIX II – List of current Prohibited/Consent Streets

Prohibited Streets

These are streets where street trading is prohibited and an application for street trading consent/licence will be refused.

Trunk Roads

- A41
- A405 - between A41 and Watford Borough boundary.
- A405 - that part which lies between the roundabout at Long Lane and the A412 Denham Way.
- A405 – that part of the road which lies within the Three Rivers District at Garston.

Principal Roads

All of the following roads which lie within the Three Rivers District:-

- A412
- A404
- A4145
- A4008
- A4125

Abbots Langley

- High Street
- Langley Road
- Adrian Road
- School Mead
- Abbots Road
- The Crescent
- St Lawrence Close
- Chequers Lane
- Langleybury Lane to 200m from A41
- College Road
- High Elms Lane
- Bucknalls Lane from its junction with the A405 to Tudor Manor Gardens

Bedmond

- Bedmond High Street
- Station Road Lower Road
- Primrose Hill

Carpenders Park

- Delta Gain
- Carpenders Avenue

Chorleywood

- Station Approach
- Link roads between A404 and North Hill
- Heronsgate Road
- Whitelands Avenue
- Croxley Green The Green.

At the Regulatory Services Committee of 6th December 2017 it was agreed that trading be prohibited with 50m of any School Boundary unless written permission is ascertained from the Head Teacher.

CONSENT STREETS

Any other street within the District of Three Rivers not designated as a Prohibited Street subject to meeting the application criteria specified in the Policy.

[Note: LICENCE STREETS – currently none]

Survey Responses

07 July 2023 - 20 August 2023

Street Trading Policy Consultation

Have Your Say Three Rivers

Project: Street Trading Policy Consultation



VISITORS					
18					
CONTRIBUTORS			RESPONSES		
5			5		
5	0	0	5	0	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login: [REDACTED]

Email: [REDACTED]
[REDACTED]

Responded At: Jul 24, 2023 10:18:24 am

Last Seen: Jul 24, 2023 09:13:59 am

IP Address: 81.144.145.30

Q1. Please provide your comments on the review of our Street Trading Policy 2022-2025

This covers the key points Trading Standards would be interested in. It appears proportionate and relevant.

Q2. Please provide your full name [REDACTED]

Q3. Please provide your full address including postcode

[REDACTED]



Respondent No: 2

Login: [REDACTED]

[REDACTED]

Email: [REDACTED]

[REDACTED]

Responded At: Aug 09, 2023 16:19:07 pm

Last Seen: Aug 09, 2023 15:07:17 pm

IP Address: 78.148.133.46

Q1. Please provide your comments on the review of our Street Trading Policy 2022-2025

It is pleasing to see TRDC have taken on board the Parish Council's comments that the requirement for a street trading consent in the context of community and charitable events is wholly disproportionate, given the additional administrative burden placed on organisers (including volunteers) and particularly where a charge is levied against a background of no obvious harm being created by such events to address/ remedy. The Parish Council, in particular, welcomes the addition of paragraph 2.3.2 to the policy which will mean, if it is adopted, that events like Village Day, as well as school fetes and events provided by charitable and community organisations, such as Chorleywood Community Initiatives' Christmas Festival, will be the exempt from the requirement to apply for a street trading consent going forward.

Q2. Please provide your full name

[REDACTED]

Q3. Please provide your full address including postcode

[REDACTED]



Respondent No: 3

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 10, 2023 09:44:32 am

Last Seen: Aug 10, 2023 08:39:12 am

IP Address: 165.120.90.60

Q1. Please provide your comments on the review of our Street Trading Policy 2022-2025

We are pleased to see the inclusion of paragraph 2.3.2 which would mean events like the Chorleywood Community Initiatives' Christmas Festival which we organise (as volunteers) not-for-profit and for the benefit of the community will be the exempt from the requirement to apply for a street trading consent if the policy is adopted.

Q2. Please provide your full name

[REDACTED]

Q3. Please provide your full address including postcode

[REDACTED]



Respondent No: 4

Login: [REDACTED]

Email: [REDACTED]
[REDACTED]

Responded At: Aug 17, 2023 00:40:49 am

Last Seen: Aug 15, 2023 15:03:39 pm

IP Address: 87.242.179.238

Q1. Please provide your comments on the review of our Street Trading Policy 2022-2025

- Comprehensive document. The restructure of some sections is good, easier to find specific points - Good Points regarding the value of street markets - Simplification of renewal process for street markets welcomed: 1) removal of need for DBS Check in paperwork required 2) no requirement for consultation if street market performing well with no adverse comments. Given this, the renewal fee could be reduced. - One typo in para 1.6. It refers to para 3.3 for exemptions, should be 2.3

Q2. Please provide your full name

[REDACTED]

Q3. Please provide your full address including postcode

[REDACTED]



Respondent No: 5

Login: [REDACTED]

Email: [REDACTED]

Responded At: Aug 18, 2023 10:25:33 am

Last Seen: Aug 18, 2023 09:05:31 am

IP Address: 81.107.217.244

Q1. Please provide your comments on the review of our Street Trading Policy 2022-2025

-The proposed revised Street Trading Policy is a vast improvement on the previous. -Both documents demonstrate the difficulty in legislating for both charity/community and purely commercial traders/events within a single policy. It would be great if they could be differentiated further. -The difference between Street Trading Consent and Street Trading License is not clear (at least not to me). -Typo: Exceptions as mentioned in 1.6 should be directed to 2.3, rather than 3.3. -"Activities which take place within the boundaries of school premises are exempt". But no mention of churches/religious sites? - The TRDC web page for Street Trading says: " You do not need a consent to hold a charity or community event if the following apply: traders are invited to trade by the event organisers the money raised by individual stalls/traders is donated to charity" I cannot see that these important notes are mentioned with the proposed policy document? - I was only made aware of this review and the opportunity to comment when I contacted Licensing. Is there a mechanism for involvement? Are we able to register an interest? Thank you.

Q2. Please provide your full name [REDACTED]

Q3. Please provide your full address including postcode
[REDACTED]

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- A41
- A405 between A41 and Watford Borough boundary.
- A405 - that part which lies between the roundabout at Long Lane and the A412 Denham Way.
- A405 - that part of the road which lies within the Three Rivers District at Garston.

Principal Roads

All of the following roads which lie within the Three Rivers District:-

- A412
- A404
- A4145
- A4008
- A4125

South Oxhey:

- Prestwick Road (only between the junction of Hayling Road and junction with Oxhey Drive)
- Fairfield Avenue
- St Andrews Way
- Tom Lake Way
- Bridlington Road
- Station Approach

All other roads apart from those listed above are considered as Consent Streets whereby a Street Trading Consent will be required to trade within the District.

In the avoidance of doubt 'a highway is **any public or private road or other public way on land**. It is used for major roads, but also includes other public roads and public tracks'.

For clarification - a street includes a street, highway or other area (e.g. carpark, park, green, pavement) to which the public have access without payment and as such any land adjacent to the street including adjacent verges.

Trading is prohibited within 50m of any school boundary unless written permission is ascertained from the Head Teacher and made available to the Licensing department.

Notice of Intention to designate streets within THREE RIVERS DISTRICT COUNCIL

Notice is hereby given that **THREE RIVERS DISTRICT COUNCIL** (“the Council”) gives notice in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous provisions) Act 1982 that it intends on 6 December 2023, to pass a resolution to amend the Council’s designation of streets made on 10 July 2007 in order to designate the below streets as **prohibited streets** for the purpose of street trading (subject to consideration or representations received by the date specified below).

As from the 6 December 2023 the Council’s designation of streets is amended to vary the list of prohibited streets in the District of Three Rivers to include the below intended schedule of streets.

Trunk Roads

- A41
- A405 between A41 and Watford Borough boundary.
- A405 - that part which lies between the roundabout at Long Lane and the A412 Denham Way.
- A405 - that part of the road which lies within the Three Rivers District at Garston.
-

Principal Roads

All of the following roads which lie within the Three Rivers District:-

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- A404
- A4145
- A4008
- A4125
-

South Oxhey:

- Prestwick Road (only between the junction of Hayling Road and junction with Oxhey Drive)
- Fairfield Avenue
- St Andrews Way
- Tom Lake Way
- Bridlington Road
- Station Approach

A copy of this notice will be available for viewing at Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL.

Any representation in relation to this notice must be made within 28 days of the date (by midnight on **12 January 2024**) in writing to: The Lead Licensing Officer, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL or by e-mail to licensing.team@threerivers.gov.uk.

Dated: 15 December 2023

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**Notice of agreed resolution to designate streets within
THREE RIVERS DISTRICT COUNCIL**

Notice is hereby given that **THREE RIVERS DISTRICT COUNCIL** ("the Council") gives notice in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous provisions) Act 1982 that it has **passed a resolution** to amend the Council's designation of streets made on 10 July 2007 in order to designate the below streets as **prohibited streets** for the purpose of street trading (subject to consideration or representations received by the date specified below).

As from the 6 December 2023 the Council's designation of streets is amended to vary the list of prohibited streets in the District of Three Rivers to include the below intended schedule of streets.

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- St Andrews Way
- Tom Lake Way
- Bridlington Road
- Station Approach

A copy of this notice will be available for viewing at Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL and online at www.threerivers.gov.uk.

Dated: XX February 2024

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PART I – DELEGATED

6. REGULATORY SERVICES COMMITTEE WORK PROGRAMME (CED)

1. Summary

1.1 To consider and make necessary changes to the Committee's work programme.

2. Details

2.1 The work programme is presented at each meeting of the Committee to enable necessary changes to be made by the Committee and to provide Members with updated information on future meetings. The appendix to this report details the Committee's work programme to date.

3. Financial, Legal, Staffing and Environmental Implications

3.1 None.

4. Recommendation

4.1 That the Committee considers and makes any necessary changes to its work programme.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Background Papers

None.

APPENDIX

Regulatory Services Committee's Work Programme

APPENDIX

REGULATORY SERVICES COMMITTEE – WORK PROGRAMME

Date	Items to be considered
Date to be confirmed	Request to Review of Hackney Carriage Fare
Date to be confirmed	Review of Polling Stations (takes place every 4 years, reviewed 2019)