

REGULATORY SERVICES COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Wednesday, 10 June 2026 at 7.30 pm at Penn Chamber, Three Rivers House, Rickmansworth.

Members of the Regulatory Services Committee:-

Councillors:

Harry Davies (Chair)
Anaika Chopra
Stephen Cox
Keith Martin
Debbie Morris

Raj Khiroya (Vice-Chair)
Ciaran Reed
Andrew Scarth
Narinder Sian

Joanne Wagstaffe, Chief Executive
Tuesday, 2 June 2026

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 5 - 8)

To confirm, as a correct record, the minutes of the Regulatory Services Committee, held on 3 December 2025, and for them to be signed by the Chair.

3. NOTICE OF URGENT BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their 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

(Pages 9 - 78)

In line with council policy, officers are required to review the Street Trading Policy ("the Policy") every 3 years and make changes where necessary. The current Policy was first adopted in February 2024 along with a schedule of new fees

and changes to the list of prohibited / consent streets. It was subsequently reviewed with minor amendments in July 2024.

This report provides a review of the Policy with minor amendments suggested.

No changes are proposed to the 'List of current prohibited / consent streets'.

Recommendation

That members of the committee agree to Option 1: *to agree to the changes and adopt the amended Policy.*

a) to agree the amendments to the Policy namely:

Section 2.3.2 to include "Activities which take place on Council owned land* (including land owned by a district, parish or borough whereby written consent has been obtained in writing from the relevant Council) including but not limited to:

- Council parks and green / open public spaces such as Commons along with their associated car parks

*This exemption excludes highway land which is maintainable at public expense.

b) Authorise officers to adopt the amended Policy.

6. WORK PROGRAMME

(Pages 79 - 80)

To note the Committee's work programme.

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

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.

The meeting may be livestreamed and an audio recording of the meeting will be made.

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Three Rivers House
Northway
Rickmansworth
Herts WD3 1RL

Regulatory Services Committee MINUTES

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on
Wednesday, 3 December 2025 from 7.30 pm - 8.05 pm.**

Present: Councillors

Harry Davies (Chair), Andrea Fraser, Ciaran Reed, Andrew Scarth, Narinder Sian, Anne Winter

Officers in Attendance:

Matthew Roberts, Development Management Team Leader
Lorna Curtis, Lead Licensing Officer
Nargis Sultan, Deputy Chief Legal Officer & Deputy Monitoring Officer
Anita Hibbs, Committee Officer

RG36/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Debbie Morris, Stephen Cox, Raj Khiroya.

RG37/25 MINUTES

The minutes of the Regulatory Services Committee held on 11 June 2025 were confirmed as a correct record and signed by the Chair of the meeting.

RG38/25 NOTICE OF URGENT BUSINESS

There was no other business.

RG39/25 DECLARATIONS OF INTEREST

There were no declarations of interest.

RG40/25 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2022

The Development Management Team Leader introduced the report and provided a brief update.

Key topics include the use of CCTV cameras inside taxis for safety purposes, which is currently optional but may become mandatory in the future. Advertising on vehicles is allowed but restricted to company-related advertising and requires Council approval.

The conversation addressed licensing fees, noting they are relatively high compared to other areas due to inclusive costs like knowledge tests, with potential future reviews discussed in light of the local government reorganisation (LGR).

The knowledge test content is under review to reflect satellite navigation technology and emphasise understanding of the highway code and policies.

Safeguarding measures for drivers transporting vulnerable groups, including annual safeguarding tests were confirmed by officers.

The discussion also covered vehicle age limits, particularly for wheelchair accessible taxis, with concerns about losing accessible vehicles as age limits tighten.

Taxi ranks and their locations were also discussed, highlighting the importance of encouraging taxi usage and driver recruitment, with considerations about funding and placement of additional ranks.

The Committee also discussed reporting procedures for concerns involving adults, suggesting improvements such as displaying emergency contact numbers on driver badges for quicker access.

Councillor Ciaran Reed proposed an amendment to table 19. of the policy; to move the two offences titled 'Slavery, abduction, false imprisonment etc.', 'Any offence that can be categorised as domestic violence' into the 'Serious violence' offence category.

Councillor Harry Davies moved Option 2 of the recommendation as set out in the report with the amendment *to move the offences titled 'Slavery, abduction, false imprisonment etc.', and 'Any offence that can be categorised as domestic violence' into the 'Serious violence' offence category.*

On being put to the Committee, the motion was declared CARRIED by the Chair, the voting being by general assent.

RESOLVED:

Recommendation

That members of the Committee:

- Agree to make minor revisions to the revised Policy and recommend that Full Council adopt the revised Policy (Option 2)
- That public access to the report be immediate.

RG41/25 WORK PROGRAMME

The Committee reviewed the work programme, discussing the timing of reviews, suggesting a review every three years, with possible interim updates, including the Hackney Carriage and Private Hire Policy to be reviewed again in Summer 2026 - given the possible implications to hackney carriage trade and pending government changes to legislation. They also considered the inclusion of street trading policies in upcoming reviews, noting recent adoptions and minor changes. The conversation also touched on budget shares and the need to assess funding allocations over the next few years.

The Committee noted the work programme.

RG42/25 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

None

RG43/25 EXCLUSION OF PRESS AND PUBLIC

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REVIEW OF STREET TRADING POLICY 10/06/26

REGULATORY SERVICES COMMITTEE
10 JUNE 2026

PART I

REVIEW OF STREET TRADING POLICY
(DoF)

1 Summary

- 1.1 In line with council policy, officers are required to review the Street Trading Policy ("the Policy") every 3 years and make changes where necessary. The current Policy was first adopted in February 2024 along with a schedule of new fees and changes to the list of prohibited / consent streets. It was subsequently reviewed with minor amendments in July 2024.
- 1.2 This report provides a review of the Policy with minor amendments suggested.
- 1.3 No changes are proposed to the 'List of current prohibited / consent streets'.

2 Recommendation

- 2.1 That members of the committee agree to Option 1: *to agree to the changes and adopt the amended Policy.*

a) to agree the amendments to the Policy namely:

Section 2.3.2 to include "Activities which take place on Council owned land* (including land owned by a district, parish or borough whereby written consent has been obtained in writing from the relevant Council) including but not limited to:

- Council parks and green / open public spaces such as Commons along with their associated carparks

*This exemption excludes highway land which is maintainable at public expense.

b) Authorise officers to adopt the amended Policy.

3 Details

- 3.1 In line with council policy, officers are required to review the Street Trading Policy ("the Policy") every 3 years and make changes where necessary. The current Policy was first adopted in February 2024 along with a schedule of new fees and changes to the list of prohibited / consent streets (see Appendix II of the Policy attached at **Appendix 1**), the latter of which was approved via a resolution, as required by legislation. More recent minor amendments were made to the Policy in July 2024 to enable applicants the ability to obtain an individual street trading consent and for markets to be established by a local authority (i.e. parish) in their area, via the Food Act 1984. Since the changes to the Policy, various parishes have established their own markets.
- 3.2 Historically the Council resolved to apply Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 meaning it could manage street trading by

designating streets as 'consent streets', 'licence streets' or 'prohibited streets'. The Council can, at any time, pass another resolution to not apply Schedule 4.

- 3.3 Since the initial adoption of the Policy and subsequent amendments, officers have attempted to strike a balance between regulating street trading and facilitating its benefits to local communities, acknowledging that in some cases the process can be seen as overly bureaucratic.
- 3.4 Street trading is defined as the selling or exposing or offering for sale of any article in a street, which can include any road, footway or other area for example a public or business park or green to which the public have access without payment.
- 3.5 There are two current types of streets in Three Rivers:
- 1) **Consent street** – enables trading from a street, subject to obtaining consent from the Council
 - 2) **Prohibited street** – a street which is prohibited from street trading (offence if takes place)
- 3.6 A 'Licensed Street' could also exist, which is a street considered appropriate for a formalised market, but where there is strict control. There are no licensed streets in Three Rivers.
- 3.7 The Policy covers:
- static street traders are those who trade from a single fixed location
 - 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.
- 3.8 At previous committee meetings it was agreed to:
- Add a significant list of exemptions for markets/events whereby they take place on Council land (including all green spaces, car parks etc), school premises, community/charity based events whereby the primary aim of the profits go towards a community initiative or charity, activities from within the curtilage of a dwellinghouse or private land;
 - Include a new range of fees such as an annual consent fee; renewal of annual consent fee; occasional/seasonal consent (lasts for 30 days at specified location); 'one off' market/event consent and 'one off individual street trading consent';
 - Removing the requirement for a basic disclosure and replacing with a self-declaration form;
 - Reviewing all consent, licence and designated streets – making all streets within the District consent streets other than classified / major roads.
- 3.9 The above changes were incorporated into the first adopted version of the Policy.
- 3.10 Overall, the Policy is considered to work well. Nevertheless, as part of the on-going review officers consider that a further exemption is appropriate (see paragraph 2.3.2 of the amended Policy - see **Appendix 2**). This exemption

would mean that applicants would no longer need to apply for a street trading consent if it is related to land owned by a council (including district/borough and parish), subject to their written consent. This would not however include land on a highway maintainable at public expense (those roads maintained by Hertfordshire County Council). This exemption is considered appropriate on the basis that sufficient suitability checks would be undertaken by the relevant local authority in securing their initial written consent which would therefore overcome the need to submit similar information to Three Rivers.

- 3.11 No other material changes are considered at the current time, other than to update section 2.3.2 as highlighted above.
- 3.12 No changes are required to the 'List of current prohibited / consent streets' at this time.
- 3.13 If members were to make suggested changes to the list of current prohibited / consent streets, a separate public consultation would be required whereby a resolution would later need to be adopted by the council.
- 3.14 Given the extent of changes made to the Policy it is not considered that a public consultation would be necessary. Nevertheless, if members were to propose additional changes, a different view might be taken. In the past, officers have consulted for a minimum of 6 weeks.
- 3.15 If no changes other than those set out by officers were to take place, the members could therefore adopt the amended Policy immediately following the Regulatory Services Committee.

4 Options and Reasons for Recommendations

4.1 Option 1: to agree to the changes and adopt the amended Policy.

a) to agree the amendments to the Policy namely:

Section 2.3.2 to include "Activities which take place on Council owned land* (including land owned by a district, parish or borough whereby written consent has been obtained in writing from the relevant Council) including but not limited to:

- Council parks and green / open public spaces such as Commons along with their associated car parks

*This exemption excludes highway land which is maintainable at public expense.

b) Authorise officers to adopt the amended Policy.

4.2 Option 2: to agree to changes as set out at Option 1 but subject to 6-week consultation

a) To agree the amendments to the Policy

b) Commence a 6-week public consultation exercise on the revised Policy

- c) Following the expiry of the public consultation that details of the consultation responses and any amendments to the Policy following the consultation will be presented to a future Regulatory Services Committee for agreement; or
- d) In the event there are no amendments or responses from the public consultation which materially impact the revised Policy as consulted on, that the Head of Regulatory Services in conjunction with the Chair of the Regulatory Services Committee makes minor changes to the Policy, if required, and then for the revised Policy to be formally adopted by Full Council on 24 February 2026.

4.3 Option 3: to agree to changes as set out at Option 1 as well as other changes requested by members of the committee, subject to agreement as to whether a public consultation would be necessary. If no public consultation is necessary, to adopt the amended Policy including the requested changes.

4.4 Option 4: Decide not to agree amendments to the Policy.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets. It is not considered that the changes requested would materially affect the budget.

6 Financial Implications

6.1 There are specific fees for Street Trading Consents. A further exemption may reduce income received. To be monitored though budget monitoring.

7 Legal Implications

7.1 No specific implications identified.

8 Sustainability and Climate Assessment

8.1 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	3.00
Ecology	0
Adaptation	0
Engagement and Influence	3

Total Overall Average Score	1.9
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9 Equal Opportunities Implications

9.1 An EQIA is not required for the report.

10 Impact Assessment

10.1 The proposed changes would not result in any detrimental impacts towards any protected group.

11 Community Safety Implications

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

12 Public Health implications

12.1 None specific.

13 Customer Services Centre Implications

13.1 CSC staff will be made aware prior to the Policy being adopted.

13.2 The Customer Service Centre will be advised of any public consultation and to sign post customers to our website, 'Have your say' function.

14 Communications and Website Implications

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

14.2 The council's Digital Team will be made aware of any Policy consultation (if necessary) and will assist in utilising the 'Have your say' function on the website.

15 Risk and Health & Safety Implications

15.1 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.

15.2 The subject of this report is covered by the Regulatory Services 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)
Option 1: to agree to the changes and adopt the amended Policy. Amended policy is adopted and further exemptions apply which result in public safety concerns.	Concern expressed about further exemptions; public safety concerns.	Ensure policy is clearly publicised; ensure written consent process in place with other Councils on exempted land; review any complaints received regarding exempted events.	Treat	4
Option 2: to agree to changes as set out at Option 1 but subject to 6 week consultation. Amended policy is not adopted resulting in delays to implementation and continued uncertainty for event organisers.	Continued requirements for event organisers; uncertainty for event organisers	Ensure existing Policy is clearly publicised and enforced accordingly.	Tolerate	2-4
Option 3: to agree to changes as set out at Option 1 as well as other changes requested by members of the committee, subject to agreement as to whether a public consultation would be necessary. If no public consultation is necessary, to adopt the amended Policy including the requested changes.	Continued requirements for event organisers; 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)	Tolerate	2-4

Option 4: <i>Decide not to agree amendments to the Policy.</i>	Uncertainty for event organisers; complaints regarding excessive administrative tasks	Officers to advise against this Option but if it is agreed, that members be made aware of complaints from event organisers.	Tolerate	2-4
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- 15.3 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)
 2 (Significant)
 1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))
 3 (Likely (21-79%))
 2 (Unlikely (6-20%))
 1 (Remote (≤5%))

- 15.4 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.

Report prepared by: Lorna Curtis, Lead Licensing Officer and Matthew Roberts, DM Team Leader

Data Quality

Data sources:

Data checked by: Matthew Roberts Team Leader, Development Manager

Data rating:

1	Poor	
2	Sufficient	
3	High	X

Background Papers

APPENDICES / ATTACHMENTS

Appendix 1: Street Trading Policy 2024

Appendix 2: Street Trading Policy (amended, tracked changes)

Appendix 3: Sustainability and Climate Assessment

Three Rivers District Council

Street Trading Policy

Adopted: 12 February 2024

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

Table of contents

Section	Contents	Page
	Definitions	3
1	Introduction	4
2	What is Street Trading	5
3	Key principles	7
4	Guidance for applicants	9
5	Application process	13
6	Criteria used to determine application	16
7	Decision	18
8	Display of consent/badge	18
9	Changes to consent	18
10	Transfer of consent	19
11	Return of consent	19
12	Conditions	19
13	Enforcement and revocation	19
14	Fees	20
15	Review of policy	21
Appendices		
Appendix I	Standard conditions	22
Appendix II	List of current prohibited/consent streets	25

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.

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). Please see 2.3.3 for further information.
 - 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 (only with written consent from the relevant Council). This includes;
 - i. Council parks and green / open public spaces such as Commons along with their associated carparks
 - ii. Council carparks

- Activities which take place within the boundaries of school and church premises (as arranged by or part of an event arranged by the school/church)
- Activities by a resident which take place within the curtilage of their own residential property
- Buskers
- Non-commercial events organised by charity or community organisations where the proceeds from traders are wholly donated to charity or for use to benefit a community organisation. These may include community fetes/carnivals

2.3.3 Markets: The legal definition of a market is “a concourse of buyers and sellers”, with five or more trading positions. Trading positions can mean stalls, stands, vehicles, or pitches. If you wish to hold a market or an event with five or more commercial traders, then there are two options for you to consider:

- a) Each trader will be required to obtain an individual street trading consent from Three Rivers District Council Licensing Authority, or
- b) Alternatively, markets can be established by a local authority in their area under section 50(1) of the Food Act 1984 as opposed to the street trading legislation. Markets established under this section do not require street trading consent. You may contact the local Parish/Community Council for the area in which you wish to hold the market. They may be able to grant a market operator licence to you as the market authority. Three Rivers District Council would have no further dealing with the event/market in respect of traders, other than anything falling under other legislation for example the Licensing Act 2003. Please be aware that any event defined as a market that is to take place within 6 2/3 miles of Watford Charter Market, will also require consent from Watford Borough Council. If the Parish/Community Council are not able to assist, then you will need to follow option (a).

2.4 Types of street trading activities that will 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.

2.4.2 Street trading activities that would require consent are:

- Commercial traders selling goods e.g. food, beverages, arts and crafts, jewellery, clothing, household goods etc.
- Mobile traders such as ice-cream vans

Please note that this list is not exhaustive, therefore you must contact the Licensing Authority if you are unsure.

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 either 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

2.5.2 Occasional/seasonal street trading consent

- This consent is issued for a period of up to 30 consecutive days
- This consent is for static trading only
- This consent cannot be renewed

2.5.3 One-off street trading consent

- The consent may be issued for up to a maximum of 4 consecutive days
- This consent is for static trading only
- This consent cannot be renewed

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 to be considered 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 proposed to be 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 will 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 following in respect of 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 a 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 when 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.
- 4.1.3 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.
- 4.1.4 If the proposed pitch is on privately owned 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.
- 4.1.5 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.
- 4.1.6 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.
- 4.1.7 The Licensing Authority can 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 vehicle/trailer 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 vehicle/trailer 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 vehicle/trailer 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/trailer 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 of traders working in vehicle/stall

- 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.

If applying for an annual trading consent you must include their names on an application form. Evidence of their right to work must also be submitted.

- 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 the Planning Department, as well as the Highways Authority if to be placed on a pavement/highway. Any unauthorised advertising will be removed.

4.5.2 Advertising on any 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 their refuse and must not use Council, highway, or other waste bins. The consent holder has a duty of care to dispose of their 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 Traders will be allowed 30-minute preparation time prior to the start of their trading hours to set up their trading stall 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 Traders that will serve hot food or hot drinks at any time between 23:00hrs and 05:00hrs the following day or that will sell alcohol will also require a licence issued 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;

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 vans 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 outside curtilage of any school, as measured from the school boundary or entrances onto a highway, in which street traders are not allowed to trade.
- 4.9.3 The restriction will only be in place during term time, and on school days.
- 4.9.4 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 Ice cream van traders are required to adhere to the 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 L_{Amax} 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 timely 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 including 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, vehicle/trailer 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 vehicle/trailer that will be used for the street trading activity. 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 for applicant, relating to criminal convictions
- g) Evidence of right to reside/work in the UK for the applicant
- h) Full name and colour photo of any employees that will be working in the stall/vehicle, including evidence of right to work (*annual consent - mobile traders and individual static 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 training certificate(s) (*food related trading only*)
 - k) Evidence of registration of the food business with the appropriate local authority and current food hygiene rating (*food related trading only*)
 - l) V5 logbook, MOT certificate and vehicle insurance certificate (*this is only required if trading from vehicle*)
 - m) Copy of driving licence of applicant (*this is only required if trading from vehicle*)
 - n) Evidence of having a suitable contract/method for waste disposal where applicable
 - o) Consent to use the proposed trading location from the land/property owner (if privately owned land)
 - 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 reject any incomplete or invalid applications if a period of 1 month has passed without the application being validated, and 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 departments (including Environmental Control, food business registration, and Health 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 and 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

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;

6.1.1 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.

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

- 6.1.3 The Council will reserve the right to request a basic disclosure check from any applicant/employee 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 in compliance with all relevant legislation, for example legislation relating to food hygiene, health and safety, sale of alcohol etc.

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 refuse 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, the consent may be revoked with immediate effect.
- 13.7 A consent may be revoked for any breaches of the consent conditions, offences under 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/services/licensing/licensing-fees>

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.

Version Control:

Date	Action	Version	Adopted
8 March 2022	Policy agreed at Regulatory Services Committee	1	15 March 2022
6 December 2023	Adoption of Policy (including resolution to amend Designation of Streets)	2	12 February 2024
9 July 2024	Amendments to Policy removing ability to apply for blanket consents – delegated authority	3	9 July 2024

APPENDIX I - Standard conditions of street trading consents

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 outside 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 temporarily 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 are 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 whilst trading, 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 minimum 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 Licensing Authority.
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 Licensing Authority.
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.
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 Licensing authority 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 Licensing Authority in writing of ANY dealings with the Police within 7 days of any reportable incident.
32. Consent holders shall notify the Licensing Authority 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 Licensing Authority 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

1. Mobile traders 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. Mobile traders must 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. Mobile traders must not trade within 50m radius from any other street trader.
6. Mobile traders must not stop in any 500 metres section of any street more than once in every two hours.

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 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

- **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.

Three Rivers District Council

Street Trading Policy

Adopted: ~~12 February 2024 TBC~~
Regulatory Services Committee: ~~14th June 2023 & 6th December 2023~~ TBC



Table of contents

Section	Contents	Page
	Definitions	3
1	Introduction	4
2	What is Street Trading	5
3	Key principles	7
4	Guidance for applicants	9
5	Application process	13
6	Criteria used to determine application	16
7	Decision	18
8	Display of consent/badge	18
9	Changes to consent	18
10	Transfer of consent	19
11	Return of consent	19
12	Conditions	19
13	Enforcement and revocation	19
14	Fees	20
15	Review of policy	21
Appendices		
Appendix I	Standard conditions	22
Appendix II	List of current prohibited/consent streets	25

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.

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). Please see 2.3.3 for further information.
 - 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 owned land* (~~including land owned by any other district, and parish or including borough whereby Council(s) owned land (only with written consent has been obtained in writing from the relevant Council or borough).~~ This includes including but not limited to:

- i. Council parks and green / open public spaces such as Commons along with their associated car parks

~~Council car parks~~

*This exemption excludes highway land which is maintainable at public expense.

~~ii.~~

- Activities which take place within the boundaries of school and church premises (as arranged by or part of an event arranged by the school/church)
- Activities by a resident which take place within the curtilage of their own residential property
- Buskers
- Non-commercial events organised by charity or community organisations where the proceeds from traders are wholly donated to charity or for use to benefit a community organisation. These may include community fetes/carnivals

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2.3.3 Markets: The legal definition of a market is “a concourse of buyers and sellers”, with five or more trading positions. Trading positions can mean stalls, stands, vehicles, or pitches. If you wish to hold a market or an event with five or more commercial traders, then there are two options for you to consider:

- a) Each trader will be required to obtain an individual street trading consent from Three Rivers District Council Licensing Authority, or
- b) Alternatively, markets can be established by a local authority in their area under section 50(1) of the Food Act 1984 as opposed to the street trading legislation. Markets established under this section do not require street trading consent. You may contact the local Parish/Community Council for the area in which you wish to hold the market. They may be able to grant a market operator licence to you as the market authority. Three Rivers District Council would have no further dealing with the event/market in respect of traders, other than anything falling under other legislation for example the Licensing Act 2003. Please be aware that any event defined as a market that is to take place within 6 2/3 miles of Watford Charter Market, will also require consent from Watford Borough Council. If the Parish/Community Council are not able to assist, then you will need to follow option (a).

2.4 Types of street trading activities that will 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.

2.4.2 Street trading activities that would require consent are:

- Commercial traders selling goods e.g. food, beverages, arts and crafts, jewellery, clothing, household goods etc.
- Mobile traders such as ice-cream vans

Please note that this list is not exhaustive, therefore you must contact the Licensing Authority if you are unsure.

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 either 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

2.5.2 Occasional/seasonal street trading consent

- This consent is issued for a period of up to 30 consecutive days [\(following each other continuously\)](#)
- This consent is for static trading only
- This consent cannot be renewed

2.5.3 One-off street trading consent

- The consent may be issued for up to a maximum of 4 consecutive days [\(following each other continuously\)](#)
- This consent is for static trading only
- This consent cannot be renewed

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 to be considered 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 proposed to be 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 will 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 following in respect of 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 a 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 when 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.

4.1.3 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.

4.1.4 If the proposed pitch is on privately owned 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.

4.1.5 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.

4.1.6 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.

4.1.7 The Licensing Authority can 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 vehicle/trailer 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 vehicle/trailer 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 vehicle/trailer 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/trailer 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 of traders working in vehicle/stall**

- 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.

If applying for an annual trading consent you must include their names on an application form. Evidence of their right to work must also be submitted.

- 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 the Planning Department, as well as the Highways Authority if to be placed on a pavement/highway. Any unauthorised advertising will be removed.
- 4.5.2 Advertising on any 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 their refuse and must not use Council, highway, or other waste bins. The consent holder has a duty of care to dispose of their 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 Traders will be allowed 30-minute preparation time prior to the start of their trading hours to set up their trading stall 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 Traders that will serve hot food or hot drinks at any time between 23:00hrs and 05:00hrs the following day or that will sell alcohol will also require a licence issued 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 vans 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 outside curtilage of any school, as measured from the school boundary or entrances onto a highway, in which street traders are not allowed to trade.

4.9.3 The restriction will only be in place during term time, and on school days.

4.9.4 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 Ice cream van traders are required to adhere to the 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 timely 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 including 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, vehicle/trailer 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 vehicle/trailer that will be used for the street trading activity. 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 for applicant, relating to criminal convictions

- g) Evidence of right to reside/work in the UK for the applicant
 - h) Full name and colour photo of any employees that will be working in the stall/vehicle, including evidence of right to work (*annual consent - mobile traders and individual static 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 training certificate(s) (*food related trading only*)
 - k) Evidence of registration of the food business with the appropriate local authority and current food hygiene rating (*food related trading only*)
 - l) V5 logbook, MOT certificate and vehicle insurance certificate (*this is only required if trading from vehicle*)
 - m) Copy of driving licence of applicant (*this is only required if trading from vehicle*)
 - n) Evidence of having a suitable contract/method for waste disposal where applicable
 - o) Consent to use the proposed trading location from the land/property owner (if privately owned land)
 - 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 reject any incomplete or invalid applications if a period of 1 month has passed without the application being validated, and 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 departments (including Environmental Control, food business registration, and Health 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 and 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

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;

6.1.1 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.

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

6.1.3 The Council will reserve the right to request a basic disclosure check from any applicant/employee 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 in compliance with all relevant legislation, for example legislation relating to food hygiene, health and safety, sale of alcohol etc.

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 refuse 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/eqcl-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, the consent may be revoked with immediate effect.
- 13.7 A consent may be revoked for any breaches of the consent conditions, offences under 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/services/licensing/licensing-fees>

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.

Version Control:

Date	Action	Version	Adopted
8 March 2022	Policy agreed at Regulatory Services Committee	1	15 March 2022
6 December 2023	Adoption of Policy (including resolution to amend Designation of Streets)	2	12 February 2024
9 July 2024	Amendments to Policy removing ability to apply for blanket consents – delegated authority	3	9 July 2024
<u>June 2026</u>	<u>Minor amendments to Policy.</u>	<u>4</u>	<u>tbc</u>

APPENDIX I - Standard conditions of street trading consents

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 outside 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 temporarily 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 are 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 whilst trading, 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 minimum 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 Licensing Authority.
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 Licensing Authority.
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.
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 Licensing authority 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 Licensing Authority in writing of ANY dealings with the Police within 7 days of any reportable incident.
32. Consent holders shall notify the Licensing Authority 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 Licensing Authority 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

1. Mobile traders 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. Mobile traders must 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. Mobile traders must not trade within 50m radius from any other street trader.
6. Mobile traders must not stop in any 500 metres section of any street more than once in every two hours.

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 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

- **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.

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TRDC Climate and Sustainability Impact Assessment

This toolkit is a self-assessment to help officers think about how their policies, project commissioning and services can align with Three Rivers' Climate Emergency and Sustainability supports report authors to draft the environmental implications section on decision reports.

How to use the tool

The self-assessment is intended to help officers reflect critically on their project or service. It is a reflective tool, not a framework for approving or rejecting a decision, so it will work best if considered honestly and carefully.

We envision this tool will be used early in the design of a project/policy/procurement to identify where environmental harms can be mitigated, and environmental benefits enhanced. If you agree, discuss with your Head of Service, and contact the Climate and Sustainability Team. Once you are happy that your proposal is optimised, then complete this form, and add it to your decision report (committee/synopsis report) where applicable.

The next tab presents a set of questions about the proposal on a range of sustainability issues, each colour-coded to indicate its environmental impact as below:

Colour code	Recommendation
Dark green (4)	Strong positive impacts for sustainability. Recommendation to proceed.
Light green (3)	Some positive impact for sustainability. Recommendation to proceed with caution.
Yellow (2)	Some negative impacts sustainability. Recommendation to revise proposal.
Red (1)	Considerable inconsistency with the council's sustainability objectives. Recommendation to reject proposal.
Grey (0)	Neutral or not applicable. Recommendation to consider how best to proceed.

Once you've selected your answer in the "Impact" column (C), then give the relevant score. Higher scores indicate more sustainable proposals.

These questions should be considered for services, goods and projects we procure directly. Delivery models, specifications and tender evaluation should be shaped to be aligned with our sustainability and net-zero commitments.

Against each area, the assessment presents prompts to highlight best practice suggestions of how negative impacts could be lessened on a project.

This assessment was inspired by Jim Cunningham at Hammersmith and Fulham Council
Version Date

1

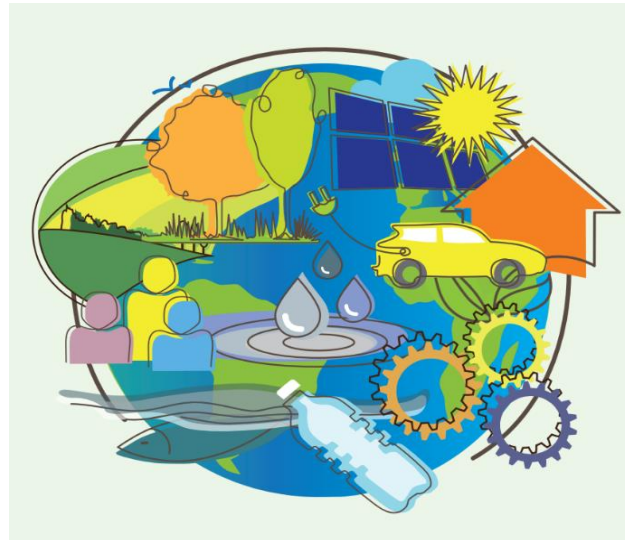
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ts, procurements,
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to identify areas where
would like advice, please
if necessary.
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**THREE RIVERS
DISTRICT COUNCIL**

proceed as is with this aspect.

ther enhance this aspect where possible and proceed.

ew these aspects and find mitigations where possible.

ectives. Strong recommendation to review these aspects and find mitigations.

enefits could be achieved in this area, but otherwise proceed.

score in the "Score" column (E).

as well as those we deliver
ensure our contractors are

estions and enable consideration

am Council and developed by officers of Three Rivers Distrcit Council.

TRDC Climate and Sustainability Impact Assessment

Score / Colour Code	Impact and Recommendation
Dark green (4)	Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.
Light green (3)	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.
Yellow (2)	Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.
Red (1)	Considerable inconsistency with the council's sustainability objectives. Strong recommendation to review these aspects and find mitigations.
Grey (0)	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.

Guidance for use
Please answer all questions from the drop-down options in the 'impact' column (C), including 'not applicable' as needed.

Please email your completed copy of the form to
Joanna.Hewitson@threerivers.gov.uk.

Key to the colour coding of answers is given at the top of the page.

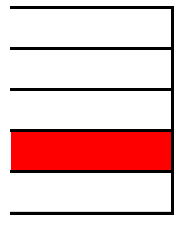
Name of project/policy/procurement and date		Street Trading Policy June 2026
Brief description (1-2 sentences):	Policy already existing but changes would seek a further exemption reducing the need for a consent application to the council. This would assist in reducing the number of applications made to the council. The change could increase the number of events across the district, although the levels are expected to be low.	

Homes, buildings, infrastructure, equipment and energy						Ways to optimise sustainability and work towards net zero carbon:	
Question	Impact (select from list)	Score (-1 to 4)	Justification or mitigation	Impact (select from list)	Revised Score (1-4)		
1 What effect will this project have on overall energy use (electricity or other fuels) e.g. in buildings, appliances or machinery?	Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	0	Trading confirmed to external spaces	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3		
2 What effect will this project have on the direct use of fossil fuels such as gas, petrol, diesel, oil?	Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.	2	Some stalls/street trading vans would require generators. Most ice cream vans are diesel engines / policy seeks Euro 6 emissions.	Some possible negative impacts for sustainability. Recommendation to review these aspects and find	2		
3 Does this project further maximise the use of existing building space? E.g. co-locating services; bringing under-used space into use; using buildings out-of-hours	Considerable inconsistency with the council's sustainability objectives. Strong recommendation to review these aspects and	0	Trading confirmed to external spaces	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
4 Will any new building constructed or refurbished be highly energy efficient in use? (e.g. high levels of insulation, low energy demand per sq. m., no servicing with fossil fuels such as gas heating, EPC	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3	Trading confirmed to external spaces	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
5 Does this make use of sustainable materials / inputs in your project? E.g. re-used or recycled construction materials; timber in place of concrete	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	0	Trading confirmed to external spaces	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
6 Does this use more sustainable processes in the creation of the project? E.g. modular and off-site construction; use of electrical plant instead of petrol/diesel.	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	Trading confirmed to external spaces	Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
7 Will this increase the supply of renewable energy? e.g. installing solar panels; switching to a renewable energy tariff	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	Trading confirmed to external spaces	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
8 Do any appliances or electrical equipment to be used have high energy efficiency ratings?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	This would be subject to each specific stall holder or mobile street trader.	Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
Average Score		2.50			2.50		
Travel						Ways to optimise sustainability and work towards net zero carbon:	
Question	Impact	Score (0-4)	Justification or mitigation	Impact (select from list)	Revised Score (0-4)		
9 Reducing travel: what effect will this project have on overall vehicle use?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Local events will likely draw on the local population who could walk. Some car usage.	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3		
10 Will this project use petrol or diesel vehicles or EV, hybrid?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	2	Individual mobile street traders may use diesel vehicles	Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	2		
11 Will this support people to use active or low-carbon transport? E.g. cycling, walking, switching to electric transport	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Local events will likely draw on the local population so it may encourage walking.	Sustainability. Recommendation to further enhance this aspect where possible and proceed.	3		
12 Will it be easily accessible for all by foot, bike, or public transport, including for disabled people?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	Depends on the event.	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
13 Has the project taken steps to reduce traffic? Using e-cargo bikes; timing activities or deliveries to be outside peak congestion times	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
Average Score		2.67			2.67		
Goods and Consumption							Ways to optimise sustainability and work towards net zero carbon: - Design waste, including food waste, out of business models e.g. separating (and composting) food waste; replacing single-use items with reusable items. - Use contact points with residents, community groups and businesses to engage and enable them to adopt low-waste, low-carbon behaviours.
Question	Impact	Score (0-4)	Justification or mitigation	Impact (select from list)	Revised Score (0-4)		
14 Has this project considered ways to reuse existing goods and materials to the greatest extent possible, before acquiring newly manufactured ones?	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3	Policy seeks to reduce the carbon footprint by considering the impact of the proposed operation on the local environment, such as power supply, waste disposal etc.	Some positive impact for sustainability. Recommendation to further enhance this aspect where	3		
15 Does it reduce reliance on buying newly manufactured goods? E.g. repair and re-use; sharing and lending goods between services or people; leasing or product-as-a-service rather than ownership	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Some events are likely to have sustainably sourced produce.	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3		
16 Does it use products and resources that are re-used, recycled, or renewable?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
17 Does it enable others to make sustainable choices within their lifestyles, or engage people about this?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
18 Is there a plan to reduce waste sent to landfill in manufacture?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Policy seeks to reduce the carbon footprint by considering the impact of the proposed operation on the local environment, such as power supply, waste disposal etc.	Some positive impact for sustainability. Recommendation to further enhance this aspect where	3		
19 Is the material used able to be re-used, re-purposed, or recycled at end of its life?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Consideration given within Policy	Some positive impact for sustainability. Recommendation to further enhance this aspect where	3		
20 Has it taken steps to ensure any food it offers is more sustainable? E.g. less and high-quality (high welfare) meat and dairy; minimises food waste; seasonal produce; locally sourced.	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	3	Policy does state that preference given to those who are residents in the local area offering local products.	Some positive impact for sustainability. Recommendation to further enhance this aspect where	3		
Average Score		3.00			3.00		
Ecology						Ways to optimise sustainability and work towards net zero carbon:	
Question	Impact	Score (0-4)	Justification or mitigation	Impact (select from list)	Revised Score (0-4)		
21 What effect does this project have on total area of non-amenity green/blue space? (Amenity green space = playing fields, play areas, sporting lakes etc. Non-amenity= e.g. woodland, grassland, wetland,	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	Some open/green space would be used which may have an impact on its condition.	Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
22 Does the project create more habitat for nature? E.g. native plants, trees, and flowers	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
23 Does it make changes to existing habitats and have a negative impact on nature? E.g. use of pesticides, reduced extent and variety of plants, planting non-native species	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
24 Does it help people understand the value of biodiversity, and encourage residents to support it in their private and community spaces?	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
Average Score		0			0		
Adaptation							Ways to optimise sustainability and work towards net zero carbon:
Question	Impact	Score (0-4)	Justification or mitigation	Impact (select from list)	Revised Score (0-4)		
25 Does any planned project, construction or building use include measures to conserve water?	Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
26 Does anythe project , consider how to sustainably protect people from extreme weather?	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
27 Has any planned building work or infrastructure considered how to mitigate flood risk? E.g. Sustainable Drainage Systems (SuDS); de-paving areas; green roofs	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	0	n/a	Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
28 Does any planned infrastructure or building work increase the overall footprint of hard surfacing? (as opposed to green or permeable surfacing)	Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
29 Has the project considered its own resilience to future extreme heat, flood risk, or water shortage?	Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	0	n/a	Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
Average Score		0.0			0.00		
Engagement and Influence						Ways to optimise sustainability and work towards net zero carbon: - Vehicles to be Euro 6 on application - to align with future Tax Policy	
Question	Impact	Score (0-4)	Justification or mitigation	Impact (select from list)	Revised Score (0-4)		
30 Does this project raise awareness and understanding of the climate and ecological emergency, and the steps that people can take?	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3	Policy seeks higher vehicle standards for mobile traders (Euro 6) and consideration into waste disposal and energy use.	Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3		
Average Score		3			3		
Total Overall Average Score		1.86			1.9		

Now assessment is complete copy and paste box into your business case, committee report, (under environmental implications 6). Whole assessment can be an appendix. Procurement tenders are expected to submit complete report with application.

Climate and Sustainability Impact Assessment Summary	
Homes, buildings, infrastructure, equipment and energy	2.50
Travel	2.67
Goods and Consumption	3.00
Ecology	0.00
Adaptation	0.00
Engagement and Influence	3
Total Overall Average Score	1.9

List 1		List 2	List 3
Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.	4	No	No
Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3	To some extent	N/A
Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	2	N/A	
Considerable inconsistency with the council's sustainability objectives. Strong recommendation to review these aspects and find mitigations.	-1		
Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0	Yes	Yes
Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	0		
Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.	4		
Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	3		
Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	2		
Considerable inconsistency with the council's sustainability objectives. Strong recommendation to review these aspects and find mitigations.	-1		
Ok -		Strong positive impacts for sustainability. Recommendation to proceed as is with this aspect.	
Light green (3)		Some positive impact for sustainability. Recommendation to further enhance this aspect where possible and proceed.	
Yellow (2)		Some possible negative impacts for sustainability. Recommendation to review these aspects and find mitigations where possible.	
Red (1)		Considerable inconsistency with the council's sustainability objectives. Strong recommendation to review these aspects and find mitigations.	
Grey (0)		Neutral or not applicable. Recommendation to consider how benefits could be achieved in this area, but otherwise proceed.	



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REGULATORY SERVICES COMMITTEE WORK PROGRAMME

No.	Item to be considered	Date of Next Meeting	Purpose of the Report	How the work will be done	Responsible Officer	Outcome Expected
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1.	Street Trading Policy	10 June 2026	Review	Written report	Lead Licensing Officer/Licensing Team Leader	To consider any recommendations
2.	Review of Hackney Carriage and Private Hire Policy 2025	7 October 2026	Review	Written report	Lead Licensing Officer/Licensing Team Leader	To consider any recommendations

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