

THREE RIVERS DISTRICT COUNCIL

STREET TRADING POLICY 2022



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Definitions:

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

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

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

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

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

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

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

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

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

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

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

1 Introduction

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

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

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

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

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

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

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

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

2 Guidance for applicants

2.1 Different types of street trading activities

Street trading includes, but is not limited to:

2.1.1 Static Trading

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

2.1.2 Mobile Trading (including ice cream traders)

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

2.1.3 Buskers

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

2.1.4 Markets/Fetes/Carnivals/Special events

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

2.1.5 Selling a vehicle on the street

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

2.2 Choosing a trading location/pitch

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

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

2.3 **Site Assessment**

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

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

2.4 Trading from a vehicle/trailer

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

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

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

2.5 Employees

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

2.6 Goods for Sale

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

2.7 Advertising

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

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

2.8 Waste

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

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

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

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

2.9 Opening/Trading hours

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

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

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

2.10 Street trading and the Licensing Act 2003

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

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

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

2.11 Ice Cream Van Chimes guidance

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

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

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

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

2.12 Trading Near to a School

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

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

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

3. Application and determination process for new applications

3.1 Types of consent/licence issued

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

3.2 Duration of consents/licences

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

3.3 Submitting an application

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

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

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

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

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

5 Criteria used to determine the Application

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

5.1 Suitability of Applicant:

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

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

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

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

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

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

5.1.4 An applicant who has been found to have been trading in the District without a valid consent/licence at any time will be prohibited from applying for a consent/licence for a period of 12 months from the date that he was found to be trading without a consent/licence

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

5.2 **Nature of goods:**

5.2.1 The type of goods proposed to be sold will be taken into consideration.

5.2.2 The consent/licence holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

5.3 **Public Safety:**

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

5.4 **Public Order:**

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

5.5 **Avoidance of Nuisance:**

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

5.6 **Character of the Area:**

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

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

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

5.7 Compliance with legal requirements:

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

5.8 Consultees' Observations:

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

6 Issue of Consents & Licences

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

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

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

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

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

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

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

7 Appeal Process

7.1 Determination by Regulatory Services Committee

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

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

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

7.2 Further Rights of Appeal

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

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

- 8.1 Individual static traders shall at all times, whilst trading, prominently display the consent/licence issued by the Council.
- 8.2 Mobile traders will be issued with an ID badge which must be worn by the consent/licence holder whilst trading. A consent/licence summary will also be issued for the authorised vehicle, which must be displayed in a prominent location visible to customers all times whilst trading.
- 8.3 Traders at events shall at all times prominently display on their stall the consent/licence provided to them by the organiser of the event.
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9 Consent/Licence renewal process

- 9.1 Applications for renewal will only be considered for standard consents/licences issued for 12 months. Whilst the application form and required supporting documents remain the same, the consultation process may be waived (see 9.4)
- 9.2 The application form must be downloaded from the Council's website and, once completed, emailed to the Licensing team along with ALL required supporting documents as listed on the application and as follows:
- a) Where the proposed street trading activity is from a fixed position, a plan showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site
 - b) Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc. that will be used for the street trading activity. (digital images can be emailed to licensing.team@threerivers.gov.uk)
 - c) One passport size photograph of the applicant; as well as one of any employee working in stall/vehicle (static trader/mobile trader, not including market events where organiser is consent/licence holder)

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

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

9.3 Applications for renewal of a consent/licence will normally be granted, provided that no substantiated complaints have been received regarding;

- the manner in which the consent/licence holder has conducted their business; or
- the consent holder's conduct; and
- where no relevant objections have previously been received

9.4 All renewal applications must be submitted a minimum of 4 weeks prior to the expiry of the current licence to allow for the processing of the application. Generally no further consultation will be necessary when dealing with a renewal application, however, the Council reserves the right to consult where there are, or have been, concerns raised in the previous consent/licence period.

9.5 The responsibility for ensuring renewal of consent/licence rests solely with the consent/licence holder, the Council will not send out reminders.

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

10 Street trading during events

10.1 Overview

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

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

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

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

10.2 Non-commercial events - community and charity events:

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

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

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

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

10.3 Commercial events - special events and non-established markets

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

The event organiser:

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

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

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

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

13 Conditions

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

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

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

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

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

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

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

APPENDIX I – Street trading consent/licence - Standard Conditions

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

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

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

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

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

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

Additional conditions applicable to Markets

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

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

Prohibited Streets

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

Trunk Roads

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

Principal Roads

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

- A412
- A404
- A4145
- A4008
- A4125

Abbots Langley

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

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

Bedmond

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

Carpenders Park

- Delta Gain
- Carpenders Avenue

Chorleywood

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

Croxley Green

- The Green.

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

CONSENT STREETS

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

[Note: LICENCE STREETS – currently none]

APPENDIX III - Guidance on suitability of applicants

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

a. Violence

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

b. Dishonesty

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

c. Drug related

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

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

d. Sexual and indecency

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

e. Public Order

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

f. Food safety or health and safety

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

g. Any offence resulting in a sentence of imprisonment

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

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

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

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

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