

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Thursday 25 July 2019, at **10.00am**.

Membership: Councillors C Gifford, Illingworth and Redford.

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for Little Red Trailer Co. Ltd, 10 Crimsote Square, Hatton Park, Warwickshire, CV31 1RB**

To consider a report from Health & Community Protection

(Pages 1 to 28)


Published Monday, 15 July 2019

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officer named in the report.
Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

 Licensing & Regulatory Panel 25 July 2019		Agenda Item No. 3
Title	Application for a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 for Little Red Trailer Co.Ltd, 10 Crimscote Square, Hatton Park, Warwickshire, CV31 1RB	
For further information about this report please contact	Tayyibah Daud, Licensing Enforcement Officer. Health and Community Protection. Tayyibah.daud@warwickdc.gov.uk Tel: 01926 456738	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	10.07.2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Members are asked to consider an application for a street trading consent for the sale of food from a static food unit. The applicant has applied for an annual consent for trading to take place, outside of permitted hours, on Fridays, Saturdays and Sundays.

2. **Recommendation**

- 2.1 That the panel decide whether to accept the application and issue the street trading consent or refuse the application.

3. **Reasons for the Recommendation**

- 3.1 Anyone who exposes goods for sale within the District needs a street trading consent issued by the Council.
- 3.2 On receiving the application Officers refer to the current Street Trading Policy.
- 3.3 The current Policy permits trading between the hours of 08:00 and 18:00.
- 3.4 Mr Sangha has applied for a street trading consent in order to sell hot food. The consent, if granted will permit him to trade from a fixed pitch at Crimscote Square, Hatton Park, Warwickshire CV31 1RB. A copy of the application form is attached as Appendix 1.
- 3.5 The hours applied for are shown in the table below:

	Trading hours
Friday	15:00 to 22:00
Saturday	09:00 to 22:00
Sunday	09:00 to 22:00

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes,	Green, Clean, Safe	Infrastructure,

Communities		Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels

Impacts of Proposal		
The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.	None	The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

- 4.2 Street trading can provide people with a flexible way of working and helps to meet the demands of the public where and when that demand arises. Warwick District Council recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the district, some of whom are unable to travel to centralised shopping centres.

- 4.3 The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully.
- 4.4 **Supporting Strategies**
- Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.
- 4.5 **Impact Assessments**
- The impact assessments for this have been considered as part of the policy setting
5. **Budgetary Framework**
- 5.1 There is no statutory right of appeal in respect of a refusal of a street trading consent.
6. **Risks**
- 6.1 There is no statutory right of appeal in respect of a refusal of a street trading consent, other than by means of a judicial review of the administrative action in reaching the decision.
7. **Option(s) available to the Panel**
- 7.1 Mr Sangha's application is accepted and he is permitted to trade for the hours requested.
- 7.2 Mr Sangha's application is accepted but he is restricted to trading within the standard 08:00 to 18:00 hours.
- 7.3 Mr Sangha's application is accepted subject to conditions agreed by the Panel, if they deem these to be reasonable necessary.
- 7.4 Mr Sangha's application is refused.
8. **Background**
- 8.1 Mr Sangha submitted an application for an annual street trading consent on 18th June 2019. The proposed dates for which Mr Sangha wishes to supply hot food have also been provided. This is attached as Appendix 1. Alongside his application Mr Sangha has included supporting documents which are attached as Appendix 2.
- 8.2 Mr Sangha was informed by the Licensing Team that in accordance with the current scheme of delegation Officers would be unable to determine the application due to the request for extended operating hours
- Photographs of where the proposed food trailer will be located are attached as Appendix 3.

List of conditions attached to any static street trading consent issued are attached as Appendix 4.

A copy of the Warwick District Council's street trading policy is attached as Appendix 5.

- 8.3 A copy of the application was sent to Warwickshire Police and Warwickshire Highways and Environmental Health, who have not made any representations.
- 8.4 The Street Trading Policy states that *"In considering applications for the grant of a street trading consent the following factors should be considered:*
- a) Public Safety*
Whether the proposed activity represents or could present a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions.
 - b) Public Order*
Whether the proposed activity presents or could present a risk to public order.
 - c) The Avoidance of Public Nuisance*
Whether the proposed activity presents or could present a risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - d) Local Area Needs*
Consideration will be given to the character of the area (eg conservation area)"
- 8.5 The Street Trading Policy also states that *"The Council generally will only permit street trading between 06:00 and 18:00. Any trading outside these hours will have to be approved by the Licensing and Regulatory Committee. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate."*



WARWICK DISTRICT COUNCIL

APPLICATION FOR A STREET TRADING CONSENT

18 JUN 2019

WDC

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Data protection: We will use the information supplied by you and/or obtained on your behalf for the purpose of licensing and enforcement. This information may be used internally and shared with other bodies administering public funds to prevent and detect crime and fraud and to apprehend offenders. Information held about you will not be released to other third parties unless it is shown that they are entitled to the information by law.

**THIS FORM WILL BE RETURNED IF YOU HAVE NOT COMPLETED ALL OF
THE QUESTIONS IN FULL**

Name of consent holder M.R.S. SANGHA / LITTLE R60 TRAILER CO. LTDAddress of consent holder [REDACTED]LEAMINGTON SPAContact Tel No.: [REDACTED]Date of birth: [REDACTED] National Insurance Number: [REDACTED]

Have you ever been refused a street trading consent in this, or any other area?

(Answer Yes or No) NO If yes, Which Area: [REDACTED]What items do you intend to sell: PIZZAS, FISH & CHIPS, BURGERS,Where do you intend to sell them? (Where is your pitch?) HATTON PARK

State the days and times you wish to trade

Monday	_____ to _____	Tuesday	_____ to _____
Wednesday	_____ to _____	Thursday	_____ to _____
Friday	<u>15.00</u> to <u>22.00</u>	Saturday	<u>09.00</u> to <u>22.00</u>
Sunday	<u>09.00</u> to <u>22.00</u>		

Vehicle registration number (if trading from a vehicle) [REDACTED]If selling food, are you registered with Environmental Health? YES (Answer Yes or No)

(If No, please request a registration form)

(If Yes) Which Local Authority are you registered with? WDCIf selling food, what food hygiene qualification do you hold? LEVEL 2Name of Business/Vehicle owner: MISS P. DHILLONAddress of Business/Vehicle owner: [REDACTED]WARWICKSHIREContact Tel No.: [REDACTED]Date of Birth: [REDACTED] National Insurance Number: [REDACTED]Signature: [REDACTED] Date: 11/6/19Print Name: PARVIA DHILLON

It is an offence to make a false declaration on this form


Continued overleaf

Declaration and Signature

Please tick ✓

I understand that this application will be considered by the Licensing Team, Warwick District Council and that if granted, I shall comply with any lawful condition under which the Street Trading Consent is granted.	✓
I have enclosed a current passport style photograph of myself.	✓
I have enclosed a current Basic DBS Certificate (not more than 1 month old)	✓
I, as the consent holder, will be in regular attendance at the trading site together with a duly authorised assistant (if applicable).	✓
I have attached completed details forms for each additional employee/assistant.	✓

I declare that all the information given is true to the best of my knowledge. If any information is subsequently found to be untrue or incomplete, any consent granted may be suspended pending a full investigation of the matter.

Signature of applicant	Date
	11/6/19

You must submit the following with the application

Where the proposed street activity is from a **fixed position**:

- A completed and signed Street Trading Consent Application Form.
- The full fee as appropriate.
- A recent Basic Disclosure Certificate (DBS) for the applicant (not more than 1 month old)
- A copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- A photograph of the proposed site.
- Three colour photographs of the stall, van, barrow, cart etc that will be used for the street trading activity. (Front, Back and Side views)
- A passport sized photograph of the applicant.
- An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks.
- Permission from the land owner
- Where food will be sold a copy of the Food Hygiene Certificate for the applicant.

Where the proposed street activity is from a **touring vehicle**:

- A completed and signed Street Trading Consent Application Form.
- The full fee as appropriate.
- A recent Basic Disclosure Certificate (DBS) for the applicant (not more than 1 month old).
- A passport sized photograph of the applicant.
- Three colour photographs of the van, barrow, cart etc. that will be used for the street trading activity. (Front, Back and Side views)
- An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks.
- An original copy of the V5 for the vehicle.
- An original copy of the certificate of insurance that covers the applicant to drive the vehicle.
- Where food will be sold a copy of the Food Hygiene Certificate for the applicant.

Date	Event	Time	Alcohol?
14/06/19	fish and chip fridays	16.00 - 21.00	
15/6/19	pizzas	16.00 - 21.00	
17/6/19	breakfast club	8.00 - 13.00	
21/6/19	fish and chip fridays	16.00 - 21.00	
22/6/19	pizzas	16.00 - 21.00	
23/6/19	breakfast club	8.00 - 13.00	
28/6/19	fish and chip fridays	16.00 - 21.00	
29/6/19	pizzas	16.00 - 21.00	
30/6/2019	breakfast club	8.00 - 13.00	
5/7/19	fish and chip fridays	16.00 - 21.00	
6/7/2019	pizzas	16.00 - 21.00	
7/7/19	breakfast club	8.00 - 13.00	
12/7/19	fish and chip fridays	16.00 - 21.00	
13/7/19	pizzas	16.00 - 21.00	
14/7/19	breakfast club	8.00 - 13.00	
19/7/19	fish and chip fridays	16.00 - 21.00	
20/7/19	pizzas	16.00 - 21.00	
21/7/19	breakfast club	8.00 - 13.00	
26/7/19	fish and chip fridays	16.00 - 21.00	
27/7/19	pizzas	16.00 - 21.00	
28/7/19	breakfast club	8.00 - 13.00	
2/8/19	fish and chip fridays	16.00 - 21.00	
3/8/19	pizzas	16.00 - 21.00	
4/8/19	breakfast club	8.00 - 13.00	
9/8/19	fish and chip fridays	16.00 - 21.00	
10/8/19	pizzas	16.00 - 21.00	
11/8/2019	breakfast club	8.00 - 13.00	
16/8/19	fish and chip fridays	16.00 - 21.00	
17/8/19	Reggae Festival	16.00 - 21.00	yes
18/8/19	breakfast club	8.00 - 13.00	yes
23/8/19	fish and chip fridays	16.00 - 21.00	
24/8/19	pizzas	16.00 - 21.00	
25/8/19	breakfast club	8.00 - 13.00	
30/8/19	fish and chip fridays	16.00 - 21.00	
31/8/19	pizzas	16.00 - 21.00	
1/9/19	breakfast club	8.00 - 13.00	
6/9/19	fish and chip fridays	16.00 - 21.00	
7/9/19	England vs Bulgaria	16.00 - 21.00	yes
8/9/19	breakfast club	8.00 - 13.00	
10/09/19	England vs Kosovo		yes
13/9/2019	fish and chip fridays	16.00 - 21.00	
14/9/2019	pizzas	16.00 - 21.00	
15/9/2019	breakfast club	8.00 - 13.00	
20/9/2019	fish and chip fridays	16.00 - 21.00	
21/9/2019	pizzas	16.00 - 21.00	
22/9/2019	breakfast club	8.00 - 13.00	
27/9/2019	fish and chip fridays	16.00 - 21.00	
28/9/2019	pizzas	16.00 - 21.00	
4/10/19	fish and chip fridays	16.00 - 21.00	
5/10/19	pizzas	16.00 - 21.00	

11/10/19	England V Kosovo	16.00 - 21.00	yes
12/10/19	pizzas	16.00 - 21.00	
Monday 14/10/19	Bulgaria V England		yes
18/10/19	fish and chip Fridays	16.00 - 21.00	
19/10/19	pizzas	16.00 - 21.00	
23/10/19	fish and chip Fridays	16.00 - 21.00	
26/10/19	pizzas	16.00 - 21.00	
1/11/19	fish and chip Fridays	16.00 - 21.00	
2/11/19	pizzas	16.00 - 21.00	
8/11/19	fish and chip Fridays	16.00 - 21.00	
9/11/19	pizzas	16.00 - 21.00	
15/11/19	fish and chip Fridays	16.00 - 21.00	
16/11/19	pizzas	16.00 - 21.00	
17/11/19	England V Kosovo	18.00 - 22.00	yes
22/11/19	fish and chip Fridays	16.00 - 21.00	
23/11/19	pizzas	16.00 - 21.00	
29/11/19	fish and chip Fridays	16.00 - 21.00	
30/11/19	pizzas	16.00 - 21.00	
6/12/19	fish and chip Fridays	16.00 - 21.00	
7/12/19	pizzas	16.00 - 21.00	
13/12/19	fish and chip Fridays	16.00 - 21.00	
14/12/19	pizzas	16.00 - 21.00	
20/12/19	fish and chip Fridays	16.00 - 21.00	
21/12/19	pizzas	16.00 - 21.00	
27/12/19	fish and chip Fridays	16.00 - 21.00	
28/12/19	pizzas	16.00 - 21.00	



CERTIFICATE OF ACHIEVEMENT

High Speed Training certifies that

Sukhdeep Singh Sangha

has completed

Level 2 Food Hygiene and Safety for Retail

A high quality, interactive training course that ensures food handlers meet the UK/EU standards for Food Hygiene and Safety.

www.highspeedtraining.co.uk

Issued by High Speed Training on : 19/06/2018
Recommended Renewal Date : 18/06/2021

Certificate Number: 2658-1316342-1359027
To verify this certificate visit www.highspeedtraining.co.uk/verify



A handwritten signature in black ink, appearing to read "G. Fowler".

Gary Fowler on behalf of High Speed Training

Our Ref: HOM/RAC/CS
20 May 2019

Mr E Sangha
Hatton Park Village Stores
10 Crimscote Square
Hatton
Warwick
CV35 7TS

Dear Mr Sangha

Consent to use outside area of Crimscote Square and adjoining car park in front of Hatton Park Village Stores (the 'Premises') for hosting community focused events

Thank you for your e-mail requesting our permission to use the outside area of Crimscote Square and adjoining car park in front of your premises being the Hatton Park Village Stores (10 Crimscote Square, Hatton Park, CV35 7TS) for the commercial purpose of hosting community focused events, with the first starting 24th May 2019.

We are pleased to grant our consent in principle subject to:

- a. The neighbours in Crimscote Square having been consulted and have raised no objections to such community hosted events.
- b. You acquiring the appropriate licensing from Warwick District Council to hold such events.
- c. You and any subsequent owners of the Premises indemnifying the Company against any objections whatsoever in the future.

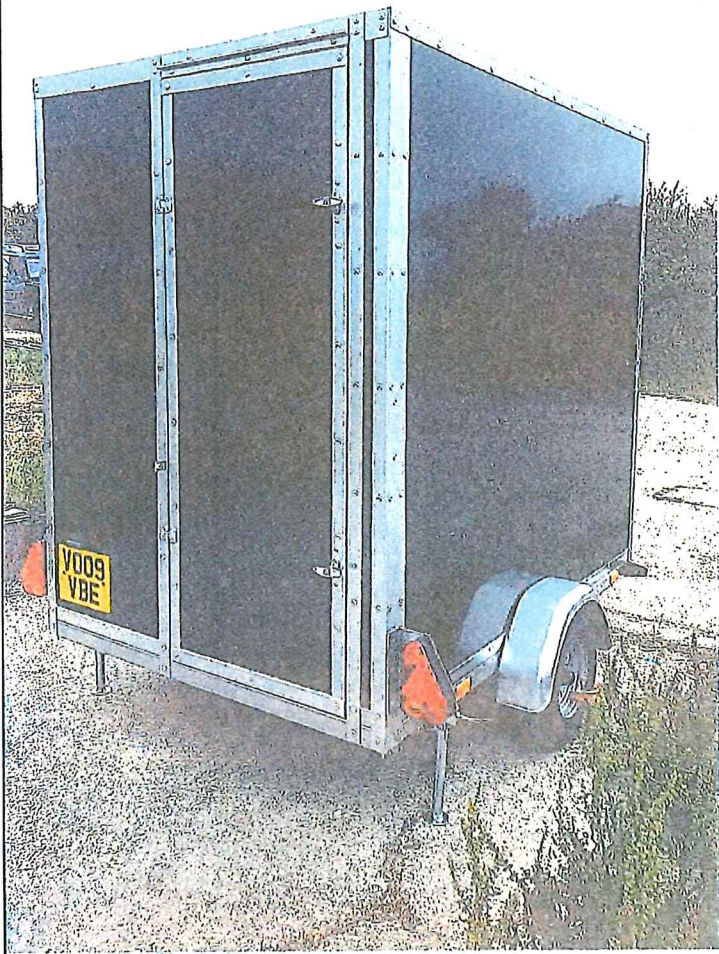
Yours faithfully
for A C LLOYD HOMES LIMITED

R A Clark
Managing Director

from the heart

A.C.Lloyd Homes Ltd
Nicholls House
Homer Close
Tachbrook Park
Warwick CV34 6TT

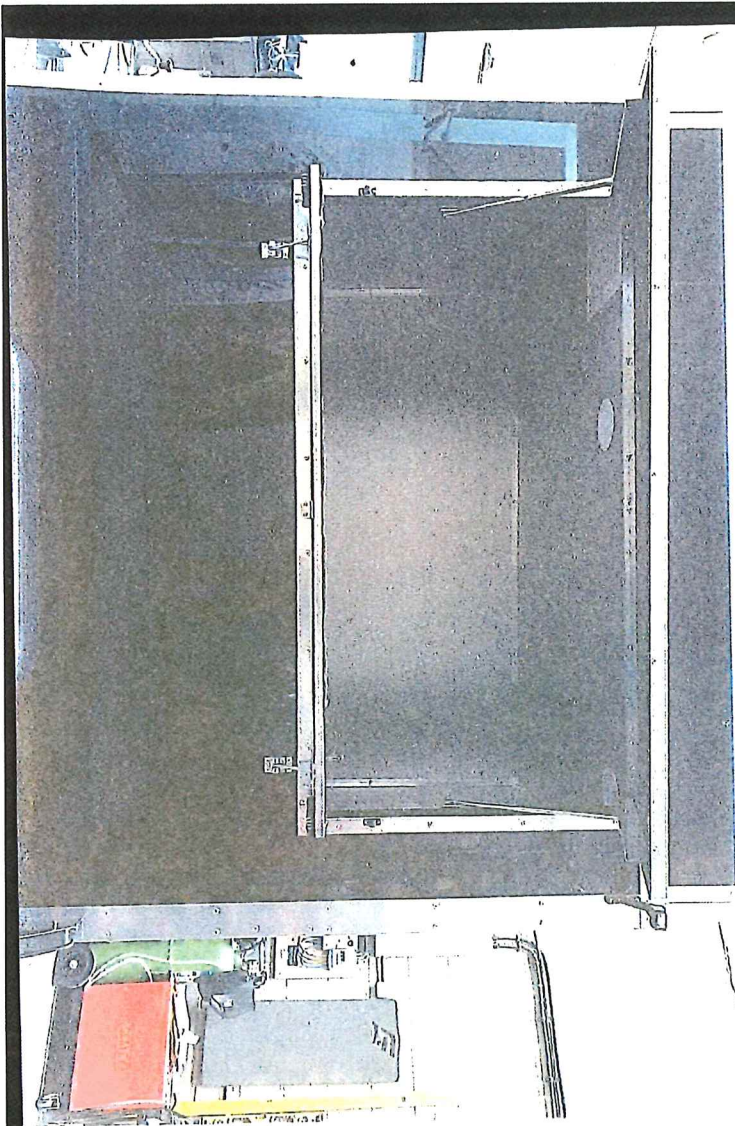
+44 (0)1926 421326
enquiries@aclloyd.com
www.aclloyd.com





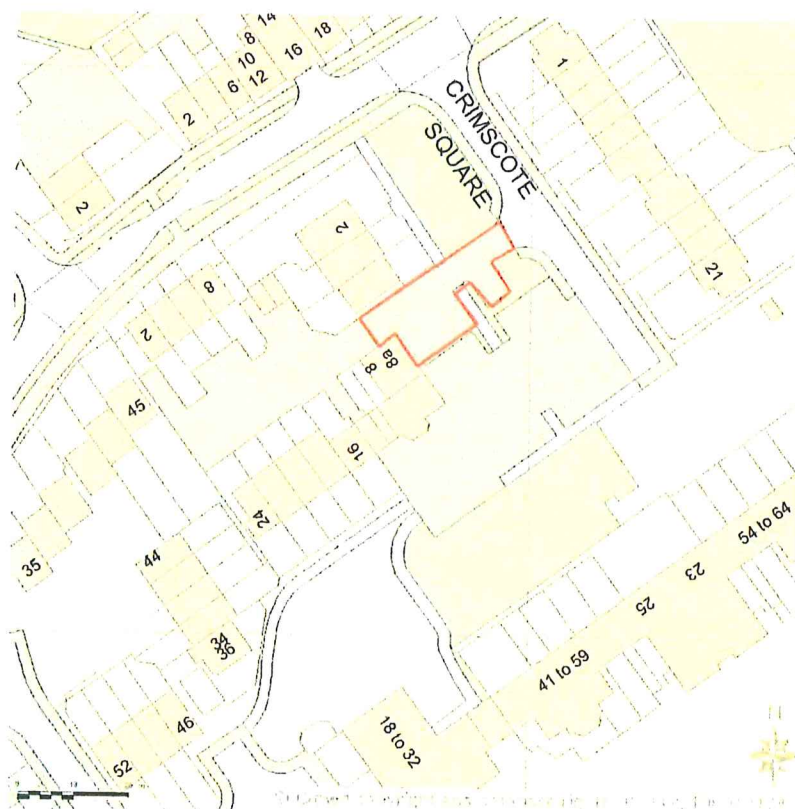








SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 424978, 267139



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
19/03/2019 17:50





General Conditions

Definitions:

Street Trading – the selling or exposing or offering for sale any article (including a living thing) in a street

Street

- a) any road, footway, beach or other area to which the public have access without payment; and
- b) a service area as defined in section 329 of the Highways Act 1980

The Council – Warwick District Council

Authorised Officer – an Officer employed by Warwick District Council and authorised by the Head of Service (Health and Community Protection) in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

Consent Details

1. A copy of the consent must be displayed prominently on the unit at the street trading site.
2. The consent holder shall not sell any type of food, goods or merchandise other than those specified in the consent.
3. The consent holder shall not trade outside the time and days permitted by the consent.
4. The consent holder shall not trade within the consent area other than at the location permitted by the consent.
5. Touring consent holders shall not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time. There is to be no return to any location within 2 hours of previous trading.
6. The consent is personal to the consent holder and shall not be assigned or transferred to another person or company without the appropriate notification of such transfer. (See application for consent transfer.)
7. The consent holder shall produce the consent if required to do so by a police officer or authorised officer at the time.
8. The consent may be revoked by the council at any time for non-compliance with conditions, or surrendered by the consent holder at any time.
9. The Consent Holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site in order to remain in control of trading for the majority of trading hours.
10. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

General Conduct

11. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.
12. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.
13. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

14. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity. Noise from equipment must not be persistently audible in nearby residences.
15. The consent holder shall not trade from a vehicle parked in the lay-by outside the Royal Pump Rooms, the Parade, Leamington Spa, or in the entrance to the park opposite.
16. Applicants who wish to operate within the district **must** obtain a Basic Disclosure Certificate from Disclosure Scotland. A DBS check will have to be completed every year, or more frequently, at the discretion of the Council

Protection of Young People

17. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery or within a designated conservation area. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
18. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

Noise Nuisance

19. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

Visual Appearance

20. Any vehicle/stall/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council. A high standard of presentation and appearance will be expected.

Health & Safety

21. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.
22. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.
23. The consent holder shall at all times maintain a valid third party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.
24. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

Advertisements / Signage

25. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

Waste Management

26. The consent holder shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.
27. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

28. When street trading includes the provision of food, the Food Business Operator (FBO) must ensure that any van/barrow/vehicle or stall is sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests. Any food handler must keep a high degree of personal cleanliness, shall wear suitable protective clothing and have received suitable hygiene training. In addition the FBO shall ensure that:-

- a) appropriate facilities are available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities)
- b) surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable, corrosion-resistant and non toxic materials, unless the food business can satisfy the Authorised Officer that other materials used are appropriate.
- c) adequate provision is to be made for the cleaning and, where necessary, disinfecting, of working utensils and equipment
- d) an adequate supply of hot and/or cold potable water to be available
- e) where foodstuffs are cleaned as part of the business operation, adequate provision is to be made for this to be undertaken hygienically
- f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) are to be available
- g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions are to be available
- h) foodstuffs are to be so placed as to avoid the risk of contamination so far as is reasonably practicable

Furthermore, the consent holder must put in place, implement and maintain a permanent procedure based on the HACCP principles.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.



Warwick District Council

Street Trading Consent Policy Local Government (Miscellaneous Provisions) Act 1982

Introduction and Scope

Warwick District Council recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the district, some of whom are unable to travel to centralised shopping centres. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully. However, issues arise where vendors do not pay due regard to their siting, and create an obstruction in the street, or make it dangerous for people to move around them.

Street trading can also result in unnecessary littering and other nuisance to persons visiting, living or working in the vicinity. For this reason, Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

Warwick District Council has designated **all** streets within its boundaries as "Consent Streets". The effect of this designation is that if you want to sell goods on the street, you are classed as a Street Trader and, subject to legal exemptions, will need to have the appropriate consent. Conditions can be attached to the consent as is considered 'reasonably necessary'. Trading without the required consent is a criminal offence.

What is a Street?

A street means any road, footway, beach, service area as defined in section 329 of the Highways Act 1980 or other area to which the public have access without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include car parks, trading estates, forecourts, open spaces etc. However, the Council takes the view that street trading controls would not normally apply within buildings.

What is Street Trading?

Street trading means selling, exposing or offering for sale any article (including a living thing) in a street. This includes a wide range of retail activities e.g. food, beverages, arts and crafts, jewellery, household goods, clothing etc. It also includes the sale of vehicles from the roadside.

What is not Street Trading

Certain activities are exempted from street trading control by the legislation. These include:

- trading as a pedlar under a pedlar's certificate;
- trading at an established market or fair;
- trading as a news vendor;
- trading at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop;
- trading as a roundsman (i.e. delivering pre-ordered goods to customers);
- trading from a licensed highway area (Tables and Chairs licence);
- trading under a street collection permit

Objectives of the policy

Central to the Council's policy are a number of key objectives which are:

- To prevent public nuisance by taking measures to reduce the risk of nuisance from obstruction, noise, refuse, vermin, fumes and smells.
- To ensure that traders operate within the law and act fairly in their dealings with the public so as not to present a risk to public order.
- To ensure the suitability of the structures used for the sale of goods on the street.
- To permit temporary or occasional street trading, where appropriate.
- To ensure that the process involves opportunities for consultation with relevant agencies.

Purpose

This Policy seeks to ensure that these objectives are achieved in a consistent, fair and proportionate way.

Requirement to Obtain Consent

A person intending to sell items from a street in accordance with the above definitions of "street" and "street trading" will be required to obtain full written consent from the Council to do so, unless they fall within any of the 'Deemed Consent' categories or 'Prohibitions' listed below:

Deemed Consent

The following activities will be deemed to have consent (i.e. it is assumed that an application has been made and granted without the need to actually do so):

- a) A registered keeper displaying a vehicle for sale at the registered address for that vehicle subject to a maximum of two vehicle sales per household per year;

Note 1

No application is required or fee payable for traders who operate with 'Deemed Consent'

Prohibitions

The following will not be issued with street trading consents:

- a) Suitcase salesmen and similar itinerant traders.
- b) The selling of cars and other vehicles in the course of a trade or business.
- c) The sale of live animals.

Applications

In considering applications for the grant or renewal of a street trading consent the following factors will be considered:

- a) Public Safety
Whether the proposed activity represents or could present a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions.
- b) Public Order
Whether the proposed activity presents or could present a risk to public order.
- c) The Avoidance of Public Nuisance
Whether the proposed activity presents or could present a risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
- d) Local Area Needs
Consideration will be given to the character of the area (eg conservation area)

Street Trading Consent Conditions

Upon grant of a street trading consent a street trader will be required to comply with the conditions that are attached to the consent (see Appendix 1). Any breach of the conditions may result in the revocation of the consent.

Under the terms of the legislation, the Council may, at any time vary the conditions of a street trading consent.

Consent Period

Warwick District Council has 3 types of consent.

1. A Daily Consent – for trading with a static pitch for a period not exceeding 72 hours (or 3 consecutive days)
2. An Annual Consent which may be granted for any period not exceeding 12 months
 - a. For static pitches
 - b. For touring traders
3. Multiple Trader/Special Event Consent
 - a. At special events, the council will issue one consent to the person organising the event/market, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.
 - b. We will issue a single consent, which will cover a number of traders for a period not exceeding 72 hours (or 3 consecutive days). The number of traders covered is as follows:
 - Category 1 – Up to 20 traders
 - Category 2 – Between 21 and 49 traders
 - Category 3 – Between 50 and 75 traders
 - Category 4 – Between 76 and 99 traders
 - Category 5 – over 100 traders

Fees

A fee will be charged for processing any application for consent, transfer, variation or the issue of a replacement notice. The scale of charges will be published on the Warwick District Council web site. Fees are broken down into 2 elements, an Application fee and a Licence fee. Where an application is unsuccessful the Licence element of the fee will be refunded.

There are no charges for anyone who falls under the category of 'Deemed Consent'.

Application Process

Applicants for a new (or renewal) Annual street trading consent should give not less than 28 days notice of the application to:- Licensing Team, Health and Community Protection, Riverside House,

Milverton Hill, Royal Leamington Spa, CV32 5HZ. Tel: 01926 456705 or email licensing@warwickdc.gov.uk

Upon receiving a full application and fee the Licensing Team will consult with interested parties for a period of 14 days. If there are no objections raised to the application and the applicant has no convictions it is likely the Regulatory Manager will grant the application.

If objections are received to an application or the applicant has any convictions it is likely that the application will be referred to the Regulatory Committee for a decision to be made. The applicant will be invited to attend a Committee hearing to respond to any objections made.

Applicants for a Daily consent should give not less than 14 days notice of the application to:- Licensing Team, Health and Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ. Tel: 01926 456705 or email licensing@warwickdc.gov.uk

Upon receiving a Daily consent application and fee the Licensing Team will inform interested parties of the application. If all other permits/licences are in place it is likely the Regulatory Manager will grant the application.

Applicants for a Multiple Trader/Special Event consent should give not less than 28 days notice of the application to:- Licensing Team, Health and Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ. Tel: 01926 456705 or email licensing@warwickdc.gov.uk

Upon receiving a Multiple Trader/Special Event consent application and fee the Licensing Team will consult with interested parties for a period of 14 days. If all other permits/licences are in place and there are no objections raised, it is likely the Regulatory Manager will grant the application.

Plan of Location

The applicant shall provide a map showing all streets and public areas in a radius of 0.25 a mile from the proposed location.

The map should be an ordnance survey map or equivalent and will mark clearly the proposed trading site.

If a proposed street trading site is located on private land, including forecourts, satisfactory evidence must be provided to the Council that the permission of the landowner or lessee has been obtained.

Suitability of the Street Trading Unit

The application must be accompanied by 3 colour photographs of the unit to be used.

Full details of any van, barrow, other vehicle or portable stall which the applicant intends to use must be supplied to the Council at the time of making the application. Arrangements shall be made for the van, barrow, other vehicle or portable stall to be inspected by a duly authorised officer prior to the application being considered if requested.

Suitability of the Applicant

The Council will not grant a street trading consent to persons under the age of 17.

All applicants and 'assistants' are required to submit a recent Basic Disclosure Certificate. The certificate must not be more than 4 weeks old at the time of submission. Applicants with previous convictions or cautions are not necessarily debarred from holding a consent unless the authority considers that the conviction renders them unsuitable. In making this decision the Council will consider the nature of the offence and how long it has been since the applicant was convicted.

Each case will be dealt with on its own merits with the overriding consideration being the protection of the public.

Applicants whose street trading activity includes the provision of food in any form, must be in possession of a current CIEH Level 2 Award in Food Safety Certificate, or suitable equivalent.

Consultations

Before a street trading consent is granted or renewed the Licensing Team will consult with the following agencies as considered appropriate:

- Police
- Highways Department
- Environmental Health

The Council shall consider any representation made in writing to the Authority in respect of any application. The applicant will be provided with a copy of any representation received and given an opportunity to comment before a final decision is taken.

Decision to Refuse or Revoke a Licence

If the Council is unable to grant a licence the applicant will be informed of the reason for the refusal within 21 days of the decision being made.

Appeals

There is no statutory right of appeal in respect of refusal or revocation of street trading consent, other than by means of a judicial review of the administrative action in reaching the decision. However, applicants also have recourse to the council's complaints procedure if the applicant considers that a council service has not been properly delivered. Full details are available on request or on the internet at - www.warwickdc.gov.uk

Permitted Trading Hours

The Council generally will only permit street trading between 06:00 and 18:00. Any trading outside these hours will have to be approved by the Regulatory Committee. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.

Market days

Those Consent Street licensees who have consent to trade in the town centres will not be able to do so on Market days on the Parade in Leamington, Market Square in Warwick, Abbey End in Kenilworth or any area designated by the Council from time to time. (Unless they trade as part of the General Market)

General Information on Street Trading Consents

Street Trading Consents will be issued only at the Council Offices. The applicant must attend in person to collect any documentation.

An Equality Impact Assessment on this policy was undertaken on 16/05/2016 and will be reviewed on 16/05/2019.