

## Street Trading Policy Review – Proposed Summary of Changes



Listening Learning Leading



Policy Section	Name of Policy Change	Summary of Policy Change
Glossary	Activities not requiring consent	Additional reference to the Highways Act 1980 added for clarity
Glossary	Single-use plastic	Provide definition and brief explanation in connection with new legislation prohibiting and restricting supply of single-use plastic along with link to guidance.
Glossary	Street	Additional reference to privately owned land as per relevant case law
3.1	Amended review period	There is no statutory review period for this type of policy, so we have clarified that we aim to review the policy every five years.
4.12	Removed grandfather rights section	Not relevant to this policy as relates to a transitional arrangement in 2014
5.4 (e) and (f)	Delegation of functions	Clarify that any applications can be referred to the panel in case of objections or substantiated complaints, not just new applications and not just public objections. Also add the ability for the Head of Service to revoke consents if the site is no longer viable or the consent holder is no longer able to comply with conditions
6.1	Markets	Wording change to provide clarity on the exemption in the legislation
7.1	Community and charity events	Added in a requirement for such events to be notified to the council and clarified that a temporary event notice need only be submitted if required under the Licensing Act 2003
8	Special temporary events	New section - to provide more flexibility for applicants who wish to provide street trading only for a short period of time
9	Multiple site traders	New section - to provide more flexibility to traders who trade at a number of different locations throughout the district
10	Mobile street trading	Clarified that mobile street traders will not generally be subject to the consultation process

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11.1	Consultees	Added in examples of the bodies consulted, which may vary depending on the location and type of trader.
11.2 (b)	Crime and disorder and safeguarding	New section to replace previous section on public order with wider range to ensure protection of the public
11.2 (e)	Written objections or support from local residents or their representatives	Require applicant to display the notice and provide evidence to the Licensing Authority, for greater consistency with other legislation
11.2 (j) 11.3 (l) 11.6 (j) 11.9 (h)	Environmental sustainability	New section given the increasing importance of ensuring minimal impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, sustainable sourcing of food and drink and confirming the single-use plastic ban/restrictions.
11.3(b)	Consultation fee	Change wording from application fee to consultation fee – to clarify the work this fee covers [consent fee which is payable by all applicants is detailed in 11.5 of the proposed policy]
11.3 (c) 11.6 (c) 11.9 (c)	Requirement to provide a basic DBS certificate	Added requirement to provide a basic DBS certificate to ensure applicants are safe and suitable to work as a street trader as they could come into contact with lone children and vulnerable adults
11.3 (d) 11.6 (d) 11.9 (d)	Requirement to provide proof of right to work	Added requirement to provide proof of right to work to ensure applicants are permitted to work in the UK before a consent is issued.
11.3 (e) 11.6 (f)	Landowner permission	Amended to confirm that applications for pitches on highway and mobile street trading consents do not require landowner permission.
11.3 (i) 11.6 (h) 11.9 (g)	Electrical/gas safety certificates	No valid reason to insist certificates should be no older than 28 days as long as within the recommendation from the professional body/competent person.
11.8	Renewal applications	Added in guidance on the time required for council officers to process a renewal application before the consent expires

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11.10	Transfer	Removed information on the transfer of consents as there is no legal provision to do this (mention in Fees section of policy also removed, and conditions in Annexes 1 and 2).
11.11	Sub-letting of trading vehicle/pitch	Added clarification which refers to the condition of the consent that would be breached by sub-letting.
11.12	Determination of applications	Confirm that all decisions are made on the merits of the individual case having regard to the application, relevant policy and guidance, and any objections or concerns received. Some duplication also removed from this section in general.
11.16	Mediation	Clarify that if changes to the application and or/conditions can be agreed with all parties which address any concerns, then a consent may be issued with those amendments.
12.1 and 12.2	Fees	Clarification in respect of what fees cover and that refunds are not payable where consents are surrendered (latter also amended in conditions in Annexes 1 and 2).
13.2	Conditions	Confirm that Annex 1 conditions of the policy would apply to multiple site traders and special temporary consents
Annex 1 (6) and Annex 2 (10)	Added single use plastic ban/restriction legislation and updated food hygiene regulations	Added the law and a link to the guidance – also detailed in glossary under single use plastic and 11.2 (j)
Annex 3	Guidelines on the suitability of applicants	New section – To provide clarity on whether an applicant is suitable to hold a consent which may be informed by the contents of their DBS disclosure or comments received from other sources.

NB Where sections have simply moved or there have been minor changes to wording for clarity, this is not included in the above table as a change. References to the Head of Service have been updated also.