

To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:

Kimberly Soane, Democratic Services Officer
Policy and Governance

E-mail: kimberly.soane@waverley.gov.uk

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 27 November 2020

Membership of the Licensing and Regulatory Committee

Cllr Robert Knowles (Chairman)
Cllr Michael Goodridge (Vice
Chairman)
Cllr Roger Blishen
Cllr Martin D'Arcy
Cllr Jerome Davidson
Cllr Patricia Ellis

Cllr Maxine Gale
Cllr Jerry Hyman
Cllr Anna James
Cllr Jacquie Keen
Cllr Michaela Martin
Cllr Ruth Reed

Substitutes

Cllr Peter Isherwood
Cllr Jenny Else

Cllr Joan Heagin
Cllr John Ward

Members who are unable to attend this meeting must submit apologies by the end of Thursday, 3 December 2020 to enable a substitute to be arranged.

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 10 DECEMBER 2020

TIME: 10.00 AM

PLACE: ZOOM

The Agenda for the meeting is set out below.

The meeting can be viewed remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, via the Council's YouTube page.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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This meeting will be webcast and can be viewed by visiting www.waverley.gov.uk

NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To receive the minutes of the meeting held on 9th November 2020, and published on the Council Website.

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

The deadline for submission of written questions for this meeting is Thursday 3rd December 2020.

5. **QUESTIONS FROM MEMBERS**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for submission of written questions for this meeting is Thursday 3rd December 2020.

6. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

7. **STREET TRADING REVIEW** (Pages 5 - 52)

Purpose

To review feedback from the informal consultation on the street trading review.

To agree revised draft Street Trading Policy (Annexe D), draft notice of public consultation to review the street trading policy (Annexe E), draft notice of

intention to pass a resolution on street trading and the designation of consent and prohibited streets (Annexe F),and draft fees (Annexe G).

Recommendation

The Licensing Committee notes feedback on the informal consultation and agrees the draft Street Trading Policy 2020, the draft notice of public consultation to review the street trading policy, the draft notice of intention to pass a resolution on street trading and the designation of consent and prohibited streets, and draft fees.

8. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

9. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Kimberly Soane, Democratic Services Officer, on 01483 523258 or by
email at kimberly.soane@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

10 DECEMBER 2020

Title:

Street Trading Review

Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services

Head of Service: Richard Homewood, Head of Environmental & Regulatory Services

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 To review feedback from the informal consultation on the street trading review.
- 1.2 To agree revised draft Street Trading Policy (Annexe D), draft notice of public consultation to review the street trading policy (Annexe E), draft notice of intention to pass a resolution on street trading and the designation of consent and prohibited streets (Annexe F), and draft fees (Annexe G).

2. Recommendation

- 2.1 The Licensing Committee notes feedback on the informal consultation and agrees the draft Street Trading Policy 2020, the draft notice of public consultation to review the street trading policy, the draft notice of intention to pass a resolution on street trading and the designation of consent and prohibited streets, and draft fees.

3. Reason for the recommendation

- 3.1 The council has been receiving an increasing number of complaints regarding the impact of street trading activities on local communities. There needs to be a balance struck between the demand for street trading from residents and businesses alike and the impact on the community at large. Extending street trading controls would enable the council to control street trading effectively by imposing conditions on Consents issued.

4. Background

- 4.1 The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on the legislation is provided in Annexe A.
- 4.2 The current Street Trading Policy was adopted in August 2015, https://www.waverley.gov.uk/downloads/file/4857/street_trading_policy_2015. It is now due to be reviewed in line with the Policy,
- 4.3 Councils usually control street trading so that they can decide where to allow this and to properly manage the environmental and safety implications that street trading creates. It allows the impact to be managed in terms of the local economy and impact on and benefit to the community. The control of street trading can also have benefit for traders as it provides security over their trading activities and location.
- 4.4 The existing Policy (2015) has historically worked well with some streets having been determined 'consent' or 'prohibited' streets. This means that anyone who wishes to trade on a designated consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent. The aim of the Policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people the area.
- 4.4 Existing streets designated as prohibited and consent streets in Waverley are detailed in Appendix I of the Policy (2015). They have also been mapped on the Council's web site, https://www.waverley.gov.uk/info/200188/street_trading/2224/street_trading_locations_in_waverley
- 4.5 More recently there are a number of undesignated streets where street trading is having an adverse impact on the community and giving rise to complaints about noise, smells and general nuisance from customers and where there are no controls to enable the council to mitigate the impact. We are, therefore, now being asked to designate these streets as 'Consent Streets' or 'Prohibited Streets' to enable effective control of street trading activities and mitigate the impact on the community. Whilst this can be done on an individual basis, it is likely that further requests for additional streets to be designated will follow.
- 4.6 The process for review is lengthy and expensive and it may therefore be preferable to designate all streets in the Borough as Consent Streets and either remove or retain the existing 'Prohibited' Streets. Other local authorities such as Elmbridge have taken this approach, <https://www.elmbridge.gov.uk/licensing/street-trading/>.
- 4.7 Alternatively, consideration can be given to making further resolution(s) to designate particular streets that may be proposed by Members, Town and Parish Councils, other agencies and the Public.
- 4.8 Other parts of the Policy (including fees) also need be reviewed.

4.9 Waverley Borough Councillors, all Town and Parish Councillors, Surrey County Council Highways, Surrey Fire and Rescue Service, Parking Services at Guildford Borough Council, Surrey Chambers of Commerce, Waverley Police, Surrey's Chief Constable, and Waverley's Economic Development were consulted on the current policy and their preferred approach to the designation of prohibited and consent streets in Waverley. This does not form part of the formal consultation required by legislation, but feedback was needed to inform a revised draft Street Trading Policy 2020, including prohibited and consent streets, and to draft a notice of intention to pass a resolution on street trading and the designation of consent and prohibited streets.

Informal Consultation

- 4.10 The Council emailed a letter to all Waverley Borough Councillors, all Town and Parish Councillors, Surrey County Council Highways, Surrey Fire and Rescue Service, Parking Services at Guildford Borough Council, Surrey Chambers of Commerce, Waverley Police, Surrey's Chief Constable, and Waverley's Economic Development Team on 7 August about a review of the street trading policy, including designated prohibited and consent streets. A further email with the letter went to all Town and Parish Clerks on the 11 August. The letter sought views on the following questions, with a deadline for return of comments by 18 September:
- a) a proposed revised approach involving designation of all streets (and public open areas adjacent to a street) in Waverley as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.
 - b) maintaining the current arrangements for 'prohibited streets' and 'consent streets' (no change).
 - c) whether it is appropriate to make changes to current 'prohibited streets' and 'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).
 - d) suggestions to develop and update the Street Trading Policy (guidelines, applications, process, conditions etc.).
 - e) any other feedback or alternative proposals.
- 4.11 A summary of feedback is given in Annexe B. Letters and emails received are given in Annexe C.
- 4.12 Feedback from most consultees supported the approach detailed in 4.10 a) above. Notably Surrey Police and Surrey County Council Highways consider this approach will mean the Council can deal with complaints about street trading in a location which we have previously not be able to resolve appropriately.
- 4.13 Feedback from some consultees suggested specific arrangements relating to particular prohibited and consent streets. Farnham Town Council also suggested

the policy was changed so that if a road is subject to a road closure order issued by Waverley Borough Council or Surrey County Council Highways the street shall no longer be deemed a prohibited or consent street. Haslemere Town Council also raised concerns about the need for street trading consent on open land they own next to a consent street.

- 4.14 A number of consultees requested Waverley Borough Council waive the street trading consent fee for all community and 'not for profit events'.
- 4.15 Feedback on the existing Policy (2015) was received regarding the pool of conditions, consultation arrangements, and on the clarification of matters to be considered when deciding whether to issue a street trading consent.

Recommendation for a Revised Policy and Designation of Prohibited and Consent Streets

- 4.16 The Policy including designation of Prohibited and Consent Streets has been reviewed in line with feedback from consultees. Please see Annexe D for the draft Street Trading Policy 2020.
- 4.17 Prohibited streets have been updated as requested by Farnham Town Council and Godalming Town Council (Appendix I). The policy has also been updated to make clear that:

- *If a road is subject to a Road Closure Order issued by Waverley Borough Council or Surrey County Council, provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area, the street shall no longer be deemed a consent or prohibited street.*

This seeks to balance the request by Farnham Town Council with the need to try and make sure events are run appropriately.

- *A consent street includes a road, footway, or other area to which the public have access without payment. It does not include buildings themselves or commercial premises. Events organised by Town and Parish Councils on their own land adjacent to a consent street shall not require a street trading consent provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area. Similarly, events organised by Waverley Borough Council on their own land, adjacent to a consent street, shall not require a street trading consent.*

This seeks to balance concerns raised by Haslemere Town Council with the need to try and make sure events are run appropriately.

- 4.18 Consultation requirements have been updated (paragraph 2.2) in response to feedback from Godalming Town Council.
- 4.19 Consideration of the application regarding Public Safety (paragraph 2.3.3) has been updated in response to feedback from Cranleigh Town Council.

- 4.20 Consideration of the application regarding Needs of the Area (paragraph 2.3.4) has been updated making clear evidence required to be submitted by the applicant.
- 4.21 Schedule 2 – Community and Similar Events (paragraph 3.2) has been updated to require submission of an Event Management Plan(s) making clear how event(s) can be run safely without causing nuisance to the area.
- 4.22 Late Applications (paragraph 4.9.1) has been updated.
- 4.23 Consideration was given to Haslemere Town Council's feedback regarding the Pool of Conditions (paragraph 4.5.1 and Appendix III). However, it was decided not to change the Pool of Conditions. These conditions are only attached to a consent if an officer considers it appropriate to do so. Street Trading consents only normally include the Standard Consent Conditions (paragraph 4.5.1 and Appendix II).

Recommendation for Fees

- 4.24 The Current fees are listed in Annexe G, along with a draft revised fee structure. Fees are based the Council recovering its costs in processing street trading applications, dealing with complaints about street traders, and enforcing this legislation. Please see the Schedule of Costs in Annexe G.
- 4.25 The fee structure is based on the Council receiving 16 applications for consent a year (see items 10, 11 and 12 of the Schedule of Costs). Note in the previous few years we have received the following numbers of applications, 2018 – 10, 2019 – 7, and 2020 – 8, but it is anticipated we will receive more applications in the future if all streets in Waverley are made consent streets, other than prohibited streets.
- 4.26 There are no provisions to waive fees for any events. However, numbers of applications made by Town and Parish Councils in the past will not be required in the future with this revised policy (see paragraph 4.17 above). This balances the needs of Town and Parish Councils with the needs of the Council to cover its costs in processing street trading applications, dealing with complaints about street traders, and enforcing this legislation.

Recommendations for the Formal Consultation

- 4.27 There is a detailed legal process in order to properly designate streets as consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982.
- 4.28 Once the Licensing Committee have agreed a draft Street Trading Policy 2020, including the designation of prohibited and consent streets for Waverley (and fees, although they are not part of the Policy) Committee needs to agree:
- A notice of public consultation to review the Street Trading Policy, and
 - A notice of the intention to pass a resolution on Street Trading and the

Designation of Consent and Prohibited Streets

Draft notices are given in Annexe E and Annexe F respectively.

- 4.29 The notice of the intention to pass a resolution on Street Trading and the Designation of Consent and Prohibited Streets must be published in newspapers circulating in the area, and a copy served on the Chief Officer of Police in the area and Surrey County Council Highways, as well as other relevant bodies, seeking their views, allowing not less than 28 days for representations to be made. The notice also needs to include the draft resolution for designation of prohibited and consent streets in Waverley.
- 4.30 The intention is to publish the notice of public consultation to review the Street Trading Policy along with the notice of the intention to pass a resolution on Street Trading and the Designation of Consent and Prohibited Streets.
- 4.31 The draft Street Trading Policy 2020, including the designation of prohibited and consent streets for Waverley and notices detailed above, will also be published on the Council's website.
- 4.32 The Licensing Committee must consider any representations made as soon as possible after the consultation ends. After consideration, if they consider it appropriate, the Licensing Committee can then pass the resolution to designate streets as consent or prohibited streets. Committee will also need to agree the Street Trading Policy 2020.
- 4.33 Once a resolution has been passed by the Licensing Committee a notice must be published by the Council that they have passed a resolution on Street Trading and the Designation of Consent and Prohibited Streets. The notice must be published in 2 consecutive weeks in local newspapers, and the first publication must not be less than 28 days before the resolution takes effect. An example of a draft notice is given in Annexe H. It is anticipated such a notice will also be published on the Council's website.
- 4.34 The Street Trading Policy 2020, including the designation of prohibited and consent streets for Waverley, and associated fees will not come into force until at least 28 days after the first publication in newspapers of the notice mentioned in paragraph 4.33 above.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Effective control of street trading will contribute to the strategic aim of supporting local businesses and employment whilst also protecting and supporting Waverley's communities from any potential adverse impacts arising from it.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

- 6.1.1 The review of Street Trading is in the Service Plan for 2020/21 and will be conducted within existing resources.
- 6.1.2 There will be advertising costs for the publication of the required notices.
- 6.1.3 Adopting a policy of designating all streets consent or prohibited streets could result in an increased number of applications initially but this will level off in due course. There would be an increase in fee income accompanying the increase in number of applications.

6.2 Risk management

- 6.2.1 If the policy is not reviewed complaints about the adverse impact of street trading are likely to continue and potentially increase which will place additional demands on the service.

6.3 Legal

Details of the consultation process and legal procedure are set out within the body of the report.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

7. Consultation and engagement

- 7.1 Informal consultation undertaken is detailed within the body of the report.
- 7.2 Public consultation will be undertaken as detailed in the body of the report, and via the council's web site and social media, to include our existing operators and those consulted as part of the informal consultation.

8. Other options considered

- 8.1 The existing Street Trading Policy does not appear to address some of the issues being raised by the community about adverse impact of street trading activity. Doing nothing is not an option. The Council would seek to provide a clear

consistent licensing service for service users as well as protecting the safety of highway users and to prevent nuisance or annoyance.

9. Governance journey

9.1 Licensing Committee – report on proposals seeking permission to consult informally

Licensing Committee – report of responses to informal consultation to agree draft Street Trading Policy 2020, including the designation of prohibited and consent streets for Waverley (and fees), a draft notice of public consultation to review the Street Trading Policy, and a draft notice of the intention to pass a resolution relating to the designation of prohibited and consent street.

Notices published in local newspapers and on web site

Licensing Committee – report on feedback from formal consultation, agree Street Trading Policy 2020, pass a resolution, and agree a notice to publish in local newspaper and on web site about the resolution taking effect.

Notice of resolution published in local newspapers and on the web site.

Annexes:

Annexe A – Street Trading Legislation

Annexe B – Informal Consultation - Summary of Feedback

Annexe C - Informal Consultation - Letters and Emails Received

Annexe D – Draft Street Trading Policy

Annexe E – Draft Notice of Public Consultation to Review the Street Trading Policy

Annexe F – Draft Notice of Intention to Pass a Resolution on Street Trading and the Designation of Consent and Prohibited Streets

Annexe G – Draft Fees

Annexe H – Example of a Draft Notice that Passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets

Background Papers

Street Trading Policy (2015)

https://www.waverley.gov.uk/downloads/file/4857/street_trading_policy_2015

CONTACT OFFICER:

Name: Richard Homewood / Jeanette Guy

Position: Head of Environmental and Regulatory Services / Deputy Environmental Health Manager

Telephone: 01483 523411 / 01483 523005

Email: richard.homewood@waverley.gov.uk / jeanette.guy@waverley.gov.uk

Agreed and signed off by:

Legal Services:
Head of Finance: date
Strategic Director: date
Portfolio Holder: date

Street Trading Legislation

The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)

Street trading is defined as 'Selling or exposing or offering for sale of any articles (including a living thing) in a street' – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar's certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

Informal Consultation - Summary of Feedback

Consultee	<u>Question 1</u> Designation all streets (and public open areas adjacent to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	<u>Question 2</u> Maintaining current arrangements for 'prohibited streets' and 'consent streets' (no change).	<u>Question 3</u> Whether it is appropriate to make changes to current 'prohibited streets' and 'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).	<u>Question 4</u> Suggestions to develop and update the Street Trading Policy (guidelines, applications, process, conditions etc.).	<u>Question 5</u> Any other feedback or alternative proposals
Farnham Town Council	Does not support this approach, need prohibited streets in sensitive areas (by schools, in residential areas). FTC was emailed for more feedback, but there was no response	Supports current approach with adjustments. Consideration could be given to making a street a consent street in consultation with Town/Parish Councils FTC was emailed for more feedback, but there was no response	<ul style="list-style-type: none"> • Yes • West Street, from The Borough to its junction with The Hart should be moved from a 'Prohibited Street' to a 'Consent Street'. 	WBC should waive the street trading consent fee for all community and 'not for profit' events to avoid making events too costly for small charities and not-for-profit organisations	<ul style="list-style-type: none"> • The policy should clarify that if a road is closed for an event or designated activity under the Town Police Clauses Act that the street designation (if prohibited) of that road would no longer apply for the duration of the closure. If necessary, this should be covered by a clause in the Street Trading Policy. • All changes to the Street Trading Review should focus on helping encourage the local community hence the points raised above.
Cllr Hesse (Farnham Castle)			Make West Street, between junction of The Hart and the top of Downing Street a consent street.		

Consultee	<u>Question 1</u> Designation all streets (and public open areas adjacent to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	<u>Question 2</u> Maintaining current arrangements for 'prohibited streets' and 'consent streets' (no change).	<u>Question 3</u> Whether it is appropriate to make changes to current 'prohibited streets' and 'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).	<u>Question 4</u> Suggestions to develop and update the Street Trading Policy (guidelines, applications, process, conditions etc.).	<u>Question 5</u> Any other feedback or alternative proposals
Police	Effectively supports this approach				Request review considers the circumstances re a pizza van in Milford earlier in the year. Despite residents' objections the trader could lawfully trade without any apparent requirement to satisfy the local authority that the trading location was appropriate/approved. This caused unhelpful/unnecessary demand on police resources and is a scenario Surrey Police would be keen to ensure is considered by the review and so it can be prevented from reoccurrence in the future.
Witley Parish Council	Supports this approach				The Parish Council would expect to be consulted as and when consent applications are received by Waverley Borough Council.
Consultee	<u>Question 1</u> Designation all	<u>Question 2</u> Maintaining	<u>Question 3</u> Whether it is appropriate to	<u>Question 4</u> Suggestions to develop and	<u>Question 5</u> Any other feedback or

	streets (and public open areas adjacent to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	current arrangements for 'prohibited streets' and 'consent streets' (no change).	make changes to current 'prohibited streets' and 'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).	update the Street Trading Policy (guidelines, applications, process, conditions etc.).	alternative proposals
Haslemere Town Council				<p>Amend Appendix III (Pool of conditions):</p> <ul style="list-style-type: none"> • Remove the provision that 'No animal shall be present on any stall or vehicle' - we have events with RSPCA and Canine Partners etc. and an owner's well behaved dog by a stall could not possibly be an issue. • Remove the provision for prior approval of 'advertising signs, posters or such like'. This seems overly onerous. • Remove the provision that 'no form of amplified music shall be permitted'. Many events have amplified music, and we hold appropriate premises licences. 	Town Council has managed its land at Lion Green for years with no issues being raised by Waverley. It is a shame that you have decided to impose a second level of bureaucracy onto the hiring of the green, which has led to two events having to be cancelled. As there seems to be discretion in this matter please do not impose the need for a street trading licence on Lion Green. If you insist on Lion Green events having to obtain street trading licences, your paper says fees are at the discretion of the local authority. We have many charity events on Lion Green for which we do not charge users. We would ask Waverley also waives the street trading licence fee.
Consultee	<u>Question 1</u> Designation all streets (and	<u>Question 2</u> Maintaining current	<u>Question 3</u> Whether it is appropriate to make changes to current	<u>Question 4</u> Suggestions to develop and update the Street Trading	<u>Question 5</u> Any other feedback or alternative proposals

	public open areas adjacent to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	arrangements for 'prohibited streets' and 'consent streets' (no change).	'prohibited streets' and 'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).	Policy (guidelines, applications, process, conditions etc.).	
Godalming Town Council	Supports this approach		<p>Make the following changes:</p> <ul style="list-style-type: none"> a. remove the prohibition on Farncombe Street from its junction with St Johns Street to its junction with Nightingale Road; b. establish a new prohibition on Farncombe Street from its Junction with Station Road/the west side of the Farncombe Street level crossing to its junction with Nightingale Road; and c. establish a consent street for Farncombe Street from its junction with St Johns Street to the eastern side of the Farncombe Street level crossings. 	<p>Request increased safeguards for public consultation prior to the issue of a Street Trading Licence, and paragraph 2.2 is amended to read:</p> <p><i>The Police, Highways Authority and Fire Service are always consulted over any application and a 28 day consultation period will be required. Local Ward Councillors, Chambers of Commerce and Town or Parish Councils, together with any relevant Portfolio Holder or Committee Chairman, will also be notified of an application – public notification will be achieved through the Council's webpages, posting on the Council's social media platforms and by the display of 'Notice of Applications' within 10 metres (or as close as reasonably practicable) of the proposed Street Trading Licence and at suitable</i></p>	
Consultee	<u>Question 1</u> Designation all streets (and public open	<u>Question 2</u> Maintaining current arrangements	<u>Question 3</u> Whether it is appropriate to make changes to current 'prohibited streets' and	<u>Question 4</u> Suggestions to develop and update the Street Trading Policy (guidelines,	<u>Question 5</u> Any other feedback or alternative proposals

	areas adjacent to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	for 'prohibited streets' and 'consent streets' (no change).	'consent streets' (i.e. any amendments, additions, removal of current 'prohibited' and 'consent' streets).	applications, process, conditions etc.).	
Godalming Town Council (continued)				<i>points between 50-75 metres either side of the proposed location, such notices to be displayed by the applicant at the applicant's expense. Photographic evidence of the displaying of the notices is to be submitted by email to the designated email account within 24 hours of the notices being put up for display. Non-compliance to display or provide the requested evidence will void an application.'</i>	
Cranleigh Parish Council				Members would like to see guidelines or conditions put in place for streets that have consent, to address pavement width and the potential for traffic congestion for each application.	
Consultee	Question 1 Designation all streets (and public open areas adjacent	Question 2 Maintaining current arrangements for 'prohibited	Question 3 Whether it is appropriate to make changes to current 'prohibited streets' and 'consent streets' (i.e. any	Question 4 Suggestions to develop and update the Street Trading Policy (guidelines, applications, process,	Question 5 Any other feedback or alternative proposals

	to a street) as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.	streets' and 'consent streets' (no change).	amendments, additions, removal of current 'prohibited' and 'consent' streets).	conditions etc.).	
SCC Highways	Supports a review with the intention of making all streets that are not currently designated to consent streets so that all applications to trade are subject to a review by the Highway Authority. This will help to ensure that the correct balance of trading and safety is maintained.				<ul style="list-style-type: none"> • Over the last couple of years there have been a very large number of complaints about street trading taking place at various locations on the public highway. The vast majority of the streets affected are not currently designated as prohibited or consent streets therefore we have had no powers to try and resolve the issues that have been brought to our attention. • Pleased a review is taking place. Some Boroughs already operate a similar policy to the one that you are proposing (Elmbridge) and this seems to work very well.

Informal Consultation - Letters and Emails Received

Farnham Town Council – 18 September 2020

From: Sara Jones <email xxxx>

Sent: Friday 18 September 2020 16:36

To: streettradingreview <streettradingreview@waverley.gov.uk>

Subject: Response from Farnham Town Council

Dear Richard

Please find attached Farnham Town Council's response to the Street Trading Review.

Kind regards

Sara

Sara Jones

Assistant Town Clerk



Mr Richard Homewood
Head of Environmental and Regulatory
Services
Waverley Borough Council
Council Offices
Godalming

Sara Jones
Assistant Town Clerk

Telephone: xxxxxxxxx
s may be monitored or recorded)
E-mail: xxxxxxxxxxxxxx

18th September 2020

Dear Richard,

RE: Review of Street Trading Policy.

Thank you for your letter dated 7th August regarding the Review of Street Trading Policy. Farnham Town Council has reviewed the policy and has made the following points in response to the questions you sent.

First Farnham Town Council supports the aim to create a street trading environment which ensures fair trading, protected the amenity of residents (providing protection from nuisance, damage, disturbance and annoyance), ensures safety, and promotes diversity and customer choice and applicants with advice and guidance on the council's approach to administration of applications. FTC does not want street traders, who are appropriately licensed and not causing concerns to residents to be limited in their ability to trade.

Question1

FTC does not support this revised approach. FTC believes that there need to be some prohibited streets in sensitive areas (e.g. outside schools where there is a conflict with healthy eating aspirations, built up residential streets etc).

Question 2

FTC does support maintaining the current arrangements for 'prohibited streets' and 'consent streets' as an approach with some adjustments. Specific consideration could be given to making a street a consent street rather than taking it out of being a consent street. This could be a simple process in consultation with the Town or Parish Council and local members.

Question 3

FTC would like to make changes to the current 'prohibited streets' and 'consent streets'

The change requested is to move West Street, from The Borough to its junction with The Hart from a 'Prohibited Street' to a 'Consent Street'

Question 4

FTC would like the Street Trading Policy guidelines updated to state that WBC would waive the street trading consent fee for all community and 'not for profit' events to avoid making events too costly for small charities and not-for-profit organisations.

Question 5

Any other Feedback:

FTC would like clarity that if a road is closed for an event or designated activity under the Town Police Clauses Act that the street designation (if prohibited) of that road would no longer apply for the duration of the closure. As WBC will know, this is the situation that has applied for many years and should be continued. If necessary, this should be covered by a clause in the Street Trading Policy.

FTC would like all changes to the Street Trading Review to focus on helping encourage the local community hence the points raised above.

If there are any questions regarding the review of the Street Trading Policy please contact Iain Lynch.

Yours sincerely

Sara Jones

Assistant Town Clerk

Police at Waverley – 17 September 2020

From: Crane, Andrew 1966 <email xxxx>

Sent: Thursday 17 September 2020 10:31

To: streettradingreview <streettradingreview@waverley.gov.uk>

Cc: Adcock, Sam 4767 <email xxxxx>; Sutherland, Claire 2097 <email xxxx>

Subject: Street Trading Review - Comment From Surrey Police.

[** This email originates from an external source **]

Good morning STR,

In relation to the review of street trading in Waverley Borough, Surrey Police would respectfully request that the review considers the circumstances (and reported community impact) surrounding the arrival of a street trading pizza van in Milford earlier in the year.

Despite objection from the local residents, this trader was able to lawfully trade unchallenged and without any apparent requirement to satisfy the local authority that the trading and trading location was appropriate and therefore approved.

This caused unhelpful and unnecessary demand on police resources and was/is a scenario Surrey Police would be keen to ensure is both considered by the review and something that can hopefully be prevented from reoccurrence in the future.

If you need to discuss further, please do not hesitate to contact me.

Kind regards,

Sergeant 1966 Andy Crane.

Waverley Specialist Neighbourhood Team.

Farnham Police Post.

Western Division.

Surrey Police.

xxxxxxx

Haslemere Town Council – 16 September 2020

From: Lisa O'Sullivan <town.clerk@haslemeretc.org>

Sent: Wednesday 16 September 2020 16:37

To: streettradingreview <streettradingreview@waverley.gov.uk>

Cc: John Robini <John.Robini@waverley.gov.uk>; Richard Homewood <Richard.Homewood@waverley.gov.uk>

Subject: Re: FW: Waverley Borough Council - Review of Street Trading Policy
[** This email originates from an external source **]

Dear Street trading review,

Re: Street Trading in Waverley Policy

Response from Haslemere Town Council is as follows:

Haslemere Town Council has managed its land at Lion Green perfectly well for many years with no issues ever being raised with Waverley. It is therefore a real shame that you have decided now to impose a second level of bureaucracy onto the hiring of the green, which has already led to two events in the town having to be cancelled. Since there seems to be discretion in this matter, I would ask that you do not impose the need for a street trading licence on Lion Green.

Should you insist on Lion Green events having to obtain street trading licences, please note the following comments:

- Your paper says that fees are at the discretion of the local authority. We have many charity events on Lion Green for which we do not charge users. We would ask that Waverley also waive the street trading licence fee for such events.

Appendix III:

- Please remove the provision that 'No animal shall be present on any stall or vehicle' - we have events with RSPCA and Canine Partners amongst others and I am sure an owner's well-behaved dog by a stall could not possibly be an issue.
- Does WBC really have the time and resources to review and give prior approval for any 'advertising signs, posters or such like' that traders may bring to site? This seems overly onerous.
- Please remove the provision that 'no form of amplified music shall be permitted'. Many of our events have amplified music, and we hold appropriate premises licences.

Please let me know if you need anything further.

Kind regards,

Lisa

Lisa O'Sullivan

Town Clerk

Haslemere Town Council

Telephone: xxxxxxxx

Cranleigh Parish Council – 8 September 2020

From: Adminclerk <adminclerk@cranleigh-pc.gov.uk>

Sent: Tuesday 08 September 2020 13:10

To: streettradingreview <streettradingreview@waverley.gov.uk>

Subject: FW: Waverley Borough Council - Review of Street Trading Policy

[** This email originates from an external source **]



Good Afternoon Jeanette

Please find below the Cranleigh Parish Council's Planning Committees response to the review of the Street Trading Policy.

Members would like to see guidelines or conditions put in place for streets that have consent, to address pavement width and the potential for traffic congestion for each application.

Kind regards

Louise Glazier

Administration and Planning Clerk

Godalming Town Council – 4 September 2020

From: Town Clerk <townclerk@godalming-tc.gov.uk>

Sent: Friday 04 September 2020 09:05

To: streettradingreview <streettradingreview@waverley.gov.uk>

Subject: RE: Waverley Borough Council - Review of Street Trading Policy

[** This email originates from an external source **]

Dear Jeanette

At the meeting of Godalming town Council held on 3 September 2020, The council requested that the following response be provided to WBC regarding the Street Trading Review (GTC Minute 109-20 refers):

109. STREET TRADING REVIEW

Members considered the consultation letter and Street Trading Policy review by Waverley Borough Council (WBC) and resolved to agree that Godalming Town Council supports the proposed revised approach recommended by Waverley Borough Council, which would involve designation of all streets (and public open areas adjacent to a street) in Waverley as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'

Additionally Members resolved to agree that WBC is informed that Godalming Town Council would wish to see increased safeguards introduced regarding public consultation prior to the issue of a Street Trading Licence and would wish to see paragraph 2.2 of the existing Street Trading Policy amended to read:

- 2.2. The Police, Highways Authority and Fire Service are always consulted over any application and a 28 day consultation period will be required. Local Ward Councillors, Chambers of Commerce and Town or Parish Councils, together with any relevant Portfolio Holder or Committee Chairman, will also be notified of an application – public notification will be achieved through the Council's webpages, posting on the Council's social media platforms and by the display of 'Notice of Applications' within 10 metres (or as close as reasonably practicable) of the proposed Street Trading Licence and at suitable points between 50-75 metres either side of the proposed location, such notices to be displayed by the applicant at the applicant's expense. Photographic evidence of the displaying of the notices is to be submitted by email to the designated email account within 24 hours of the notices being put up for display. Non-compliance to display or provide the requested evidence will void an application.'

In considering the existing consent and prohibited streets, Members wished that WBC make the following changes to the existing prohibitions:

- d. remove the prohibition on Farncombe Street from its junction with St Johns Street to its junction with Nightingale Road;
- e. establish a new prohibition on Farncombe Street from its Junction with Station Road/the west side of the Farncombe Street level crossing to its junction with Nightingale Road; and
- f. establish a consent street for Farncombe Street from its junction with St Johns Street to the eastern side of the Farncombe Street level crossings.

The above amendments would allow future use of the area between St Johns Street and the level crossing to be used for events such as 'produce markets, craft markets, community bazaars, small street festivals etc. that could support the economic vibrancy of Farncombe, support the individual identity of Farncombe and offer the opportunity for community events to be established outwith of the Godalming retail centre.

Many thanks

Regards

Andy

Andy Jeffery

Town Clerk

Tel: xxxxxxxx

Email: townclerk@godalming-tc.gov.uk

Witley Parish Council – 2 September 2020

From: Clerk - Witley Parish Council <clerk@witley-pc.gov.uk>

Sent: Wednesday 02 September 2020 11:56

To: streettradingreview <streettradingreview@waverley.gov.uk>

Subject: Witley Parish Council Response to Street Trading Review

Dear Sirs

At its recent meeting on 20th August 2020, Witley Parish Council agreed to support the approach set out as option one in Waverley's street trading policy review: "A proposed revised approach involving designation of all streets (and public open areas adjacent to a street) in Waverley as 'consent streets', with the exception of those already designated as 'prohibited streets' which would remain 'prohibited streets'.

It was also noted at the meeting that the Parish Council would expect to be consulted as and when consent applications are received by Waverley Borough Council.

Yours faithfully

Sarah Nash

Clerk

Witley Parish Council

Council Office

Milford Village Hall

Portsmouth Road

Milford

Surrey GU8 5DS

T: xxxxxxxx / F: xxxxxxxx

E: clerk@witley-pc.gov.uk

Highways SCC – 11 August 2020

From: highways@surreycc.info <highways@surreycc.info>

Sent: Tuesday 11 August 2020 12:58

To: streettradingreview <streettradingreview@waverley.gov.uk>

Subject: Surrey Highways Reference: 1631034 - GODALMING FOOTPATH 8/30, GODALMING

[** This email originates from an external source **]

Dear Jeanette,

Thank you for your enquiry reported on 07 Aug 2020 13:52 which has been logged as follows:

Reference number: 1631034

Location: GODALMING FOOTPATH 8/30, GODALMING

Details: Permits and Licences - Street trading licence request (a copy of the original enquiry can be found at the very bottom of this email)

During the course of the last couple of years I have received a very large number of complaints about street trading taking place at various locations on the public highway. The vast majority of the streets affected are not currently designated as prohibited or consent streets therefore we have had no powers to try and resolve the issues that have been brought to our attention.

I have previously requested a review of the WBC policy on street trading and I am delighted to hear that this is hopefully going to take place. Some Boroughs already operate a similar policy to the one that you are proposing (Elmbridge) and this seems to work very well. Therefore, I would support a review with the intention of making all streets that are not currently designated to consent streets so that all applications to trade are subject to a review by the Highway Authority. This will help to ensure that the correct balance of trading and safety is maintained.

Kind regards

Adrian Selby
Senior Engineer
Surrey Highways

Cllr George Hesse – 10 August 2020

From: George Hesse <George.Hesse@waverley.gov.uk>
Sent: Monday 10 August 2020 12:26
To: streettradingreview <streettradingreview@waverley.gov.uk>
Cc: David Beaman <email xxxx>; john.neale <email xxxx>
Subject: Street trading review

Dear Victoria,

West Street, Farnham. Between junction of The Hart and the top of Downing Street.

Please add as a Yellow Zone “allowed” street, for street trading/Markets etc.

Regards,

Cllr George Hesse

Farnham Castle Ward
Tel : xxxxxxxx

DRAFT STREET TRADING POLICY 2020

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1. General Guidelines

- 1.1. This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation and streets have been determined as either 'consent' or 'prohibited' (Appendix I), also available on the Council's website. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent. The definition does not include buildings themselves or commercial premises.
- 1.2. The aim of the Street Trading in Waverley Policy (the Policy) is to prevent obstruction of the streets of the Borough and ensure the safety of persons using them. 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 the life of Waverley. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.
- 1.3. To help deal with applications quickly and to allow applicants to know at an early stage whether their application is likely to be supported Waverley Borough Council has adopted this policy. The Council aims to provide a clear, consistent service for users.
- 1.4. For clarification:
 - Land adjacent to the street may also be included according to local circumstances. **See Appendix I for further clarification.**
 - There are some exemptions from requiring a consent to trade (for example newspaper vendors and 'Big Issue' sellers)
 - Street Trading is defined as "the selling or exposing or offering for sale of any article (or living thing) in a street", and
 - any queries regarding the above can be dealt with by the Environmental Health service on a case-by-case basis.
- 1.5. Schedule 1 of the policy deals with applications from individuals. Certain community-run events, charitable events or those of a similar nature are the subject of special provisions in Schedule 2 of the Policy.

2. Schedule 1 – Individual Applicants

- 2.1 Waverley's Licensing and Regulatory Committee is made up of 12 Members of the Council. Applications for street trading consents that fall within this policy are delegated to the Environmental Health Manager. Applications that fall outside this policy or those which attract relevant objections will be determined by the Licensing & Regulatory Committee. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself

only with matters likely to be affected by a successful application. The Head of Policy and Governance will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

2.2 The police, highways authority and fire service are always consulted over any application and a 28-day consultation period will normally be required. ~~Wherever possible~~, Local Ward Councillors, Chambers of Commerce and Town or Parish Councils, together with any relevant Portfolio Holder or Committee Chairman, will also be notified of an application. Public notification will be achieved through the Council's webpages and posting on the council's social media platforms. Once the council has accepted a valid application the applicant shall also put up a notice of the application at the proposed street trading location, advising the public how to comment on the application. (This requirement will not apply to itinerant street traders such as ice cream vans). Photographic evidence of the notice in place shall be submitted to the Council on the day the notice has been put up. The applicant shall remove the notice at the end of the consultation period.

2.3 In considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

2.3.1 *Public order*

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

2.3.2 *Public nuisance*

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

2.3.3 *Public safety*

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards or unhygienic conditions, or danger that may occur when a trader is accessing the site. This includes consideration of the pavement width and the potential for traffic congestion.

2.3.4 *Needs of the area*

An applicant for the new grant of a Schedule 1 street trading consent shall provide a copy of a map or plan showing all streets and other public areas within a radius of half a mile (800 metres) from the proposed location of the site. The map or plan shall be a proper Ordnance Survey map, or of equivalent or similar standard, to a scale of 1:5000. It shall clearly indicate the

position of the proposed site and indicate the locations of other street traders and outlets already trading in similar commodities to those proposed for sale. The applicant must deliver notices to traders and premises thus identified and to the nearest six premises (being residential, commercial or otherwise) to the proposed site giving details of the application. Evidence of notices delivered to traders and premises shall be submitted to the Council.

- 2.5 In determining an application, the sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under schedule 2 of this policy the needs test may be exempted where appropriate.

3. Schedule 2 - Community and similar events

- 3.1 At such special events the Council will issue one Consent to the person organising the community or similar event, either on an annual basis for multi-use sites or on an occasional basis for single-use events. This policy is aimed at promoting and supporting such events and encouraging traders to attend. A schedule 2 event can include a street or series of linked streets under one Consent.
- 3.2 An application shall include an Event Management Plan(s) detailing how the event will be run safely and without causing nuisance to the area. The Consent will relate to the duration of the special event and may include specific conditions, in addition to Standard Consent Conditions, according to the individual merits of the event. Where fees are at the discretion of Local Authority, such as for Street Trading Consents, the Council is able to recover the costs associated with the authorisation scheme as long as they are reasonable, proportionate and do not exceed the cost of the procedures. In arriving at fees, the Council may charge a lesser amount. – Waverley reduces the charges for Schedule 2 applications in order to promote and support such activities.
- 3.3 Community and similar events will normally be organised by a Town or Parish Council, Waverley Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Each special event application will be judged according to its merit and any applications, which fall outside this policy, or those that attract relevant objections (see Schedule 1) will be determined by the relevant Sub-committee.
- 3.4 Special event applications would typically, but not exclusively, include:
- Local Charity events
 - Community fairs and craft events
 - International markets
 - Events celebrating local anniversaries

4. General information – in all cases

4.1 Decisions

4.1.1 Following the determination of an application, the Council will notify the applicant of the decision. Determinations made at Committee will be confirmed in writing and published on the Council's webpages.

4.2 Renewals

4.2.1 Consents are normally issued for a set date or dates, or a period of up to one year. Applicants who wish to continue trading should submit renewal applications at least one month prior to expiry of any current Consent. Renewals are normally allowed but further consultations may be needed if there are causes for concern or if the Consent operation has been the subject of complaint.

4.3 Variations

4.3.1 Holders of a Consent may wish, from time to time, to vary it - for example by requesting a change of trading hours. Consents will specify the location or area to which they apply – a request to vary this will be treated as a new application for the new location.

4.4 Fees

4.4.1 An annual fee is payable for Street Trading Consents and payment should be made on application. A full refund is given should an application be refused. Fees are reviewed annually and published on the Council's website.

4.5 Conditions

4.5.1 Consents will carry Standard Consent Conditions (Appendix II) in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. A pool of typical conditions, relating to operating hours, sites, locations, goods offered, safety, refuse collection, etc. is shown at Appendix III. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to its individual merit.

4.6 Appeals

4.6.1 The governing legislation does not allow for appeals and grounds for refusal need not be given. However, in order to ensure the process is open, fair and transparent, if an application is refused reasons will be given. Officers will refer applications to the Licensing & Regulatory Committee if not minded to grant the application.

4.7 Enforcement

- a. The Council's Environmental Health Service aims to work closely with other enforcement authorities and agencies
- b. Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and organisers should ensure all such permissions, etc. are in place.
- c. Where street trading activities are conducted without appropriate Consents the Council will look to gather evidence and take appropriate enforcement action in accordance with its Enforcement Policy
- d. If the Council feels there is an issue with public order or threat to public safety in any particular instance it will call for assistance from Surrey Police
- e. The Council may call for assistance from appropriate CCTV recordings when dealing with such issues
- f. The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- g. Enforcement decisions will be made on a case-by-case basis in light of the Council's Enforcement Policy.

4.8 Review Procedures

4.8.1 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 Waverley. In any case, this Policy will be reviewed within ten years of adoption.

4.9 Late Applications[†]

4.9.1 Where an applicant has not given sufficient notice, consent will not normally be granted unless approved/agreed by the Head of Service in consultation with the, Executive Director and Chairman of the Licensing & Regulatory Committee on receipt of satisfactory responses from the police, fire and highways authorities.

[†] Versions of this Policy prior to June 2015 dealt with late applications at para. 2.3 – this procedure applies to all late applications and has been moved to Section 4 for clarification.

NOTES

Human Rights

The Human Rights Act 1998 obliges the Council to comply with the provisions and protections of the European Convention on Human Rights. It is unlawful for a local authority to act in a way that interferes disproportionately with a convention right. The Sub-committee will have regard to the rights protected by the European Convention on Human Rights when exercising its licensing functions.

List of Prohibited and Consent Streets in Waverley²

If a road is subject to a Road Closure Order issued by Waverley Borough Council or Surrey County Council, provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area, the street shall no longer be deemed a consent or prohibited street.

A consent street includes a road, footway, or other area to which the public have access without payment. It does not include buildings themselves or commercial premises. Events organised by Town and Parish Councils on their own land, adjacent to a consent street, shall not require a street trading consent provided an Event Management Plan has been submitted to Waverley Borough Council detailing how the event will be run safely and without causing nuisance to the area. Similarly, events organised by Waverley Borough Council on their own land, adjacent to a consent street, shall not require a street trading consent.

PROHIBITED STREETS

Farnham

Victoria Road

Union Road

East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way (excluding the area immediately fronting Nos 1 – 6 Woolmead)

Dogflud Way

South Street

Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road

Park Row

Woolmead Road

~~West Street, from The Borough to its junction with The Hart~~

A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout

A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary

A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge

Odiham Road from the junction with Folly Hill to the county boundary

Tilford

Tilford Road between All Saints Church and the River Wey (South Branch)

Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street

The Street between its junction with Tilford Road and Whitmead Lane

² List of Consent Streets updated in August 2015 to include Bridge Street, Godalming

Godalming

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way

Woolsack Way

~~Farncombe Street, from its junction with St Johns Street to the junction of Nightingale Road~~

Farncombe Street from its Junction with Station Road/the west side of the Farncombe Street level crossing to its junction with Nightingale Road

St Johns Street

Summers Road

Station Road, Farncombe

Cranleigh

Dewlands Lane

Ewhurst Road, from the junction of High Street to the junction of Mead Park Drive

Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road Horsham Road to the Borough boundary

Overford Drive, from its junction with Horsham Road to the junction of Little Manor Gardens

Church Lane

Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square

Victoria Road

St James's Place

Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate

Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate

Park Drive to the junction with Cranbrook Terrace

CONSENT STREETS

All roads in the Waverley Borough Council area, other than prohibited streets, are designated consent streets.

Conditions

Standard Consent Conditions

(to be used on all Consents issued)

1. 'Consent Street' means a street in which street trading is prohibited without a Consent from Waverley Borough Council
2. 'Prohibited Street' means a street in which street trading is prohibited at all times
3. 'Street' includes any road, footway, lay-by or other open area to which the public have access without payment
4. 'Street Trading' means (generally) the selling, or exposing or offering for sale, any article in a street
5. The trader shall not cause any obstruction of the street or any danger to any persons or vehicles using the street
6. The trader shall not cause any nuisance or annoyance to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site
7. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
8. Public liability insurance providing cover to a minimum amount of 5 million pounds must be in place for the consent site and a certificate of this must be produced on request of an officer of Waverley Borough Council
9. An individual trader shall conspicuously display the council issued Consent at all times whilst trading; for special events, the Consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last stalls
10. The Consent holder must provide facilities for use by him/herself and customers to collect any waste, refuse or litter. The refuse storage must be of a substantial construction, waterproof and animal-proof. All must be removed from the trading location at the end of each day's trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
11. The Consent holder shall ensure that all adjacent areas (except the carriageway if open for vehicular use) to a distance of 10 metres be kept free of litter and refuse at all times whilst on site.

12. Authorised vehicles must be roadworthy, have current relevant documentation and internal and external appearance of vehicles &/or stalls shall be maintained in a clean, neat and tidy condition.
13. Any stall or vehicle used for street trading must be immediately removable at all times in the event of an emergency, or at any other time, be removed at the request of any officers of the emergency services or officer of the Council.
14. The name and address of the operator and other address at which the stall or authorised vehicle is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may readily view it.
15. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
16. No Consent holder shall trade at his / her authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
17. The Consent is non-transferable.
18. Where a structure or vehicle is not removed at the end of trading, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure or vehicle.
19. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

Pool of Conditions

Conditions applicable to special Events / Markets, etc

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

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

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted

**DRAFT NOTICE OF PUBLIC CONSULTATION TO REVIEW
THE STREET TRADING POLICY**

NOTICE is hereby given that Waverley Borough Council, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 is undertaking a public consultation on the review of the above policy.

The consultation will run from [date] to [date].

Copies of the draft Street Trading Policy can be viewed on the Waverley Borough Council website at: [link]. Alternatively, you can request printed copies by telephoning 01483523393 or by email environmentalhealth@waverley.gov.uk.

To respond to the consultation, you can email comments to streettradingreview@waverley.gov.uk or send by post to Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR. They must be received by [date].

Richard Homewood, Head of Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR, Email streettradingreview@waverley.gov.uk
Date [date]

DRAFT NOTICE OF INTENTION TO PASS A RESOLUTION ON STREET TRADING AND THE DESIGNATION OF CONSENT AND PROHIBITED STREETS

[Draft resolution to be published in a newspaper circulating in the area, and a copy served on Chief Officer of Police in the area and Highways allowing not less than 28 days for representations to be made. Council to consider any representations made ASAP after consultation ends].

Notice is hereby given that the Council's Licensing and Regulatory Committee intend to pass a Resolution under Para 2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 at its meeting on [date].

The terms of the draft resolution are as follows:

That all streets in Waverley Borough be designated as consent streets under Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, save the following which are to be designated as prohibited streets under the above legislation:

Farnham

Victoria Road
Union Road
East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way (excluding the area immediately fronting Nos 1 – 6 Woolmead)
Dogflud Way
South Street
Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road
Park Row
Woolmead Road
A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout
A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary
A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge
Odiham Road from the junction with Folly Hill to the county boundary

Tilford

Tilford Road between All Saints Church and the River Wey (South Branch)
Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street
The Street between its junction with Tilford Road and Whitmead Lane

Godalming

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way
Woolsack Way
Farncombe Street from its Junction with Station Road/the west side of the Farncombe Street level crossing to its junction with Nightingale Road
St Johns Street
Summers Road
Station Road, Farncombe

Cranleigh

Dewlands Lane
Ewhurst Road, from the junction of High Street to the junction of Mead Park Drive
Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road
Horsham Road to the Borough boundary
Overford Drive, from its junction with Horsham Road to the junction of Little Manor Gardens
Church Lane
Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square
Victoria Road
St James's Place
Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate
Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate
Park Drive to the junction with Cranbrook Terrace

Once made, the resolution will allow the Borough Council to control street trading in these streets, using powers set out in the 1982 Act.

Representations relating to the proposed resolution may be made in writing to the Council at the address below no later than [date].

Richard Homewood, Head of Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR, Email streettradingreview@waverley.gov.uk

Date [date]

Draft Fees

Summary of Draft Fees

Category	Description	Current Fee	Proposed Fee	Increase
1	Sole trader, annual consent	£296	£365	£69
2	Schedule 2 event, up to 50 traders, annual consent	£306	£470	£164
3	Schedule 2 event, 51 traders or more, annual consent	£240	£483	£243
4	Schedule 2 event, up to 50 traders, single event	£143	£428	£285
5	Schedule 2 event, 51 traders or more, single event	£160	£441	£281

Schedule of Costs

Fee for New and Renewal of street trading consents												
Action		Officer designation	Category 1 Event		Category 2 Event		Category 3 Event		Category 4 Event		Category 5 Event	
			Sole Trader, annual consent		Up to 50 Traders, annual consent		Schedule 2 event, 51 traders or more, annual consent		Schedule 2 event, up to 50 traders, single event		Schedule 2 event, 51 traders or more, single event	
			Time (Mins)	Fee	Time (Mins)	Fee	Time (Mins)	Fee	Time (Mins)	Fee	Time (Mins)	Fee
1	Application received, scanned and entered on computer system.	A	20	£13.47	20	£13.47	20	£13.47	20	£13.47	20	£13.47
3	Process application payment (usually cheque)	A	20	£13.47	20	£13.47	20	£13.47	20	£13.47	20	£13.47
4	Check application documentation for completeness, liaise with the applicant re process/outstanding queries including any redactions re application	O	45	£37.88	90	£75.75	105	£88.38	60	£50.50	75	£63.13
5	Redact documentation, consult consultees and publish consultation on the web	O	30	£25.25	45	£37.88	45	£37.88	45	£37.88	45	£37.88
6	Liaise with consultees re queries	O	20	£16.83	45	£37.88	45	£37.88	35	£29.46	35	£29.46
7	Liaise with applicant re queries and notices they have given to businesses/people in vicinity	O	20	£16.83	45	£37.88	45	£37.88	35	£29.46	35	£29.46

8	Review feedback and liaise with the applicant	O	20	£16.83	35	£29.46	35	£29.46	35	£29.46	35	£29.46
9	Issue consent and update database	O	30	£25.25	30	£25.25	30	£25.25	30	£25.25	30	£25.25
10	If there are any objections, draft report, refer to Committee and attend hearing, estimate twice a year @ 8 hours each. Assuming 16 licences 1 hour each	O	60	£50.50	60	£50.50	60	£50.50	60	£50.50	60	£50.50
11	General Enforcement, dealing with complaints about mobile traders/events including visits, writing reports etc. Dealing with traders who do not have but need a consent, dealing with queries. Estimate 40 hours per year. Assuming 16 licences 2.5 hours each	O	150	£126.25	150	£126.25	150	£126.25	150	£126.25	150	£126.25
12	General Administration, web	A	15	£10.10	15	£10.10	15	£10.10	15	£10.10	15	£10.10
13	Contribution to training for 2 officers re procedures etc. approx. £200, assuming 16 consents, approx. 15 mins each	O	15	£12.63	15	£12.63	15	£12.63	15	£12.63	15	£12.63
Totals				£365.28		£470.49		£483.12		£428.41		£441.03

Officer Costs	Per hour	Per min
Average Officer	£50.50	£0.84
Average Admin	£40.40	£0.67

EXAMPLE OF DRAFT NOTICE THAT PASSED A RESOLUTION ON STREET TRADING AND DESIGNATION OF CONSENT AND PROHIBITED STREETS

[Publish a notice that the council has passed a resolution in 2 consecutive weeks in a local newspaper. First publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation].

Notice is hereby given that the Council's Licensing and Regulatory Committee have passed a Resolution under Para 2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 at its meeting on [date].

The terms of the draft resolution are as follows:

That all streets in Waverley Borough be designated as consent streets under Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, save the following which are to be designated as prohibited streets under the above legislation.

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Church Lane
Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square
Victoria Road
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Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate
Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate
Park Drive to the junction with Cranbrook Terrace

The resolution comes into effect on [date].

If you have any queries please telephone 01483523393 or email environmentalhealth@waverley.gov.uk. You can also write to Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR.

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