

WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

1 MARCH 2021

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 formal consultation on the street trading review.
- 1.2 To agree a revised Street Trading Policy (Annexe D), pass the resolution agreed at Licensing Committee in December 2020 (Annexe E), and agree a draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets (Annexe F)

2. Recommendation

- 2.1 The Licensing Committee notes feedback on the formal consultation and agrees the draft Street Trading Policy 2021, passes the resolution agreed at Licensing Committee in December 2020, agrees the draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets and rescinds earlier resolutions on designations of streets within Waverley.

3. Reason for the recommendation

- 3.1 On the 10 December 2020 the Licensing Committee agreed the formal consultation on the review of the street trading policy, including designated prohibited and consent streets. Following the end of the consultation period the Council is required to consider representations made as soon as practicable afterwards.

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/Portals/0/Documents/services/business-and-licensing/licences-and-registrations/street trading/Waverley street trading policy - 2015.pdf?ver=iVCYsBH7p108Glw3bBlsKQ%3d%3d>. 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 within the area.
- 4.5 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/Services/Business-and-licensing/Licences-and-registrations/Street-trading/Street-trading-locations>
- 4.6 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.
- 4.7 The process for review is lengthy and expensive and it may 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/>.
- 4.8 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.
- 4.9 Other parts of the Policy also needed to be reviewed. Revised fees were agreed by the Licensing Committee on 10 December 2020,

<https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=141&MId=3736&Ver=4>.

- 4.10 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 service were consulted on the current policy and their preferred approach to the designation of prohibited and consent streets in Waverley. Feedback is detailed in the report to the Licensing Committee on 10 December 2020, <https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=141&MId=3736&Ver=4>. This did not form part of the formal consultation required by legislation, but feedback was needed to inform a revised draft Street Trading Policy, 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.

Formal Consultation

- 4.11 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. Notices are required to 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
- 4.12 On 10 December 2020 the Licensing Committee agreed a:
- notice of public consultation to review the Street Trading Policy,
 - notice of the intention to pass a resolution on Street Trading and the Designation of Consent and Prohibited Streets, and
 - draft Street Trading Policy
- 4.13 A copy of the notices and draft Street Trading Policy can be viewed on the Council's Street Trading Public Consultation webpage, <https://www.waverley.gov.uk/Services/Business-and-licensing/Licences-and-registrations/Street-trading/Street-trading-public-consultation>. The webpage went live on 16 December 2020, and people were also made aware of the consultation on social media. The public were encouraged to email, write or complete the online survey to give feedback. A copy of the online survey is given in Annex B.
- 4.14 The notices were published in the Farnham Herald and Surrey Advertiser on Thursday 17 December 2020. The public were encouraged to email, write or complete the online survey to give feedback.
- 4.15 On 17 December 2020 emails were sent to all Waverley Borough Councillors, all Town and Parish Clerks, 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 service to advise them of the consultation. Councillors and organisations were encouraged to email, write or complete the online survey to give feedback.

- 4.16 The consultation period ran from 16 December 2020 to 27 January 2021.
- 4.17 There were 16 responses to the consultation: 10 surveys, 5 emails and 1 verbal representations, as detailed in Annexe C, and summarised below.

Feedback on Prohibited Streets

- 4.18 Nine out of the ten responses submitted online agreed with the prohibited streets proposed, one response disagreed. None of the emails or the verbal feedback commented on this matter.
- 4.19 Ten of the responses (9 online and one email) requested that Cherry Tree Road, Milford, GU8 5AZ became a prohibited street. The responses detailed problems they had experienced with a mobile street trader who currently uses this road.
- 4.20 No other responses requested designation of any other specific streets as prohibited streets

Feedback on Consent Streets

- 4.21 Eight of the responses (6 online and two emails) were in support of all streets in Waverley being consent streets, other than prohibited streets. Generally responses highlighted the need to control street trading and take account of residents' views.
- 4.22 One response (online) did not agree that any streets in Waverley should be consent streets, unless it was dangerous. The response detailed that it was economically hard for many people and it was not a good time to restrict small traders.
- 4.23 One response (online) did not agree all streets in Waverley being consent streets, other than prohibited streets, as each situation should be assessed on its merits.
- 4.24 Two responses (online) did not agree all streets in Waverley being consent streets, other than prohibited streets, as they considered all residential streets should be made prohibited streets.
- 4.25 Four responses (3 email and one verbal) made no comment on this matter.

Feedback on Policy

- 4.26 In line with feedback detailed above one response strongly disagreed with the need to require a consent to street trade, and further legislation. Another response wanted to see all residential roads as prohibited streets.

- 4.27 One response wanted their local Councillor to feedback on the policy.
- 4.28 Two responses detailed that they only wanted mobile food traders who were registered with Waverley to be allowed to have a street trading consent in Waverley. One response detailed that this should only apply to Schedule 1 applications.
- 4.29 The response from Cranleigh Parish Council requested including additional considerations to be taken into account in section 2.3.3 of the Street Trading Policy, the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site, and overcrowding of the site itself.
- 4.30 In addition, the response from Cranleigh Parish Council requested that the Standard Consent Condition 8 be more specific in detailing whether £5m insurance cover is per trader on the site, for the site as a whole, and who is to be covered (i.e. organiser or trader). They were concerned that the current condition 8 suggests £5m insurance for a single trader or a full market site, and whether there is sufficient demarcation of responsibility, or if the £5m was feasible for the small trader?
- 4.31 The verbal response from Environmental Health's Food and Safety Team asked whether it was possible for mobile food traders to have a Food Standards Agency (FSA) Food Hygiene Rating Score of level 3 or above.

Feedback on Other Comments

- 4.32 Responses reflected feedback detailed above. No additional matters were raised.

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

- 4.33 The draft Street Trading Policy agreed at Licensing Committee on 10 December, including designation of Prohibited and Consent Streets, has been reviewed having regard to responses to the formal consultation. Please see Annexe D for the draft Street Trading Policy 2021.

Prohibited Streets

- 4.34 Most responses agreed with proposed prohibited streets and it is recommended no changes are needed to proposals made in December 2020. ***It is recommended Licensing Committee agrees prohibited streets as proposed in the Draft Street Trading Policy agreed by Licensing Committee.***
- 4.35 Most responses requested that Cherry Tree Road, Milford, GU8 5AX be a prohibited street. However, Witley Parish Council did not request this action but supported the approach that all streets in Waverley are designated consent streets, other than prohibited streets. As this would ensure appropriate controls are in place to control street trading activities, including on Cherry Tree Road, it is not recommended that Cherry Tree Road becomes a prohibited street. Note the

Parish Council and ward Members (email) and the public (online and via notices in the road) would be consulted on any application to street trade on this road and would be able to object. Any relevant objections would be heard by the Licensing Committee to decide if to approve or object to a street trading consent. Further, if problems arose with a particular street trader, matters could be referred to Licensing Committee, with a view to revoking the consent. There is no appeal process.

Consent Streets

- 4.36 ***It is recommended that Licensing Committee agrees all streets in Waverley are designated consent streets, other than prohibited streets, as proposed in the Draft Street Trading Policy agreed by Licensing Committee*** i.e. no changes are needed to proposals made in December 2020.
- 4.37 Half (eight) of the responses received were in support of all streets in Waverley being consent streets, other than prohibited streets to control street trading and take account of residents' views. Two further responses did not agree as they considered all residential streets in Waverley should be made prohibited streets. On balance it would seem disproportionate to make all streets with any residential accommodation prohibited streets when appropriate controls could be put in place by making all streets in Waverley consent streets, other than prohibited streets. The Parish Council and ward Members (email), and the public (online and via notices in the road), would be consulted on any application to street trade and would be able to object. Any relevant objections would be heard by the Licensing Committee to decide if to approve or object to a street trading consent. Further, if problems arose with a particular street trader, matters could be referred to Licensing Committee, with a view to revoking the consent. There is no appeal process.
- 4.38 Two responses did not agree with all streets in Waverley being consent streets, other than prohibited streets. However, this has to be balanced by the ten responses wanting additional controls to control street trading. The report that went to Licensing Committee on 10 December 2020 also highlighted that Surrey Police and Surrey County Council Highways wanted additional controls on street trading.

Policy

- 4.39 ***It is recommended Licensing Committee agrees the Draft Street Trading Policy 2021, as detailed in Appendix D.*** Recommended changes to the draft Street Trading Policy agreed by Licensing Committee in December 2020 are highlighted green.
- 4.40 Paragraph 2.3.3 (Public Safety) has been amended in line with feedback from Cranleigh Parish Council regarding concerns about overcrowding of the site/area.
- 4.41 The standard consent conditions have been amended (Appendix II):
- Condition 7 has been added and the other conditions renumbered. Condition 7 requires mobile food traders to have a FSA Food Hygiene Rating Score of

level 3 or above in line with feedback from Environmental Health's Food and Safety Team. Two responses felt mobile food traders operating in Waverley should be registered with Waverley Borough Council. However, this would not be appropriate if they are registered with another Council, and it would be unfair to prohibited mobile traders registered in other areas from trading in Waverley.

- Condition 9 has been amended taking account of feedback from Cranleigh Parish Council about public liability insurance. The condition makes clear the person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event). Requirements for insurance cover have not been changed. Individual mobile traders have been required to provide evidence of this insurance when applying for a consent for some time, and no problems have arisen.

4.42 Additionally the following changes have been made to help clarify matters

- Paragraph 1.5 has been amended to make clear applications from individuals must be 17 years or older.
- Appendix I has been amended to make clear that a consent street includes a road, footway, or other area to which the public have access without payment, but does not include buildings.

Recommendation to Pass the Resolution on Street Trading and Designation of Consent and Prohibited Streets, and Agree Draft Notice that Passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets

4.43 After consideration of feedback from the Formal Consultation, if Licensing Committee consider it appropriate, they can pass the resolution (previously before the Licensing Committee in draft on 10 December 2020) to designate streets as consent or prohibited streets.

4.44 ***It is recommended Licensing Committee agree to pass the Resolution on Street Trading and Designation of Consent and Prohibited Streets, to confirm the designation of streets within the Borough area in Annexe E.***

4.45 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 Designation of Consent and Prohibited Streets. The notice must be published for 2 consecutive weeks in local newspapers, and the first publication must not be less than 28 days before the resolution takes effect. The notice will also be published on the website, and through social media.

4.46 ***It is recommended Licensing Committee agree to the draft notice that passed a Resolution on Street Trading and Designation of Consent and Prohibited Streets in Annexe F.***

- 4.47 The Street Trading Policy 2021, including the designation of prohibited and consent streets for Waverley, and associated fees will come into force on 1 April 2021, ensuring the required notice period detailed in paragraphs 4.45 and 4.46 above is met.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Effective control of street trading will contribute to the strategic priorities of supporting a strong local economy and improving the health and wellbeing of our residents and communities.

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 in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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 Formal consultation undertaken is detailed within the body of the report.

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 and ensure effective enforcement.

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, 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, 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

Annex B – Consultation Survey

Annex C – Responses to the Formal Consultation

Annexe D – Draft Street Trading Policy

Annexe E - A Resolution on Street Trading and Designation of Consent and Prohibited Streets

Annexe F – 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 / Environmental Health
Manager (Environmental Protection)

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.

Street Trading Policy - Consultation Survey



Section 1



Prohibited Streets

Please see Appendix 1 of the draft Street Trading Policy 2020. Current prohibited streets can also be viewed on our website, https://www.waverley.gov.uk/info/200188/street_trading/2224/street_trading_locations_in_waverley

1. Are there any prohibited streets in the draft Street Trading Policy 2020 that should not be prohibited streets? *

Yes

No

2. Please detail the street(s) and give reason(s) *

Enter your answer

3. Are there any other streets that should be prohibited streets? *

Yes

No

4. Please identify the street(s) and give reason(s). *

Enter your answer

Consent Streets

Please see Appendix 1 of the draft Street Trading Policy 2020. Current consent streets can be viewed on our website, https://www.waverley.gov.uk/info/200188/street_trading/2224/street_trading_locations_in_waverley

5. Should all streets in Waverley be consent streets, other than prohibited streets? *

Yes

No

6. Reasons why all streets in Waverley should be consent streets, other than prohibited streets *

Enter your answer

7. Reasons why all streets in Waverley shouldn't be consent streets, other than prohibited streets *

Enter your answer

8. Are you satisfied with the current designated consent streets? *

Yes

No

9. Reasons why you aren't satisfied with the current designated consent streets *

Enter your answer

10. What changes should there be made to current consent streets? *

Enter your answer

Section 3

...

Draft Street Trading Policy 2020:

11. Do you have any comments on the draft Street Trading Policy 2020? *

Yes

No

12. General Guidelines

Comments

Enter your answer

13. Schedule 1 - Individual Applicants

Comments

Enter your answer

14. Schedule 2 - Community and Similar Events

Comments

Enter your answer

15. General Information – in all cases

Comments

16. Appendix I – List of Prohibited and Consent Streets in Waverley Borough Council

Comments

17. Appendix II – Conditions

Comments

18. Appendix III – Pool of conditions

Comments

Do you have any other comments?

19. Comments

Responses to the Formal Consultation

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
1 (Anonymous Survey 5)	I disagree with prohibiting any streets.	<ul style="list-style-type: none"> • People should be free to trade. It's the most difficult time economically for many people and now is not a good time to attack small traders - let alone families raising money for good causes, selling fruit etc. • I don't believe any street should need consent unless it is dangerous. • Remove the requirements for consent. 	<ul style="list-style-type: none"> • I disagree strongly with requiring consent. I understand that a couple of food vans have created inconvenience for some residents, but conversation (and if necessary law enforcement) should be used to fix the issues, not further legislation. 	<ul style="list-style-type: none"> • Please do not create a sledgehammer to crack a nut.
2 (Anonymous Survey 6)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets. • Cherry Tree Road Milford GU85AX should also be a prohibited street. It is a residential street not a service road the street trader pizza van blocks vehicles driveways so you cannot access your property. The customers of the pizza van also block access and access to the road, the oily smell and carbon dioxide from the pizza van being so close to residential properties about 15 metres, means you cannot sit in your garden or have windows open in better weather. I feel threatened by people so close to my house loitering while ordering their pizza. Maxine gales the local councillor is fully aware of the situation and as the additional evidence. 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • so that residents in the roads can put their views across 		
3 (Anonymous Survey 7)	<ul style="list-style-type: none"> • Agrees proposed prohibited streets. • Cherry Tree Road, Milford, Surrey. GU8 5AX should also be a prohibited street. For the past two years we have had to suffer a mobile pizza van (Vaporetto) trading for 5 hours on Wednesdays and up to 10 hours on Fridays. I have made various complaints to the local and Waverley Council including: inconsiderate parking and blocking access to my driveway, blocking the road to emergency vehicles, people consuming food whilst sitting on my 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • To stop other residents going through this utter nightmare.... 		Tonight 22.01.2021 5.00pm was utter chaos.... Cars trying to park everywhere. Some heated discussions still ongoing..... Cherry Tree Road is a residential road and trying to get onto A283 safely is quite a skill. Having a pizza van blocking your view is extremely dangerous.

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>garden wall, the pizza van setting fire to the branches of the Cherry Trees planted on the verge - the fire offers were called and a letter written to Vaporetto (the pizza van), destroying the grass on the verge and now just mud, the noise of a generator working for 5 hours plus, noise from the radio they play in the van which I can hear through my double glazing. The constant smell of food cooking with the worry of the smoke and what is in the fumes. The smell of food cooking which is very overpowering and you are unable to leave windows open. Witnessing the employees relieving themselves in gardens along Cherry Tree Road and the shrubs on the opposite side of the road with no adequate hand washing facilities in the van. All of the above can be proven with many letters to the local council and photo evidence. Maxine Gale has very kindly taken this all on board and is doing her best to get a solution that Vaporetto or any mobile food van cannot be parked in Cherry Tree Road and trade.</p>			
<p>4 (Anonymous Survey 8)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford should also be a prohibited street. General Public Nuisance, Please refer to Councillor Maxine Gale for residents comments. 	<ul style="list-style-type: none"> • Yes, All roads, other than prohibited streets should be consent streets • To control unauthorised Street Traders who have no respect for residents and ignore all complaints and making residents lives a misery. 		<p>Please refer to Councillor Gale reference nuisance</p>
<p>5 (Anonymous survey 9)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets Cherry Tree Road, Milford, Surrey. GU8 5AX should also be a prohibited street. For the past two years we have had to suffer a mobile pizza van (Vaporetto) trading for 5 hours on Wednesdays and up to 10 hours on Fridays. I have made various complaints to the local and Waverley Council including: inconsiderate parking and blocking access to my driveway, blocking the road to emergency vehicles, people consuming food whilst sitting on my 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • To control unauthorised street traders causing a nuisance, they have no respect for the residents and making our lives a misery. 	<p>Please refer to Councillor Maxine Gale</p>	<p>Please refer to Councillor Maxine Gale.</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>garden wall, the pizza van setting fire to the branches of the Cherry Trees planted on the verge - the fire offers were called and a letter written to Vaporetto (the pizza van), destroying the grass on the verge and now just mud, the noise of a generator working for 5 hours plus, noise from the radio they play in the van which I can hear through my double glazing. The constant smell of food cooking with the worry of the smoke and what is in the fumes. The smell of food cooking which is very overpowering and you are unable to leave windows open. Witnessing the employees relieving themselves in gardens along Cherry Tree Road and the shrubs on the opposite side of the road with no adequate hand washing facilities in the van. All of the above can be proven with many letters to the local council and photo evidence. Maxine Gale has very kindly taken this all on board and is doing her best to get a solution that Vaporetto or any mobile food van cannot be parked in Cherry Tree Road and trade.</p>			
<p>6 (Anonymous Survey 10)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, GU8 AX should also be a prohibited street. Recently we have had a Pizza Van trading on this street. There are a number of Residences here some being Council Tenants and some being owner occupiers. Who park their cars here. Prices range from £300,000 upwards. Our road conditions are deteriorating rapidly with heavy Goods vehicles and many more commercial trucks parking here also when residents return home from work it is difficult to find a parking space. Some of the customers are rude to residents who complain to them for throwing down Pizza boxes and drinks cans also parking with camping chairs etc. and eating and drinking immediately in front of our lounge windows (weather permitting) I walk with the aid of crutches also in my 80th year. I worked for 42 years and have been able to purchase 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets • All situations are different and should be assessed individually • Each needs to be looked at individually • I am not entirely sure now what you mean by Consent streets 		<p>I feel that a phone call with someone would explain to me what your designations of street mean. I can be contacted at no XX</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>my flat knowing that this is a desirable and quiet area. I feel that this trading is devaluing our street. When we approach the trader he is less than polite, shrugs his shoulder and walks away. We have suggested to him that he would cause less problems and have adequate parking at the side street beside the Milford Cricket field and Hall but he said he didn't want to go there. He also erects signs directing vehicles to our street calling it 'Lay By'.</p>			
<p>7 (Anonymous Survey 11)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, Surrey should also be a prohibited street. <p>The pizza van, Vaporetto, and his customers are causing a nuisance to the residents. We have had to keep our windows shut during the summer due to the awful smell and smoke coming from the van. His customers block driveways with their inconsiderate parking. Food delivery drivers have complained about pizza van many times. Our bin collection is often held up as the pizza van and customers are blocking the road. The pizza van has caused damage to the grass verges and Cherry trees. Emergency services have had difficulty parking.</p>	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • All street traders need to have a license to trade. 		
<p>8 (Anonymous Survey 12)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford, GU8 5AX should also be a prohibited street. There have been numerous problems that you are aware of due to the complaints that have been issued to yourselves with regards to the wood fired pizza van that continues to park along this road. Several of the residents along this road have been unhappy with the levels of traffic that this causes along the road making it difficult for emergency vehicles to access the road when they are present and blocking driveways with the customers to the van. Police have also been called on a few occasions to settle disputes between the 	<ul style="list-style-type: none"> • Yes, all roads, other than prohibited streets should be consent streets • Yes, unless the local residents find a reasons as to not be as we are the ones that have to live in the areas. There are many streets in Waverley that do not impact local residents and for the previous question that I answered it is literally on our door step when there is an adequate pavilion where there are no local 		

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>residents of Cherry Tree Road and the owners of the van due to the traffic and noise that is caused by the customers to the van. There is also the issue with air pollution as we all constantly have to deal with the smell of burning wood during their operating hours and once again many residents of the road have expressed their anger towards this and have contacted the local councillors regarding the above mentioned issues.</p>	<p>homes so there would be no impact to residents.</p>		
<p>9 (Anonymous Survey 13)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road, Milford should be prohibited as it is a residential street and due to street trading over the last 18 months there are certain days where the residents are unable to get their cars out of their drives or even park. Residents have also been unable to receive deliveries as the food truck and its customers block the road. There are also times where it blocks the view of the roundabout and oncoming traffic which makes exiting Cherry Tree Road dangerous. The residents are unable to have their windows open as the smoke and smell from the truck blows in to the houses. The customers are also prone to sitting outside our homes, making lots of noise and leaving their pizza boxes littering the grass instead of taking them with them. 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets as all Residential Streets should all be made prohibited streets • Because some streets are purely residential and should be allowed to remain so. Most villages have public spaces where the smells, noise, smoke pollution and disturbances caused by customers and their cars would go largely unnoticed by residents. If Waverly chooses to allow street trading food trucks they should be confined to these public spaces. 	<p><i>Schedule 1 applications</i> - should only apply to Waverly if they are based in Waverly. Trucks should only be allowed to trade is issued with a Waverly license. The one currently trading on Cherry Tree Road in Milford is currently licensed in Rushmoor.</p>	<p>I don't want to have an argument every time I want to enter or exit my driveway. I want to be able to have fresh air in the house without the smell of smoke and pizza or have to listen to the music they play in the truck nor have to listen to the sound of the generator.</p>
<p>10 (Anonymous Survey 14)</p>	<ul style="list-style-type: none"> • Agrees proposed prohibited streets • Cherry Tree Road in Milford should be a prohibited street. In fact, I think all purely residential streets should be prohibited - it would avoid any and all discussion each time a request comes in 	<ul style="list-style-type: none"> • No, all roads, other than prohibited streets should not be consent streets as all Residential Streets should all be made prohibited streets • Streets that are purely residential should all be prohibited streets. It is TOTALLY unfair that councillors can allow street trading on residential roads - they do not have to live on them and put up with all the attendant 	<p><i>General Guidelines</i> - All residential roads should be prohibited streets. No street traders anywhere should be allowed to trade within Waverley without a license granted by Waverley</p> <p><i>General Information</i> - All street traders should have a license from Waverley if they want to trade in Waverley. No residents in Waverley - who pay their</p>	<p>In addition to other comments please note. Add to that the inconsiderate parking of the van's customers, emergency vehicles unable to get through, drives blocked, verges driven over and parked on leaving a muddy mess. Litter. I think it is appalling that the traders have more rights than the residents. If you want to grant street trading licenses then as most villages have a public space with parking</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
		<p>hassles and unpleasantness created by street traders.</p>	<p>Council Tax to Waverley - should have to put up with a street trader whose license is granted by Rushmore or any other borough. For the last 18 months, twice a week, sometimes for 10+ hours, our road has been invaded by a stinking pizza van. A bonfire on wheels -when we are forbidden from having a garden bonfire due to COVID restrictions. Residents have been unable to open their windows due to smoke, smells and noise - and that during one of the hottest summers on record.</p>	<p>at a distance from residences the traders should be told they use that space and no other. I know for a fact that the pizza van owner was offered the car park opposite Milford cricket green but declined to move from Cherry Tree Road as he wouldn't make enough money...and that just about sums it up. It doesn't (or perhaps, it hasn't until now) matter what the residents have to put up with...</p>
<p>11 (Witley Parish Council, Email)</p>		<p>Witley Parish Council supports Waverley's proposed street trading policy, in particular having a 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'</p>		
<p>12 (Cranleigh Parish Council, Email)</p>			<p>Cranleigh Parish Council wish to highlight the value of including additional considerations to be taken into account on section 2.3.3 of the Street Trading Licence. In particular, could due consideration be taken of the capacity of the street trading area vis a vis the potential maximum attendance on the site by the public and the consequent risk of over congestion impacting adjacent roads to the site, and</p>	

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
			<p>overcrowding of the site itself.</p> <p>In addition, can the trading licence Standard Consent Conditions Section 8, be more specific in determining whether £5m insurance cover is per trader on the site, for the site as a whole and who is to be covered (i.e. organiser or trader). Currently the condition would suggest £5m insurance for a single trader or a full market site. Is this sufficient demarcation of responsibility, or feasible for the small trader?</p>	
<p>13 (Resident Cherry Tree Close, Email)</p>	<ul style="list-style-type: none"> • Please add Cherry Tree Road to the prohibited streets for street trading so that the residents no longer have to worry about the stress caused by this business. • I am a resident of Cherry Tree Road, Milford and have been forced to put up with a pizza truck parked outside my house every Wednesday and Friday for the past 18 months. The police can't do anything and Waverly has done nothing to address the numerous complaints we have lodged over the past year. Why a truck that hasn't even got a licence from Waverly is allowed to trade in Milford in the first place, I will never understand. There are times that I am unable to access my driveway - either to park or to leave. We have been told that we can't get our deliveries because the delivery truck has been able to access our street. There are times (at busy periods) where there isn't even room for an emergency vehicle. The customer's park wherever they feel like and I'm sure have damaged the grass verge and the cherry trees. We are unable to open our front windows due to the noise from the truck, the generator they use and the music they play not to mention the smoke and stink of the 			

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
	<p>wood oven. There are also times where the truck blocks the view of the roundabout and oncoming traffic which makes exiting Cherry Tree Road dangerous. The customers are also prone to sitting outside our homes, making lots of noise and leaving their pizza boxes littering the grass instead of taking them with them. This is a residential street and the truck should not be allowed to use it. They can use one of the many open spaces such as the cricket pavilion if they insist on coming to Milford.</p>			
<p>14 (Resident Cherry Tree Close, Email)</p>				<p>I wish to comment on the "Pizza Van" issue This van is here on Wednesdays & Fridays advertising "Hot Fired Pizzas" fouling the environment with the foul smells I have spoken with Maxine Gale many times, Who has tried so hard to get it stopped. This service road (not a lay-by) has many aged residents Therefore Ambulances are regular visitors, as are the community buses to pick up the aged to take them to treatment centres etc., thus the parking of so many pizza van customers causes many problems. The customers then queue along the pavement to be served. They block the pavement to the many walkers, runners, dog-walkers etc. finally how is it this van can park here serving food during lockdowns when our local restaurants have to close? The people who operate this thing, tie adverts to your lampposts, advising drivers to turn off for pizzas!! I have spoken with the individuals, and asked if the Council are happy for them to</p>

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
				decorate your lampposts. They assure me they have.
<p>15 (Resident of Cherry Tree Close, Email)</p>		<ul style="list-style-type: none"> • I am writing in support of streets within Waverley being reclassified as 'consent streets'. • I am a resident of Cherry Tree Road, GU8 5AX, and the Vaporetto Pizza van, which has been parking on our residential road for many months, has caused a significant amount of trouble and distress for residents. The proprietor has been dismissive of our concerns, around customer parking blocking driveways, significant traffic and congestion arriving in our road, smoke pollution and the burning our cherry trees. This business treats Cherry Tree Road as a layby for its business; indeed, the road is termed as a layby on its marketing materials. I do not wish to live in a road in which an 80-year-old neighbour feels intimidated in her own home, when men (in this case) set up outside her ground floor flat, to eat pizza and carouse. In fact, I find this unsanctioned (on the part of XXX, owner of Vaporetto) behaviour as being incredibly troubling, especially as this elderly lady has pleaded (with the business) to relocate to a site offered by Witley Parish Council. • Overall, I don't wish for businesses to have free reign to set up in any residential street in the area, and have carte blanche to inflict the same kind of inconvenience, frustration and distress, as we have had to 		

Response	Feedback on Prohibited Streets	Feedback on Consent Streets	Feedback on Policy	Other Comments
		endure, on other local Waverley residents.		
16 (FHS Team, Discussion)			Is it possible to require mobile food traders to have a Food Hygiene rating score of 3 or above?	

STREET TRADING POLICY 2021



Contents:	Page
1. General guidelines	3
2. Schedule 1 individual applications	3
3. Schedule 2 – community and similar events	5
4. General Information – all cases	6
4.1 Decisions	6
4.2 Renewals	6
4.3 Variations	6
4.4 Fees	6
4.5 Conditions	6
4.6 Appeals	6
4.7 Enforcement	7
4.8 Review procedures	7
4.9 Late Applications	7
Appendix I – List of Prohibited and Consent Streets in Waverley	9
Appendix II – Standard Consent Conditions	11
Appendix III – Pool of Conditions	13

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, **who must be 17 years or older**. 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 Head of Environmental and Regulatory Services. 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 Environmental and Regulatory Services 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. 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, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area.

Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

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 or national 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.
<https://www.waverley.gov.uk/Portals/0/Documents/services/council-information/about-waverley-borough-council/council-policies-and-strategies/Enforcement Policy for Regulatory Services.pdf?ver=otujnXCCJ8X6AWiewl7EGg%3d%3d>
- 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.
<https://www.waverley.gov.uk/Portals/0/Documents/services/council-information/about-waverley-borough-council/council-policies-and-strategies/Enforcement Policy for Regulatory Services.pdf?ver=otujnXCCJ8X6AWiewl7EGg%3d%3d>

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 five 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 by the Head of Service in consultation with the Chairman of the Licensing & Regulatory Committee on receipt of satisfactory responses from the police, fire and highways authorities.

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 Waverley

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

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 Park Mead
Park Mead, and Park Drive to the junction with Cranbrook Terrace
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

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. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. 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. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).
10. 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
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. 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.
18. The Consent is non-transferable.
19. 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.
20. 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 holder must not sell a knife to anyone under 18.

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 save assistance dogs in accordance with the Equality Act 2010

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

A RESOLUTION ON STREET TRADING AND DESIGNATION OF CONSENT AND PROHIBITED STREETS

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
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 Park Mead
Park Mead, and Park Drive to the junction with Cranbrook Terrace
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

The resolution comes into effect on 1 April 2021. Earlier resolutions passed by Waverley Borough Council to designate specified areas of the District as consent and prohibited streets for the purposes of regulating street trading under Schedule 4 of the above legislation are rescinded.

DRAFT NOTICE

WAVERLEY BOROUGH COUNCIL

Street Trading Resolution on designation of consent and prohibited streets

Local Government (Miscellaneous Provisions) Act 1982 – Para 2 Schedule 4

Notice is hereby given that Waverley Borough Council has passed the following resolution on 1 MARCH 2021 (Licensing and Regulatory Committee) for the purpose of regulating street trading:-

That all streets in Waverley Borough be designated as consent streets under the above legislation, save those streets set out within annexe E which are to be designated as prohibited streets, (a list of which is published at Waverley's Street Trading website at <https://www.waverley.gov.uk/Services/Business-and-licensing/Licences-and-registrations/Street-trading>); and

To rescind earlier resolutions passed by Waverley Borough Council to designate streets for the purposes of regulating street trading

The effect is to require persons to obtain consent from Waverley Borough Council to trade on consent streets and to prohibit street trading on prohibited streets with effect from 1 April 2021.

For further information including to obtain a list of prohibited streets, and street traders wishing to apply for consent, please visit the above website, email: environmentalhealth@Waverley.gov.uk, or telephone: 01483523393
Environmental and Regulatory Services, Waverley Borough Council, The Burys, Godalming, GU7 1HR