



Licensing Committee

Mon 18 Nov
2024
7.00 pm

Oakenshaw Community
Centre, Castleditch
Lane, B98 7YB



If you have any queries on this Agenda please contact

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GUIDANCE ON FACE-TO-FACE MEETINGS

Please note that this is a public meeting and is open to the public to attend.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

PUBLIC SPEAKING

The total maximum time permitted for public speaking is 15 minutes and the time limit for individual speakers is 3 minutes.

Only those members of the public who have registered to speak in advance of the meeting will be permitted to do so.

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 3304, or email gavin.day@bromsgroveandredditch.gov.uk before 12 noon on Thursday 14th November 2024.

When registering to speak you must give your name and contact telephone number and indicate which agenda item you wish to speak about, and whether you are in support of or opposed to the officer recommendation.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public and press are excluded.



Licensing

Monday, 18th November, 2024

7.00 pm

Oakenshaw Community Centre
- Oakenshaw Community
Centre

Agenda

Membership:

Cllrs:	David Munro (Chair)	Sid Khan
	Sachin Mathur (Vice-Chair)	Gary Slim
	Juliet Barker Smith	Jen Snape
	Brandon Clayton	Monica Stringfellow
	Matthew Dormer	Paul Wren
	Sharon Harvey	

1. Apologies
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Minutes (Pages 5 - 8)
4. Public Speaking
5. Results of Consultation on Draft Policy on Pavement Licensing (Pages 9 - 44)
6. Results of Consultation on Draft Revised Street Trading Policy (Pages 45 - 76)
7. Verbal update on the Tobacco and Vapes Bill
8. Work Programme (Pages 77 - 78)
9. Exclusion of the Public and Press

In the opinion of the Chief Executive, the meeting will not be, or is unlikely to be open to the Public at the time the following items of business are considered for the reasons stated. The Committee will be asked to pass the following resolution:

“that under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the following paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended:

- Paragraph 1 – Any Individuals

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- **Paragraph 2 – Identity of Individuals**
- **Paragraph 3 – Financial or Business Affairs**
- **Paragraph 7 – The Prosecution of a Crime.”**

10. Officer Update(s) - Enforcement and Appeal Matters

(In view of the fact that information may be revealed in relation to individuals, the identities and financial or business affairs of those individuals and the prosecution of crimes, any reports will be confidential and circulated to Members and relevant Officers only.)



Planning Committee

Thursday, 10th October,
2024

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor William Boyd (Vice-Chair) and Councillors Juma Begum, Bill Hartnett, David Munro and Jen Snape

Officers:

Ruth Bamford, Amar Hussain, Steve Edden and Paul Lester

Democratic Services Officers:

Gavin Day

21. APOLOGIES

Apologies for absence were received from Councillors Brandon Clayton, James Fardoe and Gemma Monaco.

22. DECLARATIONS OF INTEREST

There were no declarations of interest.

23. CONFIRMATION OF MINUTES

The minutes of the Planning Committee meeting held on 12th September 2024 were presented to Members.

RESOLVED that

the minutes of the Planning Committee meeting held on 12th September 2024 were approved as a true and accurate record and signed by the Chair.

24. UPDATE REPORTS

The Chair Announced that there was an update report in relation to Agenda item 5 (Minute No25).

Members were given a few minutes to read the report, after which Members indicated they were happy to proceed and moved that the Update reports be noted.

Chair

Planning Committee

Thursday, 10th October, 2024

25. 24/00387/FUL - LAND SOUTH OF, ASTWOOD LANE, FECKENHAM, REDDITCH, WORCESTERSHIRE, B96 6HP

The application was being reported to the Planning Committee because, following discussions with the Assistant Director for Planning and Leisure Services, the Planning Officer considered that the application should be determined by the Planning Committee.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 12 of the Site Plans and Presentations pack.

The application was for Land South Of, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HP and sought permission for an underground cable to connect Feckenham Greener Grid Park to Feckenham Substation.

Officers noted that The Feckenham Greener Grid Park was approved at Planning Committee by Members on 21st January 2022 under application 21/00195/FUL. The application before Members was for a connecting underground cable between the Greener Grid Park and Feckenham substation, it was further noted that no part of the approved application was to be amended under the proposed application.

The application site was shown on page 6 of the Site Plans and Presentations pack. Officers confirmed that the site was within the green belt, however, as the works were underground, they were not classified as engineering works as detailed under Paragraph 155 of the National Planning Policy Framework (NPPF) and thus were not considered inappropriate development.

An excess of 10% biodiversity net gain was proposed and consultees had no objection to the application subject to appropriate conditions. No further harm was identified which would warrant refusal

The following was clarified following questions to Officers.

- That no part of the application 21/00195/FUL could be considered as part of the proposed application
- That Hereford and Worcester Fire and Rescue Service were consulted regarding concerns raised around the environmental impact of the lithium batteries. Their response was detailed on page 5 of the Update Reports pack.

Members appreciated the concerns raised during the public speaking and the representation raised by Feckenham Parish Council; however, they noted that the concerns raised were not

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material considerations for the Planning application in front of them and could therefore, not be taken into account.

On being put to a vote it was:

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions outlined on pages 24 to 28 of the Public Reports pack

26. 24/00639/FUL - CLAYBROOK HOUSE, CLAYBROOK DRIVE, REDDITCH, WORCESTERSHIRE, B98 0FH

The application was reported to Planning Committee for determination because the application was for major development (more than 1000 sq metres of new commercial / Industrial floorspace), as such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 13 to 22 of the Site Plans and Presentations pack.

The application was for Claybrook House, Claybrook Drive, Matchborough East, Redditch, B98 0FH and sought the Erection of 13 Class E Business Units with associated parking.

Officers detailed that the site had previously been used as employment land occupied by "Interserve". However, the site had been vacant for a period of time and following vandalism and anti-social behaviour issues, the building was demolished in 2023.

The proposed site plan was detailed on page 15 of the Site Plans and Presentations pack. Officers identified the access points to the units, in that units 1 to 12 and unit 13 would have different access, via Claybrook Drive and Hemming Road respectively. However, it was further noted that both were existing access routes to the site with no new ones being proposed.

Officers confirmed to Members that the use class for the units would be restricted to E(g) (iii) which was light industrial use, this excluded some uses which would normally be covered under the broader E classification.

there was one objection from a local resident which sited highways grounds, however, Worcestershire County Council, Highways, did not raise an objection to the application. Worcestershire Regulatory

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Services (WRS) were also consulted, and an acoustic fence was proposed along the northern side of the site.

The following was clarified following questions to Officers.

- It was not considered reasonable or necessary to restrict operational hours for the units given the employment land designation of the site; the restriction on the planning use class for the units; the buffer area beyond the northern boundary; and the provision of an acoustic fence (by planning condition)
- Condition 3 addressed the materials to be used on the site and the details of which would need to be submitted and approved prior to construction.
- The trees along the boundary would be considered during construction and would form a natural sound barrier along with the acoustic fence.

Members then proceeded to consider the application.

Members agreed that it was a good use for a derelict site which was being retained as employment space. Members expressed the opinion that it was a good use of the land and would be an asset to the local area.

On being put to a vote it was

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions outlined on pages 35 to 38 of the Public Reports pack

The Meeting commenced at 7.00 pm
and closed at 7.36 pm

LICENSING COMMITTEE18th November 2024**BUSINESS AND PLANNING ACT 2020****CONSULTATION ON DRAFT POLICY ON PAVEMENT LICENSING**

Relevant Portfolio Holder	Councillor M Stringfellow
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council has been given responsibility for the issuing of pavement licences under the Business and Planning Act 2020. The licensing regime, which was implemented during the Covid-19 pandemic and was intended to be temporary, has now been made permanent.
- 1.2 Members have previously approved a draft Policy on Pavement Licensing for the purpose of consultation with relevant stakeholders and are now asked to consider the responses received during the consultation exercise and then to approve and adopt a finalised Policy on Pavement Licensing.

2. RECOMMENDATIONS**2.1 Members are asked to RESOLVE;**

To approve and adopt the draft Policy on Pavement Licensing shown at Appendix 2 to take immediate effect.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 The resource implications for Worcestershire Regulatory Services arising from the implementation and ongoing administration of the permanent regime, may need to be reflected in the Council's future contributions to the Worcestershire Regulatory Services budget.

- 3.3 The Business and Planning Act 2020 contains provisions allowing Councils to charge fees for the grant and renewal of licences to recover the costs of administering the licensing regime. Certain costs associated with removing and storing furniture placed on the highway without authorisation, can also be recovered by the charging of fees.

Legal Implications

- 3.4 It is considered best practice to have in place a clear and transparent policy that sets out the approach the Council takes in respect of its pavement licensing functions.
- 3.5 It is also considered best practice to carry out consultation on any such policy before it is implemented, in order to minimise the risks of any legal challenge to any aspects of that policy.

Service / Operational Implications

- 3.6 In July 2020 the Business and Planning Act 2020 was enacted. The legislation was expedited through Parliament to make provisions relating to the promotion of economic recovery and growth as the country emerged from various restrictions that had been put in place in response to the global Covid-19 pandemic.
- 3.7 Part 1 of the Act introduced provisions in England and Wales that put in place a streamlined process to enable businesses to obtain permission to place removeable furniture on the highway for use in connection with the sale and consumption of food and drink. The need for a streamlined process was to ensure that hospitality businesses could maximise their opportunities to trade profitably at a time when social distancing requirements guidance remained in place which impacted the number of customers that they could accommodate inside their premises.
- 3.8 Responsibility for issuing the new “pavement licences” was given to district councils in England, including Redditch Borough Council.
- 3.9 As previously mentioned, the legislation was put in place very quickly and was commenced as soon as it was enacted. That meant that there was very little time available to put in place policies and procedures for dealing with applications.
- 3.10 Worcestershire Regulatory Services agreed to take on the temporary pavement licensing functions on behalf of the Council as they were best placed to do so given that they were already carrying out functions on the Council’s behalf under the Licensing Act 2003.

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- 3.11 Officers worked at pace to draft policies, application forms, licence templates and website content to enable businesses to be able to apply for pavement licences as soon as possible after the legislation came into force. The policies were approved under emergency delegations in place at the time to allow them to come into effect as quickly as possible.
- 3.12 The provisions in part 1 of the Business and Planning Act 2020 were only originally intended to remain in place for a temporary period, and section 10 of the Act originally stated that the provisions would expire at the end of 30 September 2021.
- 3.13 However, the temporary regime was subsequently extended on three separate occasions before a decision was taken to make it a permanent licensing regime. The regime was made permanent on 31 March 2024 by virtue of the commencement of provisions made in the Levelling Up and Regeneration Act 2023.
- 3.14 At the same time as making the regime permanent, some important amendments were made to the pavement licensing regime including extending the consultation and determination periods in respect of applications from 7 to 14 days each. The permanent regime also contains new powers to serve notices and remove furniture when it has been placed on the highway without permission.
- 3.15 Once the pavement licensing regime had been made permanent, it was necessary to review and revise the Council's Policy on Pavement Licensing to ensure that it is fit for purpose and reflects the amendments that have been made to the regime since it was first introduced.
- 3.16 A draft Policy on Pavement Licensing was prepared by officers and presented to the Licensing Committee on 15th July 2024. The draft policy is based on a template that has been created to form the basis for similar policies across all six district Councils in Worcestershire.
- 3.17 The draft policy has been drafted with reference to the guidance on pavement licences published by the Department for Levelling Up, Housing and Communities (DLUHC) on 2nd April 2024 under section 8 of the Business and Planning Act 2020. This guidance can be seen at: www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance.
- 3.18 The first two sections of the draft policy set out the background to the licensing regime, explains the scope and provides assistance in understanding key terms from the legislation that are used throughout the document.

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- 3.19 The draft policy goes on to set out how people apply for a licence, how those applications will be advertised and consulted upon and how they will be determined. The draft policy also sets out the standard duration of licences and the conditions that licences that are granted or deemed to have been granted, will be subject to.
- 3.20 The draft policy also sets out the approach that will be taken in respect of compliance and enforcement activities in respect of the pavement licensing regime.
- 3.21 Members of the Licensing Committee resolved to approve the draft Policy on Pavement Licensing for the purpose of consultation with relevant stakeholders.
- 3.22 The consultation exercise was undertaken between 19th August 2024 and 30th October 2024. The consultation exercise was facilitated using an online survey tool that asked respondents whether they agreed with the content of the draft policy in respect of:
- The requirements when making applications (new and renewal)
 - Those who would be consulted on applications
 - The approach to determining applications
 - The standard licence duration
 - The standard conditions that will apply to licences granted or deemed to be granted
 - The approach that will be taken to compliance and enforcement activities
- 3.23 Where respondents did not agree with any part of the draft policy, they were asked to provide further explanation. An opportunity was also provided for respondents to make any other comments or observations that they had on the draft policy.
- 3.24 The consultation survey was sent to the following:
- Highway Authority – Worcestershire County Council
 - West Mercia Police Licensing Team
 - Hereford and Worcester Fire & Rescue Service
 - Environmental Health (WRS)
 - Centres Manager for Redditch Borough Council
 - Planning Department at Redditch Borough Council
 - Worcestershire Safeguarding Children Partnership
 - Director of Public Health (Worcestershire County Council)
 - Trading Standards (Worcestershire County Council)
 - Engagement, Equalities and Policy Team at Redditch Borough Council
 - Sensory Impairment Team at Worcestershire County Council

- District Councillors
 - Feckenham Parish Council
 - Representative bodies of local businesses
 - National trade bodies for hospitality businesses
 - Local and national representative bodies for those with disabilities
 - Those who hold or have applied for pavement licences from the Council previously
- 3.25 A link to the consultation survey was hosted on the consultations page of the Council's website and publicised via social media channels.
- 3.26 Only three people responded to the consultation survey. A summary of the responses received to the questions asked as part of the consultation exercise, can be seen at **Appendix 1**.
- 3.27 In respect of application requirements, one respondent has suggested that photos of furniture and the existing layout should be provided when applying for renewal of a licence.
- 3.28 The policy has been deliberately designed to ensure that administrative burdens on those renewing an existing licence are minimised by only requiring such items to be provided if the nature of the furniture or the area of the highway authorised to be used has changed. The policy states at paragraph 3.4:
- “... if the licence holder wishes to change any of the terms of their licence, including amending the part of the relevant highway that the licence permits the furniture to be placed, then the application will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.”*
- 3.29 In respect of consultation on applications, one respondent suggested that residents should be consulted. Members are reminded that the applicant for a pavement licence has to display a public notice at the premises and that all applications will be advertised online. Officers consider that this provides adequate opportunity for local residents to become aware of applications and to respond to them if they wish to.
- 3.30 Another respondent suggested that certain areas should be “pre-approved” to speed up decision making. Officers would remind Members that the timescales for considering and determining applications are set out in the Business and Planning Act 2020 and would need to be followed when dealing with each individual application. Each application will also need to be considered on its own merits.

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- 3.31 In respect of the standard conditions to be attached to licences, one respondent has suggested that there should be some allowance for storage of certain items next to a property outside overnight.
- 3.32 Members are reminded that pavement licences are issued in respect of removeable furniture only. Officers believe that all furniture authorised by a pavement licence needs to be stored securely away from the highway between the hours of 23:00hrs and 07:00hrs and at all other times when the premises is closed. This is to ensure that furniture does not get used in connection with crime or anti-social behaviour late at night or after the relevant business has closed for the evening.
- 3.33 Having considered the consultation responses, officers do not believe that any changes need to be made to the draft Policy on Pavement Licensing which was consulted upon. The only small change required is the inclusion of the Council's new logo.
- 3.34 Having made that change, officers now recommend that Members approve and adopt the draft Policy on Pavement Licensing shown at **Appendix 2**.

4. RISK MANAGEMENT

- 4.1 Failing to carry out proper consultation on a policy of this nature before it is implemented, would increase the risk of the policy being subject to a successful legal challenge.

5. APPENDICES

Appendix 1 - Summary of Consultation Responses

Appendix 2 - Draft Policy on Pavement Licensing

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@wocsregservices.gov.uk

Tel: (01905) 822799

Consultation Questions and Responses

- Q1. Do you agree with the process proposed for those applying for the GRANT of a pavement licence set out in paragraphs 3.5 to 3.8 of the draft policy?

YES	3
NO	0
DON'T KNOW	0

- Q2. Do you agree with the process proposed for those applying for the RENEWAL of a pavement licence set out in paragraphs 3.9 to 3.12 of the draft policy?

YES	2
NO	1
DON'T KNOW	0

If you have answered NO, what changes to the process would you suggest?

The renewal is assuming the furniture is staying the same as previously.

Furniture will inevitably need changing during the lifetime of the contract sometimes, so something along the lines of a photo of the furniture, existing layout etc would be useful.

- Q3. Do you agree with the list of those who will be consulted before applications are determined shown at paragraph 4.3 of the draft policy?

YES	1
NO	2
DON'T KNOW	0

If you have answered NO, what changes to the list of consultees would you suggest?

Not all cafes and bars will be in business areas. If in residential areas then residents should be consulted too

This will slow down the application process. Rather than on a per application basis, could the council "pre-approve" various areas, subject to an application going in for approval.

In theory the council could zone different areas already, which have already been consulted on therefore streamlining the process when an application goes in? It might help to encourage rather than overburden.

For areas outside of these zones, then yes I agree with this.

- Q4. Do you agree with the Council's proposed approach to determining applications that is set out in paragraphs 5.1 to 5.13 in the draft policy?

YES	2
NO	1
DON'T KNOW	0

If you have answered NO, what changes do you believe should be made to this part of the draft policy?

No comments provided

Q5. Do you agree that, unless previously surrendered or revoked, all pavement licences granted by the Council should be valid for two years?

YES	2
NO	1
DON'T KNOW	0

If you have answered NO, how long do you think pavement licences should be granted for?

No comments provided

Q6. Do you agree with the Council's list of standard licence conditions for pavement licences, which is set out in Annex B of the draft policy?

YES	2
NO	1
DON'T KNOW	0

If you have answered NO, what changes to the list of standard licence conditions do you believe should be made?

Allowance for storage of certain items next to the property outside overnight. i.e. moveable planters.

Q7. Do you agree with the Council's proposed approach to compliance and enforcement, as set out in paragraphs 8.1 to 8.11 of the draft policy?

YES	3
NO	0
DON'T KNOW	0

If you have answered NO, what changes do you believe should be made to this part of the draft policy?

N/A

Q8. If you have any other comments or observations in relation to the draft policy on pavement licensing, please provide these here:

No responses

Q9. In what capacity are you responding to this survey?

Owner / operator of a business that is able to apply for a pavement licence	0
Elected Member	0
Member of the public	2
Other (please specify)	1

Others specified:

Local business

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***** DRAFT *****

POLICY ON PAVEMENT LICENSING

BUSINESS AND PLANNING ACT 2020

APPROVED WITH EFFECT FROM: 19TH NOVEMBER 2024

REDDITCH BOROUGH COUNCIL
POLICY ON PAVEMENT LICENSING
BUSINESS AND PLANNING ACT 2020

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1.0 BACKGROUND AND INTRODUCTION

- 1.1 Pavement licences are issued by the Council under the provisions of the Business and Planning Act 2020.
- 1.2 The Business and Planning Act 2020 created a streamlined process to allow businesses to apply for a licence to place removable furniture over certain highways adjacent to a premises in relation to which the application is made, for certain purposes.
- 1.3 The Business and Planning Act 2020 was originally passed in summer 2020 in response to the significant adverse impacts the Covid-19 pandemic was having on businesses in the hospitality sector and was originally only intended to be in place for a short period of time. The purpose of the legislation was to make it quicker and simpler for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway.
- 1.4 The Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act 2020 and it is hoped that this will provide much needed ongoing support for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.
- 1.5 This policy sets out the Council's approach to its functions and responsibilities with regard to the issue of pavement licences in its area. The policy document sets out a number of relevant matters including:
 - The Council's interpretation of the scope of, and key terms in, the relevant legislation
 - The Council's requirements in respect of applications for licences
 - The general approach and matters that the Council will take into account when determining applications for licences, including those who will be consulted
 - The conditions that the Council will attach to licences granted or deemed to be granted
 - The Council's approach to enforcement and revocation of licences
- 1.6 In formulating this policy, the Council has had due regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020.

2.0 SCOPE OF THE LICENSING REGIME AND DEFINITION OF KEY TERMS

What businesses can apply for licences?

- 2.1 Pavement licences can be applied for by businesses that use (or propose to use) premises for the sale of food or drink for consumption on or off the premises. Businesses that are eligible include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets or entertainment venues that also sell food or drink.
- 2.2 Businesses that do not use their premises for the sale of food or drink, for example hairdressing salons, are ineligible. However these businesses can apply to the relevant highway authority for permission to place furniture on the pavement under provisions contained in part 7A of the Highways Act 1980.

What furniture can be permitted by a licence?

- 2.3 A pavement licence can only permit the business to place removable furniture on a relevant highway. The Business and Planning Act 2020 states that furniture means:
- (a) counters or stalls for selling or serving food or drink,
 - (b) tables, counters or shelves on which food or drink can be placed,
 - (c) chairs, benches or other forms of seating, and
 - (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;
- 2.4 This furniture is required to be removable and related to the serving, sale and consumption of food or drink.
- 2.5 The Council will take a pragmatic common-sense approach when determining whether furniture is genuinely “removable.” However, in order to be considered removable, the Council expects any furniture to be capable of being moved easily and stored away from the relevant highway each night. Furniture that is fixed to either the ground or to walls, for example with screws or bolts, will not be considered by the Council to be removable furniture.

What furniture is not capable of being permitted by a pavement licence?

- 2.6 Any furniture that is not removable or that is not used in connection with the outdoor selling or consumption of food or drink are not permissible by a pavement licence.
- 2.7 Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.
- 2.8 Applicants that wish to place non-removable furniture onto the highway must apply to the relevant highway authority for permission under the Highways Act 1980.

Where can a licence allow furniture to be placed?

- 2.9 A pavement licence can authorise the placing of removable furniture on part of a relevant highway adjacent to the applicable premises.
- 2.10 The Business and Planning Act 2020 states that “**relevant highway**” means a highway –
- (a) to which Part 7A of the Highways Act 1980 applies, and
 - (b) which is not over Crown land or maintained by Network Rail.
- 2.11 When determining whether the part of the relevant highway is “**adjacent**” to the applicable premises, the Council will adopt a pragmatic approach and consider each case on its merits. In doing so all relevant factors will be considered including:
- How far the part of the relevant highway is from the frontage of the applicable premises;
 - What lies between the part of the relevant highway and the frontage of the applicable premises; and
 - What other businesses that are eligible to apply for a pavement licence are located in the vicinity of the premises that is the subject of the application.

Interaction with section 115E of the Highways Act 1980

- 2.12 Section 115E of the Highways Act 1980 enables the relevant highway authority (Worcestershire County Council) to grant a person permission to use objects or structures on, in or over the highway:
- for a purpose which will result in the production of income;
 - for the purpose of providing a centre for advice or information; or
 - for the purpose of advertising.
- 2.13 However, section 115E (5) of the Highways Act 1980 states that:
- “A council may not under this section grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020”
- 2.14 Therefore, where someone is wishing to place removable furniture on part of a relevant highway in circumstances that fall in scope of the Business and Planning Act 2020, they must apply for a pavement licence under that legislation.
- 2.15 In circumstances where someone wishes to use objects or structures on the highway that are not within scope of the Business and Planning Act 2020, they will not be able to apply for a pavement licence, but may be able to obtain permission under section 115E of the Highways Act 1980. Any such requests for permission must be made to Worcestershire County Council who are the relevant highway authority for the area.

3.0 APPLYING FOR A LICENCE

Types of application

- 3.1 The process that someone needs to follow to apply for a pavement licence will depend on whether the application is an application for the grant of a licence or for renewal of a licence.
- 3.2 In order to be considered a renewal application, an application must:
- (a) be made by a person who already holds a pavement licence,
 - (b) be in respect of the premises to which the existing licence relates, and
 - (c) be for a licence to begin on the expiry of the existing licence and on the same terms.
- 3.3 A renewal application must therefore be made before the existing licence has expired. If the existing licence has already expired when the application is made, it will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.
- 3.4 Likewise, if the licence holder wishes to change any of the terms of their licence, including amending the part of the relevant highway that the licence permits the furniture to be placed, then the application will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.

Applying for the GRANT of a pavement licence:

- 3.5 Applications must be made on the Council's standard application form and must be submitted electronically to enquiries@worcsreqservices.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.
- 3.6 Applications for the grant of a licence must be accompanied by:
- A plan showing the location of the premises shown by a red line, so the application site can be clearly identified
 - A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
 - A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,
 - Photos or brochures showing the proposed type of furniture (including the means of enclosure such as barriers) and information on potential siting of it within the area applied.

- Evidence of consent from neighbouring frontager(s) to use footway space outside their property (if applicable).

3.7 The application fee is non-refundable in the event that the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

3.8 An application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a **complete** application has been made.

Applying for the RENEWAL of a pavement licence:

3.9 Applications must be made on the Council's standard application form and must be submitted electronically to enquiries@worcsregservices.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.

3.10 Applications for the grant of a licence must be accompanied by:

- A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,

3.11 The application fee is non-refundable in the event that the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

3.12 A renewal application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a **complete** application has been made.

4.0 ADVERTISING AND CONSULTING ON APPLICATIONS

4.1 The Act requires an applicant for a pavement licence to

- (a) On the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises, and
- (b) Secure that the notice remains in place until the end of the public consultation period which means the period of 14 days beginning with the day after that on which the application is made.

4.2 A template notice for use by applicants can be found at **Annex A** of this policy.

4.3 Before determining an application, the Council will consult with the following bodies:

- Worcestershire County Council (the highway authority)
- West Mercia Police
- Hereford and Worcester Fire and Rescue Service
- Environmental Health Officers at Worcestershire Regulatory Services
- Economic Development & Regeneration (Redditch Borough Council)
- Any relevant Business Improvement District (where applicable)
- The relevant Ward Member(s) for the Borough Council

4.4 Details of applications received and the relevant public consultation periods for each application will also be published at:

www.worcsregservices.gov.uk/licensing/pavement-licences.aspx

5.0 DETERMINING APPLICATIONS

- 5.1 The Council recognises the aims of the Business and Planning Act 2020 and wants to support relevant businesses to achieve growth and economic prosperity in the hospitality sector. The Council will therefore seek to grant applications for licences where possible.
- 5.2 However, this general approach has to be balanced with the need to ensure that the issuing of pavement licences:
- Does not put public health or safety at risk;
 - Does not lead to anti-social behaviour or public nuisance; and,
 - Ensures that the public, particularly those with disabilities such as sight impairment, are unhampered when walking along streets.
- 5.3 The Council will consider all of the relevant circumstances in determining applications and will treat each case on its merits.
- 5.4 In particular the Council will consider whether the licence holder is able to comply with the both the Council's published standard licence conditions and the statutory licence conditions set out in section 5 (5) and section 5 (6) of the Business and Planning Act 2020.
- 5.5 The Council's standard licence conditions are shown in full at Annex B.
- 5.6 The statutory licence conditions are: a no-obstruction condition and a smoke-free seating condition. The statutory licence conditions are shown in full at Annex C.
- 5.7 When determining individual applications, the Council will also have regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020.
- 5.8 The Council will not grant a licence when doing so would lead to any of the following effects:
- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept

installed for the purposes of that network under, in, on or over the highway.

- 5.9 When considering whether furniture put on a relevant highway by a licence holder pursuant to a pavement licence has or would have the effect referred to in paragraph (a) above, the Council will have regard in particular to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
- 5.10 This list is not exhaustive, and the Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.
- 5.11 The Council will consider any objections or comments received in respect of the application during the public consultation period, whether made by the bodies consulted or any other person, before the application is determined.
- 5.12 Given the important role it undertakes in maintaining the safety of users of the highway, it is extremely unlikely that a licence will be granted or renewed where objections to an application are received from the highway authority, but in all cases the thoughts of all consultees will be considered.
- 5.13 Having considered any objections or comments received in respect of the application, the Council may:
 - a) Grant a licence subject to the standard conditions
 - b) Grant a licence subject to the standard conditions and any other reasonable conditions that are considered appropriate in the circumstances of the case
 - c) Refuse the application

6.0 LICENCES DEEMED TO BE GRANTED

- 6.1 The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 14 days beginning with the first day after the public consultation period has ended.
- 6.2 However, if the Council does not make a determination by the end of the determination period, section 3 (9) of the Act provides that the licence for which the application was made is deemed to be granted by the Council to the applicant.

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7.0 LICENCE DURATION AND CONDITIONS

Duration of licences

- 7.1 Unless previously surrendered or revoked, all licences granted by the Council will be valid for a period of two years and will then expire.
- 7.2 Unless previously surrendered or revoked, any licence deemed granted under section 3 (9) of the Act will be valid for two years starting with the first day after the determination period.

Licence conditions

- 7.3 All pavement licences whether granted or deemed granted, will be subject to the Council's published standard conditions. These are published at **Annex B** to this policy statement.
- 7.4 All pavement licences whether granted or deemed granted, will also be subject to the statutory conditions provided for under section 5(4) of the Business and Planning Act 2020. The statutory conditions are shown at **Annex C** to this policy statement.
- 7.5 In addition to the standard conditions and statutory conditions, further reasonable conditions may be attached to individual licences as the Council considers appropriate in the circumstances of the case having regard to any comments or objections received during the public consultation period. The need for further conditions beyond the standard conditions will be considered on a case-by-case basis.

8.0 COMPLIANCE AND ENFORCEMENT

Putting removable furniture on part of a relevant highway without permission

- 8.1 In cases where removable furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, appropriate advice will be given to the relevant business on how they can apply for a licence.
- 8.2 If no licence application is received and the furniture continues to be placed on a relevant highway without the required licence, the Council can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.
- 8.3 If furniture continues to be placed on the highway, in violation of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid.
- 8.4 If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

Breaches of licence condition

- 8.5 The Council will always seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.
- 8.6 However, if this informal approach does not resolve the issues in a satisfactory way, then formal action can be taken as detailed below.
- 8.7 If the Council considers that a licence-holder has breached any condition of the licence, the authority may—
- (a) revoke the licence, or
 - (b) serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.
- 8.8 If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may—
- (a) revoke the notice, or
 - (b) take the steps itself and recover the costs of doing so from the licence holder.

- 8.9 The Council may also revoke the licence if it considers that—
- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - (b) as a result of the licence—
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
 - (c) anything material stated by the licence-holder in their application was false or misleading, or
 - (d) the licence-holder did not comply with the duty to advertise their application.
- 8.10 The Council may also, with the consent of the licence-holder, amend a licence if it considers that—
- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - (b) as a result of the licence—
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
 - (c) a no-obstruction condition of the licence is not being complied with.
- 8.11 All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and with regard to any relevant enforcement policies in place.

9. EQUALITIES

- 9.1 Under the Equality Act 2010 it is against the law to discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation.
- 9.2 The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 9.3 The licensing authority has had regard to this duty when publishing this statement of policy and will have regard to the duty when determining applications for pavement licences under the Business and Planning Act 2020.
- 9.4 The licensing authority will also look to discharge this duty by making suitable arrangements where requested to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.
- 9.5 In the design and layout of their premises and any areas of the highway used to place furniture, applicants and licence holders are encouraged to consider access and facilities for customers with protected characteristics.
- 9.6 Any person who is concerned that a premises is failing to comply with the Equality Act should make their complaint to the premises in the first instance. Advice can also be sought from the Equality Advisory Support Service (EASS) - www.equalityadvisoryservice.com

10. RIGHTS OF APPEAL

- 10.1 The Business and Planning Act 2020 does not provide any statutory right of appeal against a decision to refuse or revoke a pavement licence. Nor is there a statutory right of appeal against any enforcement notice served on a licence holder.
- 10.2 However, clear and justifiable reasons will always be provided if a licence is refused or revoked, or if an enforcement notice is served on a licence holder.

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11. PLANNING PERMISSION

- 11.1 If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

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12. HAZARDS OR OBSTRUCTIONS ON THE HIGHWAY

- 12.1 Notwithstanding the grant or deemed grant of a licence, the highway authority reserves the right to remove items that present a hazard or obstruction to highway users.

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ANNEX A – TEMPLATE PUBLIC NOTICE

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Redditch Borough Council for a pavement licence at:

.....
..... (3)

Known as..... (4)

The application is for:
.....
..... (5)

Any person wishing to make representations to this application may do so by writing to enquiries@worcsregservices.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:
www.worcsregservices.gov.uk/licensing/pavement-licences.aspx

Signed

Date (7)

Guidance notes on completing this notice of application.

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink]).
- (6) Last date for representations being the date 14 days after the date the application is submitted to the local authority.
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises, and secure that the notice remains in place until the end of the public consultation period.

Failure to comply this requirement may lead to the revocation of any licence granted or deemed granted.

ANNEX B – STANDARD CONDITIONS FOR PAVEMENT LICENCES

1. The licence must only be used for the purpose of placing removable furniture on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the licence holder's business premises.
2. Furniture may only be placed within the area of the highway identified on the plan that is annexed to the licence.
3. The licence holder must ensure that furniture is positioned in such a way so that staff can service the space regularly for cleaning and other purposes, in a manner that does not compromise their health and safety.
4. Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
5. Any furniture must be made of suitable materials to ensure that it cannot easily be pushed or blown over by the wind and thereby cause obstruction. Lightweight plastic "patio" style furniture is therefore not permitted.
6. Clear routes of access along the footway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances suggested by the Department for Transport "Inclusive Mobility" guidance document. A minimum useable footway width of 1.5m must be maintained for pavement users including those using mobility aids such as walking frames, wheelchairs and mobility scooters.
7. The licence holder shall not make excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
8. Unless otherwise specified on the licence, the licence holder must not place any furniture on the highway in pursuance of this licence before 07:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 23:00hrs on any day, whichever is the earliest.
9. Unless otherwise specified on the licence, all furniture must be stored securely away from the highway between the hours of 23:00hrs and 07:00hrs and at all other times when the premises is closed.
10. The licence holder must observe and comply with any direction made by a Police Officer, Fire and Rescue Officer, or authorised officer of the local authority in relation to the use of the highway, including any direction to remove furniture from the highway. These public bodies will not be liable for any loss of earnings arising as a result of the licence holder being required to comply with such a direction.
11. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
12. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area, and removing any refuse and litter on the highway in the vicinity of the removable furniture.

13. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
14. The licence holder must not allow customers using the area to engage in anti-social or disorderly behaviour.
15. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that the conditions above are being adhered to.
16. If the premises does not hold a premises licence under the Licensing Act 2003 which authorises the sale of alcohol, the licence holder must not allow the sale or consumption of alcohol within the licensed area.
17. Any sales of alcohol within the licensed area must be authorised under the Licensing Act 2003.
18. A copy of the licence must be kept on the premises at all times and be available for inspection by a police officer or authorised officer of the local authority.

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ANNEX C – STATUTORY CONDITIONS FOR PAVEMENT LICENCES

1. Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6). These effects are:
 - (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

ANNEX D – TABLE OF DELEGATED FUNCTIONS

	Licensing Committee	Licensing Sub-Committee	Head of Regulatory Services
Approval and revision of Policy on Pavement Licensing	X		
Determination of application for grant of a pavement licence (including any specific conditions)			X
Determination of application for renewal of a pavement licence (including any specific conditions)			X
Decision to revoke a pavement licence		X	
Decision to serve notice on the licence holder under section 6 of the Business & Planning Act 2020			X
Decision to amend a licence with the consent of the licence holder under section 6(4) of the Business & Planning Act 2020			X
Decision to serve notice on a person under section 7A of the Business and Planning Act 2020			X

LICENSING COMMITTEE**18th November 2024****CONSULTATION ON DRAFT REVISED STREET TRADING POLICY**

Relevant Portfolio Holder	Councillor M Stringfellow
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Licensing Committee has previously approved a draft revised Street Trading Policy for the purposes of consultation with relevant stakeholders.
- 1.2 The consultation exercise has now concluded, and Members are asked to consider the outcome of that exercise and to resolve to approve and adopt a revised Street Trading Policy.

2. RECOMMENDATIONS

- 2.1 **That Members RESOLVE to approve and adopt the draft revised Street Trading Policy at Appendix 2 with immediate effect.**

3. KEY ISSUES**Financial Implications**

- 3.1 The costs associated with carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act.
- 3.3 However it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practise to review any such policy adopted from time to time.

Service / Operational Implications

- 3.4 Council’s usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.5 The control of street trading can also be of benefit to traders who can obtain greater security over their “pitch” if they are the only person who has the Council’s consent to trade there.
- 3.6 On 29th January 2024, following a recommendation from the Licensing Committee, Redditch Borough Council passed a resolution in relation to the designation of streets for the purposes of controlling street trading. The Council resolved with effect from on 1st September 2024:
- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
 - To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
 - To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

LICENSING COMMITTEE**18th November 2024**

- 3.7 The Council has previously adopted a Street Trading Policy which took effect on 1st September 2018. Section 2 of this Policy sets out which streets have been designated as consent streets and which have been designated as prohibited streets. Therefore, in light of the resolution passed by Council on 29th January 2024, the Street Trading Policy needed to be updated.
- 3.8 Officers therefore prepared a draft revised version of the Street Trading Policy, which was presented to the Licensing Committee on 4th March 2024. As well as updating section 2, officers had reviewed other parts of the document and have made suggested amendments which were highlighted in the draft revised version of the Street Trading Policy presented to Members.
- 3.10 The amendments that were suggested and the rationale for each of these amendments is set out in a table at **Appendix 1**.
- 3.11 Having considered the officer's report, the Licensing Committee resolved that the draft revised Street Trading Policy be approved for the purpose of consultation with relevant stakeholders.
- 3.12 The consultation exercise took place between 16th August 2024 and 30th October 2024.
- 3.13 The consultation exercise was facilitated using an online survey tool that asked people to answer the following questions:
- Do you agree with the objectives of the draft policy, as set out in section 1.3?
 - Do you agree with the information and documentation that the draft policy states must be supplied with an application? (see section 3.2 of the draft policy)
 - Do you agree with the way the draft policy states applications will be consulted upon and advertised? (see section 3.3 of the draft policy)
 - Do you agree with the list of key considerations that will be taken into account when deciding whether to grant an application for a street trading consent? (see section 3.7 of the draft policy)
 - Do you agree with the list of standard conditions that the draft policy says will be attached to street trading consents? (see Annex B of the draft policy)
 - Do you agree with the Council's proposed approach to complaints and enforcement, as set out in section 7 of the draft policy?

REDDITCH BOROUGH COUNCIL

LICENSING COMMITTEE

18th November 2024

- 3.14 An opportunity was also given for people to provide any other comments or observations that they had on the draft revised Street Trading Policy.
- 3.15 A webpage was hosted on the “consultations” section of the Council’s website providing background information and a link to the online survey.
- 3.16 This same information and a link to the online survey was also emailed to the following relevant stakeholders:
- Worcestershire Highways (County Council)
 - West Mercia Police (Licensing)
 - Hereford and Worcester Fire and Rescue Service
 - Environmental Health
 - Town Centre Management
 - Redditch BID
 - Planning Department at Redditch Borough Council
 - Worcestershire Safeguarding Children Partnership
 - Director of Public Health Worcestershire
 - Trading Standards
 - Community Safety Team at Redditch Borough Council
 - Parks and Open Spaces Team at Redditch Borough Council
 - Redditch Borough Councillors
 - Feckenham Parish Council
 - Herefordshire & Worcestershire Chamber of Commerce
 - Worcestershire LEP
 - Visit Worcestershire
 - Existing holders of street trading consents issued by the Council
- 3.17 Despite these extensive efforts, there were no responses submitted to the online survey during the consultation period.
- 3.18 Officers therefore recommend that the draft revised Street Trading Policy should be adopted without any further substantive changes. The only change officers have made to the draft revised Street Trading Policy is to incorporate the Council’s new logo, which has been implemented since the Licensing Committee meeting that took place on the 4th March 2024.
- 3.19 Officers now recommend to the Licensing Committee that the draft revised Street Trading Policy at **Appendix 2** be approved and adopted with immediate effect.

LICENSING COMMITTEE**18th November 2024**

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – Table of Amendments and Rationale

Appendix 2 – Draft Revised Street Trading Policy

AUTHOR OF REPORT

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Worcestershire Regulatory Services

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Tel: (01905) 822799

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Summary of Amendments Made in Draft Revised Street Trading Policy

Section Heading	Paragraph	Description of amendment	Reason for amendment
Front cover	N/A	Date policy takes effect changed.	To reflect when the draft revised Street Trading Policy will take effect.
Introduction	1.1.1 and 1.1.2	Updated population data and information about areas of deprivation.	To reflect updated data since the current Street Trading Policy was adopted.
Introduction	1.1.5	Remove specific reference to North Worcestershire Economic Development and Regeneration (NwEDR) and the Local Enterprise Partnership and replace with “other relevant organisations”	In order to ensure that the Street Trading Policy remains current after the existing shared service arrangements delivered by NwEDR are terminated or in the event that the Local Enterprise Partnership ceases to exist.
Introduction	1.1.6 to 1.1.8	Amending wording relating to the Council’s vision and strategic purposes.	To reflect the vision and strategic purposes that are set out in the current version of the Council Plan
Designation of streets for the purposes of street trading	2.1.1	Updated details of streets designated as prohibited streets and consent streets.	To reflect the resolution passed by Council on 29 th January 2024.
Processing an Application	3.3.1	Merged “Planning Authority” with “NwEDR team” on the list of those who will be notified of an application.	As these shared service arrangements are due to be terminated on 30 th June 2024.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Processing an Application	3.3.1	Removal of “the owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site” from the list of those that will be notified of an application.	<p>Officers believe that the requirement to display a public notice (referred to in paragraph 3.3.2) is sufficient to draw the attention of these people to the making of the application.</p> <p>Additionally, notifying what can be a very large number of owners / occupiers of an application on an individual is a very resource intensive process.</p>
Street Trading Consent Standard Conditions	Annex B	The words “his” and “him” have been replaced by the words “their” and “them” in various standard conditions.	In order to ensure the standard conditions attached to street trading consents contain gender neutral pronouns.



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Street Trading Policy



Approved to take effect on 19th November 2024

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1.0 INTRODUCTION

1.1 Redditch Borough

- 1.1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains six District Councils in total. The Borough of Redditch is approximately 15 miles south of Birmingham. The Borough has a population of 87,000 with a higher percentage of young people (age 0-15 years) compared with the rest of the County.
- 1.1.2 There is a very diverse population within the Borough and there are five output areas that are within in the top 10% of the most deprived areas nationally.
- 1.1.3 Redditch Borough has many open spaces; there are six Sites of Special Scientific Interest, 24 Special Wildlife Sites and numerous local nature reserves.
- 1.1.4 There are a number of international companies established in the Borough and the Kingfisher Shopping Centre boasts many big-name department stores.
- 1.1.5 The Council continues to support new and established businesses within the Borough to grow, in partnership with other relevant organisations.
- 1.1.6 The Council vision, as set out in the Council Plan, is to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.
- 1.1.7 The Council Plan also sets out the Council's strategic purposes which are:
- Run and grow a successful business
 - Finding somewhere to live
 - Aspiration, work and financial independence
 - Living independent, active and healthy lives
 - Communities which are safe, well maintained and green
- 1.1.8 This policy statement aims to support the Council in achieving its vision and working towards these strategic purposes.

1.2 The Policy

- 1.2.1 This document states Redditch Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2.1 In exercising its discretion in carrying out its regulatory functions, Redditch Borough Council will have regard to this Policy document and the principles set out therein.
- 1.2.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.3 The Objectives of this Policy

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

1.4 The Law

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.

1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

1.5 Licensing Act 2003

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1.1 On 29th January 2024 Redditch Borough Council resolved with effect from 1st September 2024:

- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
- To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

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3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

3.2 Applications

- 3.2.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form.
- 3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 3.2.3 The following will also be required to be submitted with the application form:-
- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
 - Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
 - Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.
 - Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
 - Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
 - A colour photograph of any trailer, stall or other vehicle from which the street trading activities are proposed to take place.

- Food hygiene certificates (where relevant)
- Proof of registration as a food business (where applicable)
- Satisfactory certificates confirming the safety of any gas or electrical installations within the trailer, stall or vehicle from which the street trading activities are proposed to take place.
- Certificates to confirm that any fire fighting equipment within the trailer, stall or vehicle from which the street trading activities are proposed to take place have been appropriately serviced and maintained.
- If a vehicle is to be used as part of the street trading activities, registration details of the vehicle including confirmation of the registered keeper of the vehicle and their address.
- Proof of the applicant's address and of their right to live and work in the United Kingdom.

3.2.4 Applications cannot be considered from anyone under the age of 17.

3.3 Processing an Application

3.3.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- West Mercia Police
- Worcestershire County Council (Highways)
- Highways England
- Any relevant Parish Council
- The Borough Councillor(s) for the Ward(s) concerned
- Environmental Health Officers at Worcestershire Regulatory Services
- Head of Planning and Regeneration (Redditch Borough Council)
- Safer Redditch
- Redditch Borough Council Environmental Services
- Trading Standards
- Any other relevant organisation

3.3.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 21 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex A** to this Policy.

3.3.3 The Council will allow 28 days from the date that the application is received and confirmed as valid, for people to make representations or objections in relation to the application.

- 3.3.4 Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

3.4 Determining Applications with no Representations or Objections

- 3.4.1 Where no representations or objections are received within 28 days of the application being received, Officers will grant Consent to the applicant in the terms that it was applied for.

3.5 Determining Applications through Mediation

- 3.5.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

- 3.5.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

- 3.5.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

3.6 Determining Applications Where Mediation Is Not Possible

- 3.6.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to the next available Licensing Sub-Committee for determination.

- 3.6.2 The Licensing Sub-Committee will be conducted in accordance with the Council's standard procedure.

3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

3.7.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.
- the proposed consent holder is not considered to be a suitable person to be granted a street trading consent for any reason.

3.8 Options Available to Licensing Sub-Committee

3.8.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.8.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

3.9 Grant of Consent

3.9.1 The grant of a street trading consent does not guarantee the holder of the Street Trading Consent unimpeded access to the location(s) where they are permitted to trade.

3.9.2 There may be occasions where the trading location(s) specified on the Street Trading Consent may be unavailable to the holder of the Street Trading Consent for reasons beyond the control of the Council.

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

- 4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid.
- 4.1.3 A Street Trading Consent will normally be granted for 12 months and will then expire.
- 4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 12 months on application.
- 4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 12 months may be granted to provide a “trial period” during which any adverse impact of the trading can be assessed.

4.2 Renewal

- 4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.
- 4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

5.0 CONDITIONS ATTACHED TO CONSENTS

5.1 Standard Conditions

- 5.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 5.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex B** to this Policy.

5.2 Additional Conditions

- 5.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

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6.0 APPEALS**6.1 Refusals / Attached Conditions**

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

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7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be taken in accordance with the Regulator's Code.

7.2 Offences

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a prohibited street;
- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

7.3 Complaints

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.
- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-
- verbal warning;
 - written warning;
 - simple caution;
 - prosecution; or
 - referral of the Consent Holder to a Licensing Sub-Committee.
- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-
- take no further action;
 - give a warning to the Consent Holder;
 - amend the days on which trading can take place;
 - amend the times during which trading can take place;
 - amend the location(s) where trading can take place;
 - amend the articles that can be traded;
 - amend the conditions attached to the Consent;
 - amend the duration of the Consent; or
 - revoke the Consent.

8.0 AMENDMENTS TO THIS POLICY

- 8.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

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9.0 FEES AND CHARGES

- 9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.
- 9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.
- 9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

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10.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Redditch Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none"> • a pedlar with a Pedlar's Certificate; • anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order; • trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980; • trading as a newsvendor selling only newspapers/magazines; • trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop; • selling things, or offering or exposing them for sale, as a roundsman; • the use for trading, under Part VIIA of the Highways Act

1980, of an object or structure placed on, in or over a highway;

- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading
Assistant

A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

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ANNEX A

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Redditch Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at the Town Hall, Walter Stranz Square, Redditch, B98 8AH between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p>	

ANNEX B**STREET TRADING CONSENT**
STANDARD CONDITIONS**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of these conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide details and proof of the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or their assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.

- The Consent Holder, and/or their assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them.
- The Consent Holder, and/or their assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or their assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that their customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 75 metres from the trading unit.

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.

- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance and any changes to vehicles used in the course of trading must be notified to the Council.
- The Consent holder or their employee must move their trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to their trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by them to assist in their trading; "Council" means the Redditch Borough Council.

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LICENSING COMMITTEE 18th November 2024**LICENSING COMMITTEE WORK PROGRAMME 2024/25****18th November 2024**

- Results of Consultation on Draft Policy on Pavement Licensing
- Results of Consultation on Draft Revised Street Trading Policy
- Verbal update on the Tobacco and Vapes Bill

10th March 2025

- Annual review of Hackney Carriage table of fares
- Compliance Testing for Hackney Carriage and Private Hire Vehicles – Viability of approving alternative testing stations
- Responses to consultation on mandatory safeguarding refresher training for taxi and private hire drivers

To be allocated to suitable dates in 2025/26:

- CCTV in Hackney Carriage and Private Hire Vehicles

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