



Licensing Sub-Committee

Tue 9 Sep
2025
5.30 pm

Oakenshaw Community
Centre, Castleditch
Lane, B97 7YB

If you have any queries on this Agenda please contact

**Gavin Day
Democratic Services Officer**

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LICENSING SUB-COMMITTEE (Street Trading Consent)

HEARING PROCEDURE

1. The Chair will open the hearing and ask Members of the Sub-Committee and officers present to introduce themselves.
2. The Chair will ask all parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chair will remind the Applicant that they can be represented by a legal representative at their own expense.
4. The Chair will ask the Legal Advisor if there is any legal advice to be given.
5. The Technical Officer (Licensing), Worcestershire Regulatory Services will present the report.
6. The Chair will invite Members of the Sub-Committee and all other parties to the proceedings to put any relevant questions to the Technical Officer.
7. The Chair will invite the Applicant and/or their representative to present their case and call any witnesses.
8. The Chair will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant and/or their representative.
9. Consultees / Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised.
10. The Chair will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
11. The Consultees / Interested Parties will be invited to sum up.

12. The Applicant or their representative will be invited to sum up.
13. The Chair will ask the Legal Advisor if there is any legal advice to be given.
14. At the conclusion of the hearing, Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will withdraw from the meeting room, so that the Sub-Committee Members can reach their decision in private.
15. Once the Sub-Committee has reached its decision, the Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will return to the meeting room. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chair.
16. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations within 5 working days.

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

Please Note:

1. *Each application coming before the Licensing Sub-Committee will be treated on its own merits. In determining an application for a Street Trading Consent, the Council will consider the following factors:*
 - a. *Consultation - relevant responses from consultees*
 - b. *Local Government Miscellaneous Provisions Act 1982*
 - c. *Redditch Borough Council's Street Trading Consent Policy*
2. *The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.*
3. *Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.*
4. *Questioning must not be hostile or intended to unfairly undermine the position of any party.*
5. *Late evidence will only be considered with the agreement of all parties present.*
6. *In cases where a decision cannot be given at the end of the hearing, a decision will be made within 5 working days.*

Licensing Sub-Committee

Tuesday, 9th September, 2025

5.30 pm

Oakenshaw Community Centre

Agenda

Membership:

Cllrs:

Brandon Clayton
Andrew Fry

David Munro

- 1.** Election of the Chair
- 2.** Apologies for absence
- 3.** Declarations of Interest
- 4.** APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT - (Pages 7 - 44)

REDDITCH BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

9 SEPTEMBER 2025

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Paul Morrish Technical Officer (Licensing) 01905 822799 enquiries@worcsregs services.gov.uk
Appendices:	Appendix 1 – Aerial photographs and map of location Appendix 2 – Photographs of trading unit / van Appendix 3 – Representations Appendix 4 – Street Trading Policy

1. PURPOSE OF REPORT

- 1.1. To consider and determine an application for street trading consent received from Mr Turget Duman, who proposes to trade at a layby on Enfield Industrial Estate Road, Redditch, Worcestershire, B97 6DL.
- 1.2. Maps and aerial photographs of the proposed trading location can be seen at **Appendix 1**.
- 1.3. Photographs of the van the applicant proposes to use to carry on street trading activities can be seen at **Appendix 2**.

2. BACKGROUND

- 2.1. On 11 June 2025 an application for the grant of a street trading consent was received from Mr Turget Duman. Mr Duman has applied for a street trading consent to be able to sell kebabs, burgers, chips, and hot and cold drinks (non-alcoholic) from a van at a layby on Enfield Business Park Enfield Industrial Estate Road Redditch Worcestershire B97 6DL
- 2.2. The proposed trading hours are from 16:00 to 23:00, seven days a week.

- 2.3. In accordance with the Council's Street Trading Policy, the application included all required documentation, was circulated to the relevant responsible authorities, and a public notice was displayed at the proposed location.

3. REPRESENTATIONS

RESPONSIBLE AUTHORITIES

- 3.1. No objections were received from any of the responsible authorities notified of the application.

OTHER PERSONS

- 3.2. Two representations were received from other persons with concerns relating to the application. The representations are attached at **Appendix 3**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1. The Sub-Committee should have regard to the Council's Street Trading Policy, which is attached as **Appendix 4**.
- 4.2. Members should have particular regard to the key considerations set out at section 3.7 of the Policy when they are determining this application.

5. LEGAL IMPLICATIONS

- 5.1. The Sub-Committee is obliged to determine this application in accordance with the Local Government (Miscellaneous Provisions) Act 1982. This states that upon receipt of an application for the grant of a street trading consent, the Council may grant a consent if they think fit.
- 5.2. In making its decision, the Sub-Committee is obliged to have regard to the street trading policy adopted by The Council.
- 5.3. The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4. The Sub-Committee must take such of the following steps as it considers appropriate:
- a) Allow the consent to be granted
 - b) Refuse the application
- 5.5. Paragraph 9 (3) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that a council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
- 5.6. All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7. The Sub-Committee are advised that The Local Government (Miscellaneous Provisions) Act 1982 does not provide any direct right of appeal against a decision to revoke a street trading consent. Therefore a consent holder aggrieved by a decision to revoke a street trading consent, would only be able to challenge that decision by making an application for a judicial review

5.8. The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

6.1. The Sub-Committee must consider whether to grant or refuse the application made by Mr Duman.

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Google Maps



Google Maps



Map data ©2025 50 m





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From: A [REDACTED] B [REDACTED]
Sent: 16 July 2025 10:05
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Street Trading application by Turgut Duman

In regards to application for street trading licence for Royal Enfield business park Redditch B97 6DL We are local residents and are placing an objection to this application. Parking is difficult in the area all the time due to a local Gym and overnight delivery trucks who curren

We are local residents and are placing an objection to this application.

1. Parking is difficult in the area all the time due to a local Gym and overnight delivery trucks who currently use this area.
2. Security of OUR houses and the nearby business properties with unsociable hours 7 days a week!
3. Rubbish is already a problem as rubbish is already disregarded in the area and not cleaned by the Council.
4. A car has been abandoned there since before Christmas with a 48hr notice issued on 13th June 2025 but the car is still there!!!
5. This is only 300m away from an already established food outlet and with the town centre less than a mile away where there are plenty of food outlets already operating.
6. We already experience Street racing up and down the industrial estate and "car meets" for whatever reason on a very regular basis.

This application refers to an area 100m from our house and in my opinion we do not need this Kebab food stall on our doorstep as it would encourage antisocial behaviour and 7 days a week 4pm to 11pm.

Why are we trying to encourage people to use the facilities in Town drawing people in and then allowing this business to draw them out.

A [REDACTED] B [REDACTED]

From: J [REDACTED] B [REDACTED]
Sent: 20 July 2025 11:34
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Street Trading Application by Turgut Duman

I wish to object to the above mentioned application for the following reasons.

1. There is often an ongoing problem with parking as some local residents use this area and also the staff at the local businesses use it as well as HGV drivers during their lay over times prior to or after doing local deliveries and also clients of the local Gym..
2. By introducing this quite unnecessary commodity into this area it will potentially invite even more unwelcome "visitors" to our area which is already a problem as we have frequently to deal with cars using the road as a race track at all hours of the night/morning. The estate is also used often as a meeting place for groups of people in cars for whatever unknown reason one can only imagine.
3. It will cause more anti-social littering in the area as this is already a big problem as there is only one litter bin anyway (which does get emptied periodically) and other litter is never collected if its not in the bin. We need at least 2 more bins 1 for each lay-by area and regular litter patrols. Although this is maybe a separate issue I feel it needs to be mentioned that there are areas on the Royal Enfield that haven't been cleaned/maintained since before the Covid epidemic, so in fact the last five years.
4. The security of our homes and businesses will be at more at risk if this is allowed to go ahead and also 7 days a week why oh why is it necessary anyway when we have a similar food outlet a couple of hundred yards away and of course there are many, many other food outlets less than a mile away in the town which we are supposedly encouraged to support
5. This applicant clearly does not live in this area and therefore would not be affected by the problems caused by the granting of this application or the adverse problems caused to the inhabitants in this area.
6. A NOT ON MY DOORSTEP seems to be the attitude taken if this is allowed.

Why not prove we're PROUD of our town by keeping it "alive" and encouraging people to use it.

J [REDACTED] B [REDACTED]

So finally who does this benefit?



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.

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.

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.

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.

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.

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 news vendor 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.

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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