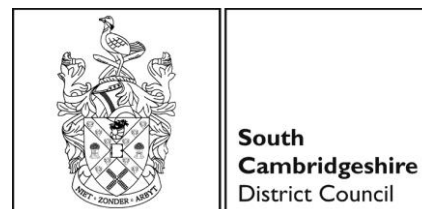


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South  
Cambridgeshire  
District Council

15 February 2022

To: Chair – Councillor Anna Bradnam  
Vice-Chair – Councillor Eileen Wilson  
Members of the Licensing Committee – Councillors  
Dr. Shrobona Bhattacharya, Gavin Clayton, Graham Cone,  
Clare Delderfield, Jose Hales, Geoff Harvey, Mark Howell, Steve Hunt,  
Alex Malyon, Peter McDonald, Deborah Roberts and Brian Milnes

Quorum: 4

Substitutes: Councillors Sue Ellington, Nick Wright, Bunty Waters, Heather Williams,  
Ruth Betson, Nigel Cathcart, Nick Sample and Bill Handley

Dear Councillor

You are invited to attend the next meeting of **Licensing Committee**, which will be held in **Council CHAMBER - SOUTH CAMBS HALL** at South Cambridgeshire Hall on **Wednesday, 23 February 2022 at 2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**Liz Watts**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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<b>Agenda</b>		<b>Pages</b>
1.	<b>Apologies for Absence</b> To receive apologies for absence from committee members.	
2.	<b>Declarations of Interest</b>	
3.	<b>Minutes of Previous Meeting</b>	1 - 8
4.	<b>Street Trading Policy</b>	9 - 30



**Guidance For Visitors to South Cambridgeshire Hall**

# Agenda Item 3

## South Cambridgeshire District Council

Minutes of a meeting of the Licensing Committee held on  
Monday, 29 November 2021 at 2.00 p.m.

PRESENT: Councillor Anna Bradnam – Chair  
Councillor Eileen Wilson – Vice-Chair

Councillors: Dr. Shrobona Bhattacharya      Geoff Harvey  
Mark Howell                                      Steve Hunt  
Peter McDonald                                 Deborah Roberts  
Bill Handley

Officers: Aaron Clarke                             Democratic Service  
Rachel Jackson                                 Principle Licensing Officer  
Paul Weller                                        Senior Litigation Lawyer

Councillor Brian Milnes (Lead Cabinet Member for Environmental Services and Licensing) was in attendance remotely, by invitation.

Apologies for absence were received from Councillor Gavin Clayton, Graham Cone, Clare Delderfield, Jose Hales and Alex Malyon.

### 1. **Declarations of Interest**

There were no declarations of interest.

### 2. **Minutes of Previous Meeting**

Cllr Bill Handley had been listed as being absent, when he was present at the meeting. With this alteration, the Licensing Committee authorised the Chair to sign, as a correct record, the minutes of the meeting held Tuesday 7 September 2021.

### 3. **Hackney Carriage and Private Hire Policy**

The Principal Licensing Officer introduced the item. Panther Taxis thanked the council for considering the trade during its proposals and the effects of the global pandemic on drivers' ability to purchase new vehicles.

The Committee noted the representation from Panther Taxis that many diesels have selective catalytic reduction technology, which brings the emissions ratings of diesel vehicles more in line with petrol vehicles. It was further remarked that by banning the purchase of diesels across the board, there was a potential for inadvertently denying drivers a chance to buy plug-in diesel hybrids. However, Cllr Hunt explained to the Committee that plug-in hybrids revert to their diesel engine

after 45-50 miles without charging, so are not as low on emissions as they may appear. The Committee further noted that the emissions can be worse than diesel standard cars because a plug-in hybrid has a heavy battery that increases fuel consumption and emissions.

It was remarked that due to the covid pandemic, taxi drivers had been operating on extremely low incomes, and that although it would have been reasonable under normal circumstances to have expected drivers to purchase new hybrids, given the circumstances an alteration of the policy to allow older vehicles would provide the drivers an opportunity to recoup their earnings and increase the green fleet.

The Committee noted that South Cambridgeshire District Council had tried to align its policies with Cambridge City Council to ensure that drivers working across both authorities had a uniform set of conditions to abide by, and it was **agreed** that this would be continued where possible, but that flexibility was required.

### **Existing Policy Vehicle Restrictions**

Cllr Deborah Roberts proposed the following policy alterations, which were seconded by Cllr Mark Howell:

- A new petrol vehicle will only be granted a licence if it is under 4 years old until 1 December 2023.

This was unanimously **agreed** by the Committee.

- A new diesel engine vehicle will only be granted a new licence if it is under 4 years old and wheelchair accessible until 1 December 2023.

This was unanimously **agreed** by the Committee.

- A new hybrid vehicle will only be granted if it is under 4 years old until 1 December 2023.

This was **agreed** by the Committee, Cllr Peter McDonald abstained.

The following items were agreed by the Licensing Committee unanimously.

<b>Existing Policy Safeguarding</b>
-------------------------------------

<b>Current Policy/Matter for Consideration</b>	<b>Decision of the Committee</b>
Existing drivers, operators and vehicle proprietors must undertake safeguarding course within 12 months of Policy, and on renewal with the pass date no later than 3 months prior to renewal. .	<b>Agreed</b> that: All existing drivers, vehicle proprietors and operators to undertake a safeguarding course within 12 months, and all new applicants prior to licensing. A refresher course may be required.
<b>Proposal - Policy Driving Experience 2.4</b>	
To increase <b>Minimum driving licence</b> of 12 months to 3 years to enhance customer safety. (remove condition 2.4 d) and amend 2.9 a) accordingly).	<b>Agreed</b> that the condition should read: 2.4d) An applicant (for a Private Hire or Hackney Carriage) must have held a valid full United Kingdom issued Driving Licence for at least 3 years. Therefore the minimum age a person could be eligible to apply is 20 years of age.
<b>Proposal - References 2.6</b>	
To remove this requirement as part of the application process.	<b>Agreed</b> that this requirement should be removed.

<b>Proposal - Surrender of Licences 2.23</b>	
<b>Surrender of Licence</b> would be accepted in exceptional cases only, and not where the licence holder is subject to current investigation and/or legal proceedings.	<b>Agreed</b>

<b>Proposal - Hackney Carriage Vehicles 3.6 c) and 3.16</b>	
All existing hackney carriages to be white and WAV by December 2023. Any newly licensed vehicles to meet this standard on implementation of the Policy changes.	<b>Agreed</b> to align the vehicle related amendments by 1 December 2023.

<b>Proposal - General Vehicle conditions - 3.12, 3.16, 3.19, 3.27</b>	
<b>3.12 Certificate of Compliance</b> – removal of 3.12 b) six monthly testing	<b>Agreed:</b> that a Certificate of Compliance that is no older than 1 month at the date of application for both new and renewal. A second test will only be required where advisories on the MOT are noted or reported concerns raised.
<b>3.16 Accessibility</b> – remove the terms “disabled people” and replace with “wheelchair users”.	<b>Agreed</b>
<b>3.19 Exempt vehicles</b> , executive chauffeur services. Delete the word(s) “and plate” so that an alternative identification could be sourced in line with the review of the plate production materials.	<b>Agreed revision:</b> to amend to read “and plate or identification” to ensure that any alternative system does not compromise customer safety or visibility of identification of the vehicle.
<b>3.27 Age Limits; The</b> current policy stipulates a 9-year age limit for all vehicles from December 2021, considering the pandemic and to continue to offer support to the trade propose this is moved to 1 December 2023.	<b>Agreed.</b> In order to support the trade following the pandemic, it is proposed that allowing an additional two years for drivers to change their vehicles would be a reasonable step and would support the Council’s Business Plan priority area of supporting the local economy to recover post-pandemic.
<b>3.27 (i)</b> (and elsewhere in the documents) Delete the reference made to aligning with City of Cambridge Policy .	<b>Agreed.</b> Whilst Members wished to see continued partnership working, there was no need to mention such in the Policy.
<b>Appendix D (i)</b> – remove “and to an angle of at least 60 degrees” (doors).	<b>Agreed.</b>
<b>Appendix D (i)</b> insert new requirement <b>Maximum number of seats</b> All vehicles licensed to carry in excess of four passengers will only be licensed where: (i) the access and egress of passengers	<b>Agreed.</b> (Effective 1 December 2021).

<p>can be achieved without the need to remove existing seating, and</p> <p>(ii) all seats are fitted with seat belts in accordance with legal or manufacturer standards, and</p> <p>(iii) the height between the seat and the foot well of the rear seats is consistent.</p>	
<b>Proposal - Amendments to Appendices and Driver Handbook</b>	
<p><b>Appendix A Code of Conduct</b></p> <p>Delete duplications at <b>12, 16 and 25</b> (Competency Test, Safeguarding and DBS update). as these are covered elsewhere in the Policy and/or conditions.</p>	<b>Agreed.</b>
<p><b>Appendix E Private Hire Exemptions</b></p> <ol style="list-style-type: none"> <li>1. Remove the word “plate” and replace “notice” with “certificate”</li> <li>2. Delete not required</li> <li>3. Delete “internal licence”</li> <li>4. Delete “internal plate”</li> <li>5. Replace “notice” with “certificate”</li> </ol>	<b>Agreed</b> amendments as per 3.19 above.
<p><b>Driver Handbook</b></p> <p><b>31. Competency Test</b></p> <p>Scope to move to an external provider which offers combined competency with driving skills, so replace <b>c)</b> course as approved by the Council. Delete the rest in this section.</p> <p><b>32.</b> Replace <b>b)</b> with as approved by the Council. Delete the rest of this section.</p>	<b>Agreed.</b>
<p><b>34.</b> References – proposed this requirement is removed as above at 2.6</p>	<b>Agreed.</b>
<p><b>39. DBS</b></p> <p>Reword “Applicants are required to</p>	<b>Agreed.</b> Members noted that there is no compromise to the existing standard

<p>produce an original enhanced DBS certificate to <b>a)</b> Applicants are required to apply online for an enhanced DBS ... Delete <b>b)</b>, Reword <b>c)</b> The Authority will require evidence of your identity to complete the online DBS ....</p>	<p>of checks and is an administrative amendment only.</p>
<p><b>Existing Policy Vehicle Restrictions</b></p>	
<p>As of 1 December 2023, a licence will be renewed for a petrol or diesel vehicle, only if the vehicle is less than 9 years old and complies with at least the Euro 5 emission standards limiting CO, NOX and particle matter emissions introduced in September 2011. Please see Hackney Carriage and Private Hire Handbook for current criteria.</p>	<p><b>Agreed.</b> In order to support the trade following the pandemic, it was proposed that allowing an additional two years for drivers to change their vehicles would be a reasonable step and would support the Council's Business Plan priority area of supporting the local economy to recover in the post-pandemic period.</p>
<p>Any newly licensed vehicle must be ULEV or Zero emission from 1 December 2021</p>	<p><b>Agreed.</b> Members discussed at length the results of the combined CCC/SCDC project and heard how of the 17 proposed sites for electric vehicle charging points in South Cambridgeshire, none had progressed and that most charging points were located in Cambridge City. Due to this situation and the high cost of drivers having to switch to an ULEV/zero emission vehicle, the Committee agreed it was appropriate to move the implementation date to 1 December 2023. It was also <b>agreed</b> that the Committee would review this policy before 1 December 2023.</p>

#### 4. Street Trading Policy



The Principal Licensing Officer introduced the item, it was explained that Counsel opinion had not been received regarding the introduction of the 'Host Premises Consent' by the time of the meeting. It was seen that there was no reason to delay the consultation to wait for counsel's opinion as there was no decision being made and that the Counsel would be considered along with any consultation responses. It was noted that the purpose of the policy was to standardise the process for street trading across the district.

It was explained that the 'Host Premises Consent' would mean that premises such as a pub or carpark could apply to be designated as a 'Host Premise'. Any trader would then obtain a licence from South Cambs District Council to trade at any of these locations.

The Licensing Committee resolved by affirmation to:

- Adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("The Act") for the whole of the South Cambridgeshire District and designate all roads and streets within the District as Consent Streets (with the exception of the A11 and A14) to take effect from 1 March 2022.
- Recommend that the draft Street Trading Policy be circulated for public consultation, with this Committee approving the final Policy after the consultation exercise.

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**The Meeting ended at 15:45**

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# Agenda Item 4



South  
Cambridgeshire  
District Council

<b>Report to:</b>	Licensing Committee 23 February 2022
<b>Lead Cabinet Member:</b>	Cllr Brian Milnes
<b>Lead Officer:</b>	Rachel Jackson Principal Licensing Officer

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## Street Trading Policy – Draft Approval

### Executive Summary

1. This report presents a draft Street Trading Policy for the Committee to consider, to enable a new licensing regime to be delivered District-wide. The Policy draft has been consulted upon and legal advice sought.

### Recommendations

2. That the Licensing Committee approves the Street Trading Policy to take effect from 1 March 2022.

### Reasons for Recommendations

3. To enable the administration and enforcement of applications for street trading consents, following adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole District.

### Details

4. On 18 October 2021, a workshop was held for the Licensing Committee to agree a set of principles on which the Policy should be formulated. Following this, on 29 November 2021, the Licensing Committee approved a draft policy for consultation.
5. Parish and Town Councils, existing street traders and trade representatives were consulted on the policy. Discussions with the trade and the Nationwide Caterers Association have been extremely positive. Comment was raised with regards to any approved fee structure not being prohibitive to the trade.
6. The revised draft policy is attached as **Appendix A**.
7. The schedule of revisions to the policy draft following feedback from the consultation is attached as **Appendix B**.

8. On 31 January 2022, Informal Cabinet reviewed the draft policy and agreed to recommend the policy for approval at this Committee and noted that the approval of the fees would be delegated to officer level in consultation with the Cabinet Lead for Environmental Services and Licensing.
9. The proposed fee structure, based on cost recovery and aimed at supporting local business, is attached as **Appendix C** for information. Initial responses from the trade have been supportive of the fee structure. The proposed fees will be publicised as required.
10. Counsel opinion was sought on the policy, the policy was confirmed as being suitable, with only minor revisions proposed which have been considered in the revised draft policy.
11. The Policy will be effective for a period of no more than three years. Within the three-year period the Authority will keep the policy under review and will make amendments as it considers appropriate.
12. For efficiency, it is recommended that any minor revisions be delegated to the Head of Climate, Environment and Waste in consultation with the Chair of the Licensing Committee.

## **Options**

13. The Committee may agree one of the following options;

- (i) Recommend that the Policy be published.
- (ii) Recommend that the Policy be published with amendments.

14. In addition, the Committee is recommended to agree the following;

- (i) Agree that any minor revisions to the policy be delegated to the Head of Climate, Environment and Waste in consultation with the Chair of the Licensing Committee.

## **Implications**

15. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

## **Financial**

16. Finance have been consulted in conjunction with the production of this report and at this stage no significant financial impact can be foreseen.

## **Risks/Opportunities**

17. The decision is not expected to create additional risks or opportunities in the context of the Council's risk management.

## **Consultation responses**

18. Responses to the consultation were taken into consideration, and the policy draft was revised accordingly.

## **Alignment with Council Priority Areas**

### **Growing local businesses and economies**

19. The new policy will allow for a fair and equitable approach to be taken across the District with regards to the administration and enforcement of the street trading regime.

## **Background Papers**

Report to Scrutiny and Overview Committee 20 July 2021

Report to the Cabinet 6 September 2021

Licensing Committee 29 November 2021

## **Appendices**

Appendix A: Draft Street Trading Policy

Appendix B: Schedule of revisions to the policy draft following feedback

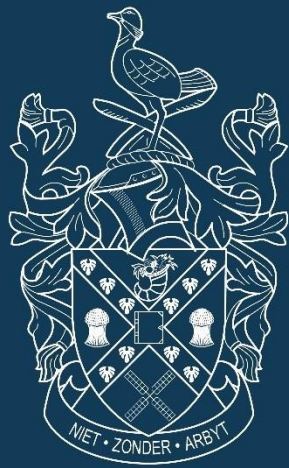
Appendix C: Proposed fee structure

## **Report Author:**

Rachel Jackson – Principal Licensing Officer

Telephone: (01954) 713397

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**South  
Cambridgeshire  
District Council**

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**STREET TRADING POLICY**

**Effective 1 March 2022**

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## 1. Definitions

**The Council** – South Cambridgeshire District Council

**The Act** - Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

**The Applicant** - The trader who has applied for a Street Trading Consent or Consented Premises

**The Policy** - This refers to South Cambridgeshire District Council's Street Trading Policy

**Consent holder and Consented Premises Trader** - A person or Company to whom the consent to trade has been granted by the Council

**Consented Premises** – the consent issued to areas which are privately owned, operated and managed to which the public have access without payment, to enable trading to take place on an ad-hoc basis.

## 2. The Policy

The Council's street trading policy purpose is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience, and safety of local environments, whilst supporting local businesses.

The powers to control street trading within the Council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'. The Council has designated all streets in the District as Consent Streets (with the exceptions detailed in Scope of the Policy). The designation came into effect on 1 March 2022.

This policy sets out the framework for the management and administration of street trading throughout the District of South Cambridgeshire and sets out the key considerations the Council will take into account when considering applications for a street trading consent or host premises consent.

The Policy will be effective for a period of no more than three years. Within the three year period the Authority will keep the policy under review and will make amendments as it considers appropriate.

## 3. Scope of this Policy

### a. Within Scope

This policy relates to the issuing of consents to permit the selling, exposing, or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any

service in a street. A street includes any road, highway verge, footway, beach, or other area to which the public have access without payment.

All streets within the district (except the A11 and A14) shall be designated as consent streets for the purposes of street trading. With the exception of any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity. For the purposes of this resolution above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means Cambridgeshire County Council or South Cambridgeshire District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the district of South Cambridgeshire.

## b. Out of Scope

- The following activities are excluded from this Policy:
- Trading by a pedlar operating under a Pedlar’s Certificate
- Trading at an established Charter or statutory market
- Trading at a fair, fete or similar one-day community event \*
- Trading in a trunk road picnic area provided under the Highways Act 1980
- Trading on the A11 or A14
- Trading as a news vendor where only newspapers or periodicals are sold
- Trading at a petrol filling station or shop
- Trading at a premises used as a shop or in a street adjoining premises and as part of the business of the shop (such as a farm shop)
- Trading or provision of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 or the Business and Planning Act 2020 (pavement cafes)
- Trading as a Roundsman (i.e. delivering pre-ordered goods to customers such as milk delivery)
- Activities under a Street Collection or Sale Permit for charitable purposes
- Trading for charitable purposes, where a vendor is operating not for private gain, where a payment is not required to access the land.
- \* “One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature, then it would be caught by the policy and an application required. (A letter of intent/confirmation from the community organisers would normally satisfy this Council). It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event”.

## 4. Types of Street Trading Consent

There are two categories of street trading consents, **Standard Consent** and **Consented Premises**, which are split into three types.

## a. Standard Consent

### (i). Static Street Consent

Where the operator is trading at a fixed pitch for more than 4 ½ hours in a 24-hour period.

### (ii). Mobile Street Consent

Where the trader wishes to move from place to place. In order to meet the criteria for mobile consent, whilst a trader may have consent for multiple sites, they must not **trade** in one location for more than 4 ½ hours at a time, and not return to the same site on the same day (The 4 ½ hour period excludes setting up and clear up time.)

### (iii) Layby Traders

Where the operator is trading fixed hours in one location throughout the week.

## b. Consented Premises

**(i) Consented Premises** These are areas that are privately owned, operated and managed to which the public have access without payment, these include, but are not limited to, car parks and other areas attached to the public houses. This is a consent issued to a premises to enable a single location to be used by different consented premises traders on an ad-hoc basis. This applies to private landowners or occupiers such as public house car parks who wish to host traders to complement their primary business. This consent may be suitable for pop-up food traders and also non-food articles, such as Christmas trees.

### (ii). Consented Premises Trader

Where trading may take place at consented premises **only** in the District.

Any individual wishing to trade in these areas must be registered as a consented premises trader. Once issued, the consent will enable the trader to trade at any consented premises within the South Cambridgeshire District.

## 5.Key Considerations when determining an application and suitability of sites

### Public Safety

- **Safety:** Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or any other danger that may occur.
- **Highway:** the location and operating times will be such that the highway can be maintained in accordance with Cambridgeshire County Council's requirements and that there are no

dangers to those who have a right to use the highway and no obstruction for emergency access.

- **Compliance:** Trading must only be conducted only from a trading unit that complies with relevant legislation.
- **Food Safety:** Any trader wishing to sell food will need to be registered with the Environmental Health Service for the area in which they are based for food hygiene inspection. Food vendors should have an FSA food hygiene rating score of 3 or more. Evidence of the registration will be required at the application stage.

## Public Nuisance

- **Public Order:** Whether the street trading activity represents or is likely to represent a substantial risk to public order.
- **The Avoidance of Public Nuisance:** Whether the street trading activity is likely to or does represent a substantial risk of nuisance to the public particularly in residential areas. Nuisance could for example include traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

## 6. Commodities

The Council may have regard to the number, nature and type of traders or business already trading within a consent area when determining an application. To ensure a diverse offering of services, there may be no duplication of principal food/commodity provision at any one time, in the same location (subject to grandfather rights).

## 7. Late night food trading

The sale of hot food or hot drink in any place, including mobile traders, between 23:00 and 05:00 on any day will require a Premises Licence for late night refreshment under the Licensing Act 2003.

## 8. Grounds for Representations, Refusal or Revocation

A representation against an application must relate to one of the following criteria; Public Safety, Public Nuisance or "General". The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified. In addition, where the criteria below have been met, this may result in the revocation of a Consent.

### Public Safety

- **Road Safety:** A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers using, visiting or leaving the site;
- **Accidents:** Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;

- **Traffic Orders:** There is a conflict with traffic orders such as waiting restrictions;
- **Access:** 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;
- **Obstruction:** The trading unit obstructs the safe passage of users of the footway or carriageway;
- **Food Safety:** the trader has failed to meet adequate food safety/hygiene standards.
- **Health and Safety:** the trader has breached or failed to meet any health and safety standards

## Public Nuisance

- **Loss of amenity:** There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes;

## General

- **Commodity duplication:** That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. (subject to grandfather rights). Competition issues will not be a consideration;
- **Unit unsuitability:** The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- **Fees:** In the case of a renewal application the previous year's fees have not been paid.
- **Complaints:** The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above.
- **Suitability of applicant:** This Licensing Authority will only issue a street trader consent to an applicant which it considers to be 'fit and proper' to hold a consent i.e. they have not disclosed any convictions that would bring into question their suitability to be issued a licence and has the right to work under UK immigration law,
- Where the applicant has disclosed convictions which would bring into question their suitability to be issued a street trading consent, then the application will be referred to a Licensing Panel for determination. All applications will be determined on their own merit.

## 9. Consultations

On receipt of an application for a street trader or Consented Premises, the Licensing Authority will consult and seek written observations from:

- Ward & Division Councillors
- Parish or Town Councils
- South Cambridge Council Environmental Health
- Cambridgeshire Constabulary

- Shared Planning Service
- Cambridgeshire County Council Highways

There will be a 21-day consultation period.

On receipt of an application for a Consented Premises Trader or transfer of a consent, only Cambridgeshire Constabulary will be consulted for a 7-day period.

Representations must relate to relevant considerations detailed within the “Grounds for Representation, Revocation or Refusal” at section 8.

Where the consent holder has satisfied paragraph 16 of this Policy, there will be no requirement for consultation where a renewal/continuation application has been submitted.

## 10. Application requirements

### a. Static and Mobile Consents and Consented Premises Trader Consent

An applicant must be 17 years of age or above.

All applications for the grant of a new Street Trading Consent site must include:

- Completed application form and associated paperwork.
- Where the proposed trading is from a specified location, a location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the site boundary with a red line.
- Where the application is to trade on private land (which is not licensed as a Consented Premises) written confirmation of authority to trade on the land.
- Where the proposed trading is on a mobile basis, a list of the trading location(s) with a site plan (in the case of mobile ice cream traders, the names of the streets/parishes will suffice).
- Specification of the vehicle/stall/unit, together with colour photographs showing any signage. If the vehicle/stall has not been constructed the submission of supplier drawings/brochure is required.
- Valid insurance certificate for at least £5,000,000 public liability (and if required, employers liability) cover.
- Where the trader will access and use a Council owned electricity supply a fee will become payable as detailed in the fee schedule.

### b. Consented Premises

An applicant must be 17 years of age or above and have the legal right to occupy the premises.

All applications for the grant of a new street trading consent site must include:

- Completed application form.

- (b) A location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the host premises site boundary/land in the ownership of the host premises with a red line.
- (c) Valid insurance certificate for £5,000,000 public liability and public indemnity cover for the host premises consent trading activity.

## 11. Grandfather Rights

Previously, street trading did not apply to the whole of the District, which resulted in some street traders operating in areas with the consent of the local Parish or Town Councils. To support those traders coming under the new regime, the Council has introduced grandfather rights for those traders who will now fall under the regime, and traded up to the period ending 1 March 2022.

The trader will have the right to retain their pitch(es) position subject to basic safety principles being adhered to.

For traders falling within the “grandfather rights” criteria, a grace period of **up to** six months (from commencement of the new Policy) will be permitted to allow a trader to submit their application for a street trader consent. This will provide the time to address all requirements of the regime and obtain all necessary documents for the application. A full application for a street trader consent must be submitted by no later than **30 September 2022**. Provided the above requirements are met, the applicant would also benefit by way of a 50% fee reduction for the first application fee. After this period, no other special exemptions will apply. There will be no reduction in relation to Consented Premises fees.

## 12. Determination of an Application

Where an application has not been subject to representation, the consent will be issued under delegated authority.

Where an applicant is not considered “fit and proper”, or where valid representations have been received against an application, the application will be referred to the Licensing Panel for determination. There is no formal right of appeal against refusal of an application following the Panel decision.

When determining an application for the grant renewal or revocation of a Street Trading Consent, the Panel may:

- (a) Grant consent to the applicant as applied for.
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place; attach additional conditions to the consent.
- (c) Refuse to grant the Consent.

### 13. Duration of Consents

A street trading consent may be issued for a period not exceeding 12 months from the 1 April to 31 March. Any new consents will be issued pro-rotta based on the number of months remaining until 31 March.

### 14. Transfer of Consent

A Consent may not be transferred or sold.

### 15. Surrender of Consent

A Street Trading Consent may be surrendered at any time. It shall then cease to be valid.

### 16. Renewal/Continuation of Consent

An application for renewal must be submitted no later than 4 weeks prior to the expiry date of the current Consent. Renewal applications made after this date will not be valid and a new application will have to be made. No trading may take place until the new Consent is issued.

Provided the application has been correctly submitted with the required fee, and evidence of public liability and public indemnity insurance cover of not less than £5 million, then the consent will be automatically renewed provided that:

- the application is under exactly the same terms as existing i.e. location, times, and commodities.
- the consent conditions and key considerations have continued to have been met
- there have been no substantiated complaints about the existing street trader or host premises.
- no enforcement action has been taken against the consent holder or persons working for the applicant.

If the criteria above have not been met, then the renewal will be subject to the same consultation procedure **and fee structure** as per a new application.

### 17. Pitch closures

Where a street trading consent pitch has to be withdrawn for a temporary period for reasons beyond the direct control of South Cambridgeshire District Council, e.g. roadworks, road relaying etc. no fee in whole or part of shall be refundable.

### 18. Non-payment of Fees

Where a consent has expired due to non-payment, the pitch will become immediately available to others to apply for.



## 19. Revocation of a Consent

Where a consent holder has either;

- failed to meet, or breached, the conditions of the consent, or;
- failed to adhere to the key considerations when determining an application, or;
- met any of the grounds for representation, refusal, or revocation, or;
- been subject to a substantiated serious complaint, or multiple substantiated complaints relating to criteria within public safety and/or public nuisance above

The matter will be referred to the Licensing Panel, who may determine it necessary with regards to promote public safety and/or prevent nuisance or annoyance to affected parties;

- i) To add additional conditions to the consent.
- ii) To modify the days, times or locations on which trading may take place; attach additional conditions to the consent.
- iii) To revoke the consent.

## 20. Conditions and Enforcement

Standard conditions will be attached to Consented Premises and every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods, which may be sold, and the size of the pitch.

Failure to comply with conditions may lead to revocation or non-renewal of consent. Persons trading without a required consent may be subject to enforcement action in accordance with the South Cambridgeshire District Council Enforcement Policy.

## Appendix A

### Standard Conditions for Consented Premises

1. The Consent holder must ensure that only vendors holding a Consented Premises Trader consent issued by South Cambridgeshire District Council may occupy the site.
2. A written agreement to trade must be made prior to trading and must include agreement for arrangements for the disposal of waste and litter.
3. Only one trader may be on the consented area at any one time unless approval from the Licensing Authority has been given.
4. Details of all permitted traders including times and dates of trading, must be made available to the Licensing Authority on request within 48 hours.
5. The trading unit may not be left overnight on the consented premises unless approval from the Licensing Authority has been given.
6. If the holder of the consented premises is also the owner and operator of the trading unit, the Standard Conditions for Street Trading Consents must be met.

### Standard conditions for Street Trading and Consented Premises Traders.

1. A Street Trading Consent is valid only for the period, commodities and location(s) specified on the Consent.
2. The Consent holder must pay the fee in full prior to trading, unless agreed by the Council.
3. The Consent holder must ensure that the stall/vehicle is positioned only in the allocated space in the location(s) for which the Street Trading Consent is issued.
4. The Council must approve any changes to or replacement of the stall or vehicle prior to use.
5. The Consent holder must not carry on their trade in such a way as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance
6. The Consent holder's vehicle/stall must be kept in a clean, safe, and well-maintained condition
7. Every street trading vehicle/ stall must be removed from the site at the end of the trading day unless agreed by the Council.
8. Holders of a Mobile Street Trading Consent must not trade in one place for more than 4 ½ hours at a time, and not to return to the same site on the same day.
9. The Consent holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier and must leave the site and its immediate vicinity clear of refuse at the completion of trading.

10. No water or waste material must be discharged on to the highway or any adjacent property.
11. When trading from a layby leave a maximum usable space permitting safe ingress and exit for vehicles.
12. No free-standing advertising, seating, tables, chairs, sunshades may be displayed without approval from the Council.
13. No device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
14. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
15. The sub-letting of a Street Trading Consent location is prohibited unless agreed by the Council.
16. The Consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent holder may employ any other person to assist in operating the stall/vehicle.
17. The Consent holder must have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle, or stall and any additional equipment under their control.
18. The Consent holder may terminate a Street Trading Consent by written notice to the Council.
19. Where gas cylinders are used a valid gas safety certificate is required to ensure the safety of all gas appliances.
20. Where the vehicle or stall has a 240-volt electrical system a valid electrical installation certificate is required.
21. In the case of hot food preparation, a serviceable fire blanket and suitable fire extinguisher/s must be provided at all times.
22. All staff involved in the preparation of food must hold a minimum accredited Level 2 food hygiene certificate.
23. The above general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the Street Trading Consent.

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## Street Trader Revisions Following Consultation

### Definitions

Renaming of “Host Premises” to “Consented Premises” (throughout the Policy) and definition refined.

### 3.Scope of this Policy

**3 a** Expanded to reflect the agreed draft street trading policy principles (18 October 2021).

### 4. Types of Street Trading Consent

**4 a. (i) and (ii)** increase in the trading time permitted for mobile traders from 2 hours to 4 ½ hours to meet the needs of traders, in particular evening food vendors.

**4 a. (iii)** Added layby to the types of Consent

**4 b. (i)** Expanded the definition of Consented Premises

### 9. Consultations

Increased consultation period for all consents and consented premises from 14 days to 21 days, following a request from Linton Parish Council.

Specified a 7-day consultation with Cambridgeshire Constabulary for Consented Premises traders and transfer applications.

Clarified the streamlined process for consent holders satisfying paragraph 16 in respect of renewals.

### 10. Application requirements

Added a requirement for unit specifications to be included within the application form.

Added (g) Where the trader will access and use a Council owned electricity supply a fee will become payable as detailed in the fee schedule.

### 11. Grandfather Rights

For clarity, added “. There will be no reduction in relation to Consented Premises fees.”

### 14. Transfer of Consent

The right to transfer a consent has been deleted, as there is no provision for such in the legislation.

### Appendix A

Following Counsel advice, conditions relating to Consented Premises have been added.

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## Street Trader Fees

## APPENDIX C

### Current

Up to 2 nights	£252
Over 2 nights	£471
Layby trader	£823

### Proposed

**All Consents will have a common expiry of 31 March**

#### Annual New Consent Application Fees

1 day/night pitch per week	£206 (£120 application fee/£86 maintenance fee) *
Up to 2 day/night pitches per week (and/or up to 2 locations per year)	£252 (£148 application fee/£104 maintenance fee) *
Up to 3 day/night pitches per week (and/or up to 3 locations per year)	£308 (£186 application fee/£122 maintenance fee) *
Up to 4 day/night pitches per week (and/or up to 4 locations per year)	£354 (£214 application fee/£140 maintenance fee) *
Up to 5 day/night pitches per week (and/or up to 5 locations per year)	£390 ( £232 application fee/£158 maintenance fee) *
Over 5 day/night pitches per week (and/or over 5 locations per year)	£464 (£288 application fee/(176 maintenance fee) *

\* Where a trader will access and use a Council owned electricity supply, a surcharge fee will be payable to cover cost incurred.

#### Annual Layby Trader (New and Renewal)

£823 (£148 application fee/£675 maintenance fee)

**Vary Consent** £46

(plus pro-rata of additional fees if increasing days/locations)

### **Annual Renewal/Continuation Fee**

(Subject to the Consent Holder meeting meet paragraph 16 of the Street Trading Policy)

1 day/night pitch per week	£155
Up to 2 day/night pitches per week (and/or up to 2 locations per year )	£173
Up to 3 day/night pitches per week (and/or up to 3 locations per year )	£191
Up to 4 day/night pitches per week (and/or up to 4 locations per year )	£209
Up to 5 day/night pitches per week (and/or up to 5 locations per year)	£227
Over 5 day/night pitches per week (and/or over 5 locations per year )	£245

### **Consented Premises**

Standard Consent Premises Grant (per year)	£204
Standard Consent Premises Renewal/Continuation (per year)	£148
Charitable/Not for Profit Premises Grant (per year)	£ 74
e.g. places of worship car parks	
Charitable/Not for Profit Premises Renewal/Continuation (per year)	£58

**Consented Premises Trader (per year)** £92



# Notes to help those attending meetings in person at South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices – please also refer to the Covid-security measures relating to meetings in the Council Chamber which are on the website page for each relevant meeting.

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

Members of the public wishing to attend the meeting in person, please contact Democratic Services at [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

## Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

## Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this is via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give

protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the Fire and Rescue Service.

- **Do not** re-enter the building until the officer in charge or the Fire and Rescue Service confirms that it is safe to do so.

### **First Aid**

If you feel unwell or need first aid, please alert a member of staff.

### **Access for People with Disabilities**

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. The Council Chamber is accessible to wheelchair users. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

### **Toilets**

Public toilets are available on each floor of the building next to the lifts. These include facilities for disabled people.

### **Recording of Business and Use of Mobile Phones**

We are open and transparent about how we make decisions. Public meetings are webcast and are also recorded, but we allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

### **Banners, Placards and similar items**

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. If you do so, the Chair will suspend the meeting until such items are removed.

### **Disturbance by Public**

If a member of the public interrupts proceedings at a meeting, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The meeting will be suspended until order has been restored.

### **Smoking**

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one can smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

### **Food and Drink**

Until the lifting of Covid restrictions, no vending machines are available. Bottled water is available for attendees at meetings.

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