



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 5 December 2017

Committee:
Strategic Licensing Committee

Date: Wednesday, 13 December 2017

Time: 10.30 am

Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Keith Roberts (Chairman)
Simon Jones (Vice Chairman)
Peter Adams
Roy Aldcroft
Dean Carroll
David Evans
Simon Harris
Mark Jones
Paul Milner
Kevin Pardy
Vivienne Parry
Ed Potter
Harry Taylor
Dave Tremellen
David Vasmer

Substitute Members of the Committee

Ted Clarke
Pauline Dee
Nigel Hartin
Richard Huffer
Matt Lee
Pamela Moseley
Clare Aspinall
Elliott Lynch
William Parr
Paul Wynn

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the Minutes of the Meeting held on 4th October 2017.

Contact: Shelley Davies (01743 257718)

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Friday 8th December 2017.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Licensing Fees and Charges 2018 - 19 (Pages 5 - 52)

Report of the Trading Standards & Licensing Operations Manager is attached, marked 5.

Contact: Frances Darling (01743 251715)

6 Adoption of Street Trading Policy Under The Local Government (Miscellaneous Provisions) Act 1982 (Pages 53 - 176)

Report of the Transactional and Licensing Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702)

7 Exercise of Delegated Powers (Pages 177 - 184)

Report of the Transactional and Licensing Manager is attached, marked 7.

Contact: Mandy Beever (01743 251702)

8 Records of Proceedings - Licensing Act Sub-Committees (Pages 185 - 196)

To note the records of proceedings of the Licensing Act Sub-Committee meetings for May to September 2017.

Minutes of the following meetings are attached for the Committees information:

- 13th September 2017
- 26th September 2017
- 2nd November 2017

Contact: Shelley Davies (01743 257718)

9 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

10 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 7th March 2018 in the Shrewsbury Room, Shirehall, Shrewsbury.

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<u>Committee and Date</u>
Strategic Licensing Committee
13 th December 2017

<u>Item</u>
2
Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 4 OCTOBER 2017 IN THE SHREWSBURY ROOM, SHIREHALL, SHREWSBURY 10.00 - 10.59 AM

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Keith Roberts (Chairman)
Councillors Simon Jones (Vice Chairman), Peter Adams, Roy Aldcroft, Dean Carroll, Simon Harris, Paul Milner, Kevin Pardy, Vivienne Parry, Ed Potter, Dave Tremellen and David Vasmer

15 Apologies

Apologies for absence were received from Councillors David Evans, Mark Jones and Harry Taylor (Substitute: Pam Moseley).

16 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 14th June 2017 be approved as a correct record and signed by the Chairman.

17 Public Question Time

There were no public questions or petitions received.

18 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Paul Milner, as a Member of Oswestry Town Council and Councillors Keith Roberts, Pam Moseley, Kevin Pardy and David Vasmer as Members of Shrewbury Town Council declared an interest in relation to agenda item 5 – Designation of Streets under the Local Government (Miscellaneous Provisions) Act 1982 due to a perception of bias.

19 Designation of Streets Under the Local Government (Miscellaneous Provisions) Act 1982

Consideration was given to the report of the Transactional and Licensing Manager to seek the approval for the designation of streets as Prohibited, Licence and Consent in accordance with Local Government (Miscellaneous Provisions) Act 1982. (copy attached to the signed minutes).

In response to questions from Members the Transactional and Licensing Manager outlined the appeal process available to applicants who were refused a licence and confirmed that the M54 had been included following a request from Highways England.

It was explained by the Transactional and Licensing Manager that if approved, the Street Trading policy would come into force on 1st April 2018. She added that existing traders would be contacted in relation to the new policy prior to this date, however this process could not start until the policy had been considered by the Committee at the meeting on 13th December 2017. It was agreed that a verbal report on progress in relation contacting traders to inform them of the new policy would be available at the Strategic Licensing meeting on 7th March 2018.

RESOLVED:

1. The Committee approved, with any necessary amendments, the designation of streets as set out in Appendix B of the report.
2. The Committee instructed the Transactional and Licensing Team Manager to publish and serve the relevant notices, setting out the designation of streets, as required by Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
3. That where there were representations that object to the designation of streets as set out in Appendix B the Committee instructed the Transactional and Licensing Team Manager to bring a further report before the Committee to enable those representations to be considered in accordance with Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
4. That where no representations or only supporting or neutral representations were received, the Council resolved through delegated authority granted to the Strategic Licensing Committee, to pass a resolution designating the streets as set out in Appendix B with effect from 1 April 2018 and further instructed the Transactional and Licensing Team Manager to make the necessary arrangements as set out within Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to give effect to the designations.

20 **Exercise of Delegated Powers**

Consideration was given to the report of the Transactional and Licensing Manager in relation to delegated powers to issue and amend licences. (copy attached to the signed minutes).

In response to a query from a Members regarding out of County drivers, the Transactional and Licensing Manager explained the changes that came into force following the 2015 De-regulation Bill and the subsequent difficulties this had created in regard to enforcement.

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

21 **Records of Proceedings - Licensing Act Sub-Committee**

The records of proceedings of the Licensing Act Sub-Committee meetings from May 2017 to September 2017 were received by Members (Copy attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from May 2017 to September 2017 be noted.

22 **Appointment of Substitutes to Licensing and Safety Sub-Committee**

The Committee were asked to appoint substitutes to the Licensing and Safety Sub-Committee. Members were reminded that this Sub-Committee's powers were mainly used for dealing with matters concerning hackney carriage and private hire vehicles and drivers.

RESOLVED:

The Councillors Simon Harris, Kevin Pardy, Ed Potter, Keith Roberts and David Vasmer be appointed to serve as substitutes to the Licensing and Safety Sub Committee.

23 **Future Agenda Items**

The Committee were given the opportunity to identify additional matters that ought to be brought before the Committee for consideration.

RESOLVED:

No future agenda items were identified.

24 Date of Next Meeting

RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 13th December 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
Strategic Licensing Committee
13 December 2017

Item
5
Public

LICENSING FEES AND CHARGES 2018-2019

Responsible Officer Frances Darling - Trading Standards and Licensing Operations
Manager

e-mail: frances.darling@shropshire.gov.uk Tel: 01743 251715

1. Summary

1.1 This report proposes revised fees for the period 1 April 2018¹ to 31 March 2019 for licences and licensing related activities where the authority has the discretion to determine the relevant fees and relates to:

- hackney carriage and private hire vehicles and drivers;
- private hire operators;
- public health (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis);
- animals (boarding, breeding, dangerous wild animals, pet shops, riding establishments, performing animals, zoos);
- scrap metal;
- sex establishments;
- street trading;
- explosives and fireworks;
- distribution of free printed matter; and
- pleasure boats and vessels.

1.2 The report also proposes revised fees under the Gambling Act 2005 in relation to gambling activities where the authority has the discretion to determine fees up to legally set statutory maximums.

1.3 The statutory fees that must be charged for specific licences, permits and registrations under the Licensing Act 2003, the Gambling Act 2005 and explosives and fireworks legislation are also set out within the report.

1.4 Those licensed activities for which no fees may be set are also highlighted.

2. Recommendations

¹ The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2018. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to do so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

- 2.1 That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in **Appendix A**, in accordance with the Gambling Act 2005 as set out in **Appendix B** and in accordance with explosives and fireworks legislation as set out in **Appendix C** and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2018 and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2018/19 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
- 2.2 That the Committee implements, with any necessary modification and with effect from 1 April 2018, the proposed fees as set out in **Appendices D, E, F and G** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 2.3 a) That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in **Appendix F**, with any necessary modification, and instructs the Trading Standards and Licensing Operations Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it is proposed will be varied and specifying a period from 18 December 2017 to 4 February 2018 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.

AND

- b) Where no objections to the proposed variation in fees are received by 4 February 2018 or if all objections so made are withdrawn by the said date the Committee agrees to implement the proposed variation to the fees on 5 February 2018 or where objections to the proposed variation to the fees are received by 4 February 2018 and are not withdrawn by the said date, the Committee agrees to consider the objections at a meeting on the 7 March 2018 with a view to setting the date of 1 April 2018 (being a date not later than 2 months after the 5 February 2018) when the proposed variation to the fees shall come into force with or without further modification and further instructs the Trading Standards and Licensing Operations Manager to publish the agreed fees on the licensing pages of the Council's website as soon as is practicable.
- 2.4 That the Committee instructs the Trading Standards and Licensing Operations Manager to arrange for the proposed fees as set out in **Appendix F**, with any necessary modification, to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating '*Provisional fees*

under consultation between 18 December 2017 to 4 February 2018 fees to be confirmed by the Strategic Licensing Committee by 7 March 2018'.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council makes every effort to recover regulatory and enforcement costs from those who are licensed. However, it is acknowledged that the Council's licensing fees and charges may be challenged through a number of routes, including service complaints to the Local Government Ombudsman and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 3.2 The Council is permitted to include costs for clerical and administrative aspects when determining licence fees but these must be reasonable and proportionate to the actual costs of the procedures. The costs of regulatory and enforcement activities, including enforcement to address unlicensed activity, can also be included. Only successful applicants can be required to make a contribution towards the regulatory and enforcement costs.
- 3.3 Where the Council intends to recover regulatory and enforcement costs, it cannot include these costs in the fee that is payable at the time any application is submitted. Such costs are only payable after the decision has been taken to grant or renew a licence. This means that for those licences that incur post application regulatory and enforcement costs, the fees are charged in two parts:
- (a) the first part is payable at the time an application is submitted and aims to recover the costs associated with the administrative procedures and formalities of the application process (this includes the costs of undertaking all the required checks relevant to each licence type); and
 - (b) the second part is payable by the applicant only once the licence is granted or renewed and aims to recover the costs associated with the ongoing regulation and enforcement of the licencing regimes.
- 3.4 There are a number of licences that do not incur post application regulatory and enforcement costs. This is because the work undertaken as part of the application process is deemed to be proportionate to the level of risk associated with the activity that is controlled by these particular licence types. For these licences, there is only one fee payable and this is at the point of application.
- 3.5 The two-part fee is not applicable to hackney carriage, private hire and gambling related licences; consequently, for these licence types a single fee is payable at the point of application. The same is applicable to all statutory fees.
- 3.6 To reduce the risk of challenge to the Council, a financial modelling tool was introduced in 2013 to calculate licensing fees from 2014/15 onwards. This continues to be updated, modified and refined to take account of amendments to the law, changes made by licensing officers, recommendations from the Council's finance officers and to reflect ongoing changes to the way in which the licensing function is resourced.
- 3.7 Overall, the tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all

licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. It also aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators has been considered and is included in licence fees. Enforcement costs are not included for joint hackney and private hire drivers' licenses in line with specific provisions of the Local Government (Miscellaneous Provisions) Act 1976. Fees are compared on an ongoing rolling basis.

- 3.8 An Equality and Social Inclusion Impact Assessment has not been undertaken as the report does not concern the implementation of a new policy; the focus of the report is the review of licensing costs to ensure the Council is in a position to recoup its costs on a cost recovery basis in line with current legislative requirements.
- 3.9 There is no anticipated environmental impact associated with the recommendations in this report.
- 3.10 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in domestic licensing legislation and takes into consideration relevant European provisions and case law.
- 3.11 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.3 above. Historically, the Council has also consulted on driver licence fees and consequently it is recommended that this practice continues. In relation to hackney carriages, the fees for each zone are considered separately. With respect to the remaining discretionary fees, it is suggested that publishing the Council's intentions, prior to the fees coming into force, is sufficient and this reflects previous practice.
- 3.12 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's Constitution. Extracts from the relevant legislation are provided in **Appendix F**. Due consideration has also been given to relevant European legislation.

4. Financial Implications

- 4.1 The total cost to the Council of delivering the licensing service in 2016/17 was calculated to be £659,061 and the income received was £657,303. There was an overall deficit of £1,758 with specific surpluses and deficits relating to each licence type calculated separately – see **Appendix I**. Steps have been, and continue to be taken, to improve cost recovery across all appropriate licence types in order to reduce the overall deficit and to redistribute, return and recoup fees in relation to each licence type as appropriate.
- 4.2 The proposed fees are based on undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of

investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences and enforcement for unlicensed activities where it is permitted. Where relevant, the fees have been split into two parts. The recovery of the deficits and the return of the surpluses as set out in **Appendix I** have been included in the fee calculations for 2018/19. As a result of this work, the proposed fees have been calculated and are set out in **Appendices D to G**.

- 4.3 Costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year to reflect immediately previous deficits or surpluses, although this is the approach that is currently adopted. In any case, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. Costs associated with enforcing unlicensed operators/businesses are recoverable by the Council but these costs are excluded from the calculation for the joint hackney and private hire drivers' licences in line with provisions in the Local Government (Miscellaneous Provisions) Act 1976. In addition, costs of providing advice to those who may consider applying for a licence in the future are included.
- 4.4 The surpluses and deficits for hackney carriage and private hire licence fees are set out in **Appendix I (Table 2)** and have been incorporated into the revised fees as set out **Appendix F**. Where a surplus has been generated in 2016/17 but a cumulative deficit position exists over the three year period from 2014/15 to 2016/17, licence fees have not been reduced. A summary of those fees where a variation is proposed are listed below. It is proposed that all other hackney carriage and private hire related fees remain the same.
- Renewal private hire vehicle increased by 9.9%
 - Renewal hackney carriage increased by 3.2%
 - New small operators reduced by 19.9%
 - New large operators reduced by 18.2%
 - Renewal small operator reduced by 25.9%
 - Renewal large operator reduced by 20.4%
- 4.5 The fees under the Licensing Act 2003 are statutory fees that the Council cannot change. **Appendix I (Table 1)** shows a fee surplus of £104,074 was generated. This is largely due to the requirement for licensed premises to pay an annual fee to maintain their licence. It can be seen that the Licensing Act fees surplus has reduced the overall licensing service deficit to £1,758. The process of offsetting the deficit using Licensing Act fees is permissible; however, this is only because the Licensing Act fees are statutory. Where the Council has the authority to set specific discretionary fees, these fees must be used only for the purposes of funding those specific licences.
- 4.6 Public health licences are issued indefinitely; hence, there is no opportunity to recoup deficits or return surpluses through a renewal process. Fee payments are entirely reliant on new applicants. The number of applicants is difficult to forecast, although there currently appears to be a downward trend. The administration and enforcement of the public health licences has, and continues to be, reviewed and efficiencies identified. This has led to an overall reduction in the cost of administering this type of licence. However, the downward trend in applications

contributed to a £7,115 deficit across the public health licences in 2016/17. To attempt to reduce the risk of further deficits, it is proposed to retain the existing fee.

- 4.7 The work that has been undertaken to recover the deficits associated with animal licences from 2014/15 to date has not been effective. The cumulative deficit is increasing with a further £19,179 incurred in 2016/17. This is principally due to the increased staffing resource required to carry out inspections, particularly to address the increasing risk to animal welfare as a result of importation and over-breeding. The administration and enforcement of the animal health licences has, and continues to be, reviewed and efficiencies identified. However, to reduce the risk of incurring further deficits, as the resource required to carry out inspections increases, it is proposed to retain the existing fee for new applicants, or to increase them slightly where costs have increased, and to increase the renewal fees relating to boarding and breeding establishments and pet shops by 32% in an attempt to recover the existing deficit from applicants who are due to renew their licences over the next two years, and to prevent further deficits from accruing.
- 4.8 Explosives and fireworks licence and registration fees are all statutory fees (with the exception of those discretionary fees listed in **Appendix D**), which cannot be changed by the Council. **Appendix I (Table 1)** shows a deficit of £8,125, which will only be able to be reduced through making efficiency improvements across the administration and enforcement processes. The service is continuing to review how these efficiencies can be achieved. It should be noted that the activities to which the discretionary fees relate are little used in practice and were not used at all during 2016/17; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.
- 4.9 The work that has been undertaken to recover the deficit associated with scrap metal licences from 2014/15 to date has been partially effective. However, the cumulative deficit has increased with a further £12,535 deficit incurred in 2016/17. Due to the small number of licences issued this deficit is anticipated to worsen, particularly given that there is an increased staffing resource required to carry out inspections to address the recognised criminal risks associated with scrap metal dealing. The administration and enforcement of scrap metal licences has and continues to be reviewed and efficiencies identified. This has led to an overall reduction in the cost of administering this type of licence. However, to reduce the risk of incurring further deficits, it is proposed to retain the existing fee for new applicants and to significantly increase the renewal fees in an attempt to recover the deficit from applicants who are due to renew their licences over the next three years.
- 4.10 The licences that are grouped as miscellaneous include those for caravan sites, sex establishments, free printed matter, street collections, house to house collections, street trading and pleasure boats and vessels. Work that has been undertaken to recover the deficit associated with these licences from 2014/15 to date has not been effective with the cumulative deficit increasing with a further £34,982 incurred in 2016/17. A proportion of these costs are not recoverable and will always be borne by the local taxpayer as there are certain licences where the Council is unable to charge fees, e.g. licensing house to house collections, street collections and non-residential caravan sites. In addition, work has yet to be undertaken to develop a policy under which the Council will be able to charge for the licensing of residential caravan sites. The administration and enforcement of these licences

has and continues to be reviewed and efficiencies identified. This has led to a range of reductions in the basic costs of administering these types of licences. However, to reduce the risk of incurring further deficits, it is proposed to retain the existing discretionary fees, rather than to reduce them in line with processing costs.

- 4.11 The Gambling Act 2005 provides for licences, permits, notices and registrations. The Council has the discretion to set the fees for licences and notices up to certain statutory maximums. The fees for permits and registrations are statutory and the Council has no authority to change these.
- 4.12 The majority of the Gambling Act work undertaken relates to the administration and enforcement of permits and registrations, which are the subject of statutory fees. There is a clear indication that these statutory fees are insufficient to cover the cost of the work associated with the administration and enforcement of the permits, e.g. basic administrative costs are at least 20% more than the statutory fee payable and there are a considerable number where the overall costs are significantly more. As a result, it is unrealistic to expect recovery of the deficit of £7,826; however, processes continue to be reviewed and refined to ensure efficiencies wherever practicable.
- 4.13 The Council has the authority to set the licence fees under the Gambling Act (up to certain statutory maximums). The proposed fees, which directly reflect the calculations to recover the costs incurred, or the statutory maximum depending on which of the two is lower, are set out in **Appendix E**. As with explosives licences referred to above, the activities to which the discretionary fees relate are little used in practice; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.
- 4.14 An assumption has been made about the number of renewals that will take place in 2018/19 in order to recover or redistribute the deficits and surpluses. Until the end of the 2018/19 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The activity in 2017/18 will again change the cumulative position and further adjustments will be required in this rolling annual process. The adjustments to correct any material discrepancy in the recovery or redistribution of the deficits and surpluses will be made against 2019/20 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.
- 4.15 Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.
- 4.16 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.

5. Background

- 5.1 The principle of cost recovery under licensing legislation applies to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, dog breeding, animal boarding, pet

shops, riding establishments, dangerous wild animals, performing animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, residential caravan sites, some explosives and fireworks licences, together with the issuing of various licences under the Gambling Act 2005.

- 5.2 Caravan sites are currently licensed by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of residential caravan sites; however, the Council is required to publish a fees policy prior to setting fees. The Council has not yet adopted a policy; consequently, fees are not yet included in the proposals.
- 5.3 The financial modelling tool, referred to in paragraph 3.6, has been set up to allow residential caravan site and Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 5.4 The government has previously consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 but has yet to take this forward. As a result, the nationally determined statutory fees are retained and the Licensing Act 2003 fees are included in **Appendix A**. There are no discretionary Licensing Act 2003 fees proposed other than for providing a copy of information contained in an entry in the public register; this is reflected in **Appendix G**.
- 5.5 The costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. Where applicable the cost of enforcement against unlicensed operators is also included in the fee. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs. The Council must be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.
- 5.6 Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.
- 5.7 To aid the Council to properly recover relevant licensing costs all licensing procedures have been considered and reviewed in detail; this work continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence, permit, notice or registration with both variable and fixed costs being considered. These costs include officer, management and member time, including running of relevant Committees and the Licensing Panel, to administer and monitor compliance of both those already licensed and those who are unlicensed but exclude time spent enforcing matters that relate to joint hackney and private hire drivers' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, advertising, postage & printing, subscriptions, telephone costs, training and all other relevant internal market recharges and supplies and services costs.

6. Additional Information

- 6.1 In respect of the discretionary fees proposed in **Appendix F**, namely the setting of fees for hackney carriages, private hire vehicles and operators’ licences, statutory procedures must be followed. Consequently to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee. The recommendation at paragraph 2.3 addresses these statutory procedures.
- 6.2 The process that has been undertaken to determine the fees for 2018/19 is an extension of the process that commenced in 2013. This process will continue annually with amendments being made to take account of changes in the law and Council procedures and costs.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Provision of Services Regulations 2009 - SI 2009 No 2999
- Supreme Court Judgement in the case of R (on the application of Hemming and others v Westminster City Council – 29 April 2015 - [2015] UKSC 25 on appeal from [2013] EWCA Civ 591
- Court of Justice for the European Union Judgement in the case of Hemming [2016] EUECJ C-316/15 (16 November 2016)
- Mobile Homes Act 2013

Cabinet Member (Portfolio Holder)

Cllr Robert Macey – Portfolio Holder for Planning and Regulation

Local Member

Not applicable – report has county wide application

Appendices

Appendix A Licensing Act 2003 Statutory Fees

Appendix B Gambling Act 2005 Statutory Fees

Appendix C Explosives and Fireworks Legislation Statutory Fees

Appendix D Explosives and Fireworks Legislation Discretionary Fees

Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Appendix F Hackney Carriage and Private Hire Discretionary Fees

Appendix G Other Legislation Discretionary Fees

Appendix H Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Appendix I Licensing costs, income and surplus/deficit

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Appendix A – Licensing Act 2003 Statutory Fees

Rateable Value Bands	A	B	C	D	E
Initial Application / Variation Fee	£100	£190	£315	£450	£635
Annual Fee:	£70	£180	£295	£320	£350
Variation Fee:	£100	£190	£315	£450	£635

All premises are licensable based on the non-domestic rateable value of the property as follows:

Rateable Value	Band	Band	D (x 2)	E (x 3)
No value up to £4,300	A	Premises in Bands D & E (whose primary business is the sale of alcohol)	900	1905
£4,301 - £33,000	B	Premises in Bands D & E (whose primary business is the sale of alcohol) annual charge	640	1050
£33,001 - £87,000	C			
£87,001 - £125,000	D			
£125,001 and Above	E			

Exceptionally large events:

Additional Premises Fees can be charged for such events:

Number in attendance at any one time	Additional Application Fee	Additional Annual Fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Personal Licences, Temporary Events and other fees:

Type of Application	Fee
• Grant of Personal Licence	£37
• Temporary Event Notice	£21
• Theft, Loss etc. of Premises Licence or summary	£10.50
• Provisional Statement (where premises are being built)	£315.00
• Notification of change of name or address	£10.50
• Vary licence to specify individual as Premises Supervisor	£23
• Transfer of Premises Licence	£23
• Interim authority notice following death etc. of Licence holder	£23
• Theft, loss etc. of Certificate or summary	£10.50
• Notification of change of name or alteration of rules of club	£10.50
• Change of relevant registered address of club	£10.50
• Theft, loss etc. of Temporary Event Notice	£10.50
• Theft, loss etc. of Personal Licence	£10.50
• Duty to notify change of name or address	£10.50
• Right of freeholder etc. to be notified of licensing matters	£21
• Minor Variation	£89
• Removal of DPS at Community Premises	£23

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Appendix B - Gambling Act 2005 Statutory Fees

Licence Type	2017/18 Fees (£)	2018/19 Fees (£)	Difference (£)	Difference (%)
Prize Gaming Machine Permit - New	300.00	300.00	0.00	0%
Prize Gaming Machine Permit - Renewal	300.00	300.00	0.00	0%
Prize Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00	0%
Prize Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00	0%
Club Machine Permit - New	200.00	200.00	0.00	0%
Club Machine Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00	0%
Club Machine Permit - Annual Fee	50.00	50.00	0.00	0%
Club Machine Permit - Renewal	200.00	200.00	0.00	0%
Club Machine Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00	0%
Club Machine Permit - Variation	100.00	100.00	0.00	0%
Club Machine Permit - Copy	15.00	15.00	0.00	0%
Club Gaming Permit - New	200.00	200.00	0.00	0%
Club Gaming Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00	0%
Club Gaming Permit - Annual Fee	50.00	50.00	0.00	0%
Club Gaming Permit - Renewal	200.00	200.00	0.00	0%
Club Gaming Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00	0%

Club Gaming Permit - Variation	100.00	100.00	0.00	0%
Club Gaming Permit - Copy	15.00	15.00	0.00	0%
Licenced Premises Gaming Machine Permit - New	150.00	150.00	0.00	0%
Licenced Premises Gaming Machine Permit - Annual Fee	50.00	50.00	0.00	0%
Licenced Premises Gaming Machine Permit - Variation	100.00	100.00	0.00	0%
Licenced Premises Gaming Machine Permit - Transfer	25.00	25.00	0.00	0%
Licenced Premises Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00	0%
Licenced Premises Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00	0%
Gaming Machines Automatic Entitlement	50.00	50.00	0.00	0%
Unlicenced Family Entertainment Centre - New	300.00	300.00	0.00	0%
Unlicenced Family Entertainment Centre - Renewal	300.00	300.00	0.00	0%
Unlicenced Family Entertainment Centre - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00	0%
Unlicenced Family Entertainment Centre - Copy of a Permit	15.00	15.00	0.00	0%
Small Society Lottery - New	40.00	40.00	0.00	0%
Small Society Lottery - Renewal	20.00	20.00	0.00	0%

Appendix C – Explosives and Fireworks Legislation Statutory Fees

NEW -Licence to store explosives where, by virtue of regulation 27 of, and schedule 5 to, the 2014 regulations, a minimum separation distance of **greater than 0 metres** is prescribed.

One year's duration	£185.00
Two year's duration	£243.00
Three year's duration	£304.00
Four year's duration	£374.00
Five year's duration	£423.00

Renewal of licence to store explosives where a minimum separation distance of **greater than 0 metres** is prescribed.

One year's duration	£86.00
Two year's duration	£147.00
Three year's duration	£206.00
Four year's duration	£266.00
Five year's duration	£326.00

NEW Licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed.

One year's duration	£109.00
Two year's duration	£141.00
Three year's duration	£173.00
Four year's duration	£206.00
Five year's duration	£238.00

Renewal of licence to store explosives where no minimum separation distance or a **0 metres minimum** separation distance is prescribed

One year's duration	£54.00
Two year's duration	£86.00
Three year's duration	£120.00
Four year's duration	£152.00
Five year's duration	£185.00

Varying a licence

Varying name of licensee or address of site	£36.00
Transfer of licence	£36.00
Replacement of licence	£36.00

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Appendix D – Explosives and Fireworks Legislation Discretionary Fees

Any other kind of variation (Not varying name of licensee or address of site)	£469.00*
Explosives Assent Procedure	£310.00
Copy of public register entry (per individual entry)	£26.00

*The reasonable cost to the licensing authority of having the work carried out

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Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Licence Type				
All Casinos	See Gambling Act 2005 Policy Statement 2016 to 2019 paragraphs 36.1 and 36.2			
Licence Type	2017/18 Fees (£)	Proposed Fees 2018/19 (£)	Difference (£)	Difference (%)
Bingo premises licence				
Fee in respect of new premises	2,000.00	1,484.00	-516.00	-26%
Annual Fee	900.00	786.00	-114.00	-13%
Fee for application to vary licence	1,200.00	1,371.00	171.00	14%
Fee for application to transfer a licence	950.00	1,200.00	250.00	26%
Fee for application to reinstate a licence	950.00	1,200.00	250.00	26%
Fee for application for provisional statement	2,000.00	1,474.00	-526.00	-26%
Adult Gaming Centre Premises Licence				
Fee in respect of new premises	1,500.00	1,484.00	-16.00	-1%
Annual Fee	900.00	786.00	-114.00	-13%
Fee for application to vary licence	820.00	1,000.00	180.00	22%
Fee for application to transfer a licence	900.00	1,200.00	300.00	33%
Fee for application to reinstate a licence	900.00	1,200.00	300.00	33%
Fee for application for provisional statement	1,500.00	1,474.00	-26.00	-2%
Betting Premises (track) licence				
Fee in respect of new premises	1,850.00	1,484.00	-366.00	-20%
Annual Fee	900.00	786.00	-114.00	-13%
Fee for application to vary licence	790.00	1,250.00	460.00	58%
Fee for application to transfer a licence	790.00	950.00	160.00	20%
Fee for application to reinstate a licence	790.00	950.00	160.00	20%
Fee for application for provisional statement	1,850.00	1,474.00	-376.00	-20%
Family Entertainment Centre Premises Licence				
Fee in respect of other premises	1,400.00	1,484.00	84.00	6%
Annual Fee	600.00	750.00	150.00	25%
Fee for application to vary licence	800.00	1,000.00	200.00	25%
Fee for application to transfer a licence	700.00	950.00	250.00	36%
Fee for application to reinstate a licence	700.00	950.00	250.00	36%
Fee for application for provisional statement	1,400.00	1,474.00	74.00	5%

Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Betting Premises (other) licence				
Fee in respect of other premises	2,100.00	1,484.00	-616.00	-29%
Annual Fee	575.00	600.00	25.00	4%
Fee for application to vary licence	1,160.00	1,371.00	211.00	18%
Fee for application to transfer a licence	950.00	1,200.00	250.00	26%
Fee for application to reinstate a licence	950.00	1,200.00	250.00	26%
Fee for application for provisional statement	2,100.00	1,474.00	-626.00	-30%
Temporary Use of Premises				
Temporary Use Notice	500.00	500.00	0.00	0%
Occasional Use Notice	No Fee	No Fee	No Fee	No Fee
Replacement of an endorsed copy of a Temporary Use Notice	25.00	25.00	0.00	0%
Applicable to all gaming licences				
Change of circumstances fee - for all gaming licences	45.00	50.00	5.00	11%
Fee for copy licence - for all gaming licences	22.00	25.00	3.00	14%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2017 - 2018		2018 - 2019				
Licence Type	2017/18 Fee (£)	Licence Type	Calculated 2018/19 Fee (£) without surplus/deficit	Proposed 2018/19 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Drivers						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver training)	235.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver assessment)	198.00	235.00	0.00	0.0%
Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	202.00	Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	167.00	202.00	0.00	0.0%
Driver's Knowledge Test Resit	53.00	Driver's Knowledge Test Resit	53.00	53.00	0.00	0.0%
Driver Badge replacement following damage or loss	45.00	Driver Badge replacement following damage or loss	45.00	45.00	0.00	0.0%
Driver Training assessment	23.00	Driver Training assessment	23.00	23.00	0.00	0.0%
Safeguarding Training	39.00	Safeguarding Training	39.00	39.00	0.00	0.0%
Vehicles						
Private Hire Vehicle - new	148.00	Private Hire Vehicle - new	119.00	148.00	0.00	0.0%
Private Hire Vehicle - renewal	142.00	Private Hire Vehicle - renewal	121.00	156.00	14.00	9.9%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	108.00	Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	83.00	108.00	0.00	0.0%
Hackney Carriage Vehicle - new	142.00	Hackney Carriage Vehicle - new	113.00	142.00	0.00	0.0%
Hackney Carriage Vehicle - renewal	154.00	Hackney Carriage Vehicle - renewal	116.00	159.00	5.00	3.2%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	102.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	77.00	102.00	0.00	0.0%
Exterior plate replacement following damage or loss	45.00	Exterior plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Fare Card replacement following damage or loss	2.50	Fare Card replacement following damage or loss	2.50	2.50	0.00	0.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	45.00	45.00	0.00	0.0%
Licence Holder Transfer/Change of Details	24.00	Licence Holder Transfer/change of Details	24.00	24.00	0.00	0.0%

Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2017 - 2018		2018 - 2019				
Licence Type	2017/18 Fee (£)	Licence Type	Calculated 2018/19 Fee (£) without surplus/deficit adjustment	Calculated 2018/19 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Private Hire Operator - 5 Year - New						
Private Hire Operator - up to 30 vehicles	317.00	Private Hire Operator Small - up to and including 30 vehicles and one base	254.00	254.00	-63.00	-19.9%
Private Hire Operator - more than 31 vehicles	676.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	553.00	553.00	-123.00	-18.2%
Private Hire Operator - 5 Year - Renewal						
Private Hire Operator - up to 30 vehicles and one base	263.00	Private Hire Operator Small - up to and including 30 vehicles and one base	209.00	195.00	-68.00	-25.9%
Private Hire Operator - more than 31 vehicles and/or more than one base	676.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	552.00	538.00	-138.00	-20.4%
Private Hire Operator - up to 30 vehicles and one base	263.00	Private Hire Operator Small - up to and including 30 vehicles and one base	209.00	195.00	-68.00	-25.9%
Private Hire Operator - more than 31 vehicles and/or more than one base	676.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	552.00	538.00	-138.00	-20.4%

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Item 5 Appendix G Other Legislation Discretionary Fees

Appendix G - Other Discretionary Fees

2017-2018			2018-2019					
Licence Type	2017/18 Fee (£)		Licence Type	Calculated 2018/19 Fee (£) without surplus/deficit adjustment	Proposed 2018/19 Fee (£) including surplus/deficit adjustment		Difference (£)	Difference (%)
Public Health								
Acupuncture Premises, inc. 1 person	153.00		Additional persons included on same application £29/person	136.00	153.00	Additional persons included on same application £29/person	-	0.0%
Acupuncture Person	50.00		When application submitted separately from premises application	37.00	50.00	When application submitted separately from premises application	-	0.0%
Electrolysis Premises, inc. 1 person	153.00		Additional persons included on same application (£29/person)	136.00	153.00	Additional persons included on same application (£29/person)	-	0.0%
Electrolysis Person	50.00		When application submitted separately from premises application	37.00	50.00	When application submitted separately from premises application	-	0.0%
Cosmetic-piercing Premises, inc. 1 person	153.00		Additional persons included on same application £29/person	136.00	153.00	Additional persons included on same application £29/person	-	0.0%
Cosmetic-piercing Person	50.00		When application submitted separately from premises application	37.00	50.00	When application submitted separately from premises application	-	0.0%

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Tattooing Premises, inc. 1 person	153.00		Additional persons included on same application £29/person	136.00	153.00	Additional persons included on same application £29/person	-	0.0%
Tattooing Person	50.00		When application submitted separately from premises application	37.00	50.00	When application submitted separately from premises application	-	0.0%
Animals								
Animal Boarding (new) - up to 10 animals	168.00		Animal Boarding (new) - up to 10 animals	156.00	168.00		0.00	0.0%
Animal Boarding (new) - 11 and more animals	216.00		Animal Boarding (new) - 11 and more animals	222.00	222.00		6.00	2.8%
Animal Boarding (renewal) - applicable to all categories. (NB - where the number of boarding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	274.00		Initial renewal application fee £166 (includes deficit recovery) Fee due after renewal granted £108	121.00	362.00	Initial renewal application fee £65 Fee due after renewal granted £297	88.00	32.1%
Animal Breeding (new) - up to 10 animals	168.00		Animal Breeding (new) - up to 10 animals	156.00	168.00		0.00	0.0%
Animal Breeding (new) - 11 and more animals	216.00		Animal Breeding (new) - 11 and more animals	222.00	222.00		6.00	2.8%

Item 5 Appendix G Other Legislation Discretionary Fees

Animal Breeding (renewal) - applicable to all categories. (NB - where the number of breeding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	274.00		Initial renewal application fee £166 (includes deficit recovery) Fee due after renewal granted £108	121.00	362.00	Initial renewal application fee £65 Fee due after renewal granted £297	88.00	32.1%
Dangerous Wild Animals (new)	242.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£24/hour	Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	229.00	242.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£25/hour	-	0.0%

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Dangerous Wild Animals (renewal)	250.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24/hr	Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	96.00	250.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £25 /hour	-	0.0%
Zoos (new)	782.00	+ vet fees	Zoos (new)	738.00	782.00	+ vet fees Initial application fee £531 Fee due after licence granted £251	-	0.0%
Zoos (renewal)	723.00	+ vet fees Initial renewal fee £469 (includes deficit recovery) Fee due after renewal granted £254	Zoos (renewal)	551.00	723.00	+ vet fees Initial renewal fee £390 K25 Fee due after renewal granted £333	-	0.0%

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Performing Animals (indefinite registration)	168.00	+ vet fees; if exceed 6 hrs + hourly charge for each additional hour or part thereof @ £24	Performing Animals (indefinite registration) where total licensing procedure takes no more than 6 hrs.	156.00	168.00	+ vet fees; if exceed 6 hrs + hourly charge for each additional hour or part thereof @ £25/hour	-	0.0%
Pet Shops (new)	168.00	+ vet fees; if exceed 6 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	Pet Shops (new) where total licensing procedure takes no more than 6 hrs.	156.00	168.00	+ vet fees; if exceed 6 hrs + hourly charge for each additional hour or part thereof @ £25/hour	-	0.0%

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Pet Shops (renewal)	274.00	+ vet fees; if exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £24 /hour Initial renewal application fee £166 (includes deficit recovery) Fee due after renewal granted £108	Pet Shops (renewal) where total licensing procedure takes no more than 4.5 hrs.	121.00	362.00	+ vet fees; if exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £25/hour Initial renewal application fee £65 Fee due after renewal granted £297	88.00	32.1%
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Item 5 Appendix G Other Legislation Discretionary Fees

Riding Establishments (new)	242.00	+ vet fees; if exceed 9 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	Riding Establishments (new) - where total licensing procedure takes no more than 9 hrs.	229.00	242.00	+ vet fees; if exceed 9 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	-	0.0%
Riding Establishments (renewal)	250.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	Riding Establishments (renewal) where total licensing procedure takes no more than 3.75 hrs.	96.00	250.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £25/hour	0.00	0.0%
Scrap Metal								
Scrap Metal Dealer - Site (new)	638.00	Initial application fee £94 Fee due	Scrap Metal Dealer - Site (new)	543.00	638.00	Initial application fee £96 Fee due after licence granted £542	0.00	0.0%

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Scrap Metal Dealer - Site (renewal)	745.00	Initial renewal application fee £201 (includes deficit recovery) Fee due after renewal granted £544	Scrap Metal Dealer - Site (renewal)	543.00	2,873.00	Initial renewal application fee £431 Fee due after renewal granted £2,442	2,128.00	285.6%
Scrap Metal Dealer - Collectors (new)	194.00	Initial application fee £119 Fee due	Scrap Metal Dealer - Collectors (new)	162.00	194.00	Initial application fee £113 Fee due after licence granted £81	0.00	0.0%
Scrap Metal Dealer - Collectors (renewal)	301.00	Initial renewal application fee £226 (includes deficit	Scrap Metal Dealer - Collectors (renewal)	162.00	469.00	Initial renewal application fee £272 Fee due after renewal granted £197	168.00	55.8%
Scrap Metal Dealer Site Manager Variation	90.00		Scrap Metal Dealer Site Manager Variation	67.00	90.00		0.00	0.0%
Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	50.00		Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	35.00	50.00		0.00	0.0%

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Scrap Metal Dealer - collector to site variation	435.00	Initial application fee £250 Fee due after variation granted £185	Scrap Metal Dealer - collector to site variation	367.00	435.00	Initial application fee £248 Fee due after variation granted £187	0.00	0.0%
Scrap Metal Dealer - site to collector variation	105.00		Scrap Metal Dealer - site to collector variation	81.00	105.00		0.00	0.0%
Sex Establishments								
Sex Establishments (New)	2,362.00		Sex Establishments (New)	1,963.00	2,362.00		0.00	0.0%
Sex Establishments (Renewal)	1,679.00		Sex Establishments (Renewal)	1,395.00	1,679.00		0.00	0.0%
Street Trading Consents								
Minium charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	76.00		Minium charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	57.00	76.00		0.00	0.0%
Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	0.0%

Item 5 Appendix G Other Legislation Discretionary Fees

			Street Trading Consents - Annual	494.00	494.00			
Distribution of free printed matter								
Weekly permit	81.00		Weekly permit	67.00	81.00		0.00	0.0%
Monthly permit	115.00		Monthly permit	100.00	115.00		0.00	0.0%
Annual permit	150.00		Annual permit	133.00	150.00		0.00	0.0%
Miscellaneous								
Pleasure Boats & Vessels	168.00	+ marine surveyor's report fee	Pleasure Boats & Vessels	150.00	168.00	+ marine surveyor's report fee	0.00	0.0%
Gambling Act 2005 and Licensing Act 2003								
Copy of public register entry (per individual entry)	39.00		Copy of public register entry (per individual entry)	26.00	26.00		-13.00	-33.3%

Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Local Government (Miscellaneous Provisions) Act 1982

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay **a reasonable fee determined by the appropriate authority**.

Street Trading – Schedule 4 paragraph 9

(1) A district council **may charge such fees as they consider reasonable** for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) 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.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

Appendix H

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Acupuncture - Section 14 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority **may charge such reasonable fees as they may determine** for registration under this section.

Local Government (Miscellaneous Provisions) Act 1976

Controls hackney carriages and private hire vehicles

Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847*, a district council **may demand and recover** for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, **such a fee as they consider reasonable with a view to recovering the costs of issue and administration** and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

*Town Police Clauses Act 1847

Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council **may charge such fees** for the grant of vehicle and operators' licences as may be resolved by them from time to time and **as may be sufficient in the aggregate to cover in whole or in part—**

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

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- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

- (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
- (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
- (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Zoo Licensing Act 1981

Controls zoos – Section 15

(1) Subject to this section, the local authority **may charge such reasonable fees as they may determine in respect of—**

- (a) applications for the grant, renewal or transfer of licences;
- (b) the grant, renewal, alteration or transfer of licences;

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(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

(a) in connection with inspections in accordance with section 9A and under sections 10 to 12;

(b) in connection with the exercise of their powers to make directions under this Act;

(c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and

(d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Breeding of Dogs Act 1973

Controls breeding establishments for dogs – Section 3A

(1) The costs of inspecting premises under this Act and the Breeding of Dogs Act 1991 shall be met by the local authority concerned.

(2) **A local authority may charge fees—**

(a) in respect of applications for the grant of licences under this Act; and

(b) in respect of inspections of premises under section 1(2A)* of this Act.

(3) A local authority may set the level of fees to be charged by virtue of subsection (2) of this section—

(a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991; and

(b) so that different fees are payable in different circumstances.

* Section 1(2A)

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On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises—

(a) if a licence under this Act has not previously been granted to the person in respect of the premises, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority; and

(b) in any other case, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the authority (or by both).

Animal Boarding Establishments Act 1963

Controls boarding establishments for dogs and cats – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

(a) under this Act, from keeping a boarding establishment for animals; or

(b) under the Pet Animals Act 1951, from keeping a pet shop; or

(c), (d) . . . ; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals, or

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006, or

(g) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

and on payment of such fee as may be determined by the local authority, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

Pet Animals Act 1951

Controls pet shops – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee as may be determined by the local authority, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

Riding Establishments Act 1964

Controls hiring of horses for riding and instruction in riding – Section 1

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(2) Every local authority may, on application being made to them for that purpose by a person who is an individual over the age of eighteen years or a body corporate, being a person who is not for the time being disqualified,—

(a) under this Act from keeping a riding establishment; or

(b), (c) . . . ; or

(d) under the Pet Animals Act 1951, from keeping a pet shop; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals; or

(f) under the Animal Boarding Establishments Act 1963, from keeping a boarding establishment for animals; or

(g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006; or

(h) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

grant, **on payment of such fee as may be determined by the local authority** a licence to that person to keep a riding establishment at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

Dangerous Wild Animals Act 1976

Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—

.... and

(e) is accompanied **by such fee as the authority may stipulate** (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

Performing Animals (Regulation) Act 1925

Controls performing animals – Section 1

(1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

(2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of such one of the prescribed districts as he may choose, and **on payment of such fee as appears to the local authority to be appropriate** shall be registered under this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

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(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection and any person shall be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times.

(8) A local authority may charge such fees as appear to them to be appropriate for inspection of the register, for taking copies thereof or making extracts therefrom or for inspection of copies of certificates of registration issued by them.

Public Health Acts Amendment Act 1907

Controls pleasure boats/vessels - Section 94

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

Environmental Protection Act 1990

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees

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charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the

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authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

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(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

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(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Scrap Metal Dealers Act 2013

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance* issued from time to time by the Secretary of State with the approval of the Treasury.

*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

Licensing Act 2003

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

Caravan Sites and Control of Development Act 1960

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

Licences for which the licensing authority is NOT permitted to charge

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- **House-to-house collections:** House to House Collections Act 1939
- **Street collections:** Police, Factories, etc. (Miscellaneous Provisions) Act 1916

Appendix I – Licensing Costs, Income and Surplus/Deficit

Table 1 – All Licences

	Overall (£)	HCPH* (£)	Licensing Act 2003 (£)	Public Health (£)	Animals (£)	Explosives (£)	Scrap Metal (£)	Misc.** (£)	Gambling Act 2005 (£)
Total Costs	659,061	276,688	211,122	11,309	59,431	15,127	22,096	42,928	20,361
Total Income	657,303	260,617	315,197	4,193	40,252	7,002	9,561	7,946	12,534
(Surplus) / Deficit 2016/17	1,758	16,070	(104,074)	7,115	19,179	8,125	12,535	34,982	7,826
Cumulative 3 Year (Surplus) / Deficit 2014/15-2016/17	143,797	78,663	(214,437)	7,347	59,880	5,604	36,800	162,112	7,826

*Hackney carriage, private hire vehicle and operator licences and hackney carriage and private hire vehicle drivers' licences – see Table 2 for further breakdown

** Includes caravan site licences, sex establishments, free printed matter, street collections, street trading, pleasure boats and vessels

Table 2 – Hackney Carriage and Private Hire Licences

	Hackney Carriages (£)	Private Hire Vehicles (£)	Joint Drivers (£)	Operators (£)
Total Costs	31,121	166,629	72,714	6,223
Total Income	(27,367)	(142,034)	(78,750)	(12,467)
(Surplus) / Deficit 2016/17	3,754	24,596	(6,036)	(6,244)
Cumulative 3 Year (Surplus) / Deficit 2014/15-2016/17	7,514	32,288	41,169	(2,309)

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<u>Committee and Date</u>
Strategic Licensing Committee
13 December 2017

<u>Item</u>
6
Public

ADOPTION OF STREET TRADING POLICY UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Responsible Officer Mandy Beever – Transactional and Licensing Team Manager
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1. Summary

- 1.1** The control of Street Trading is currently based on the regimes that existed within the previous District and Borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) prior to the formation of Shropshire Council ('the Council').
- 1.2** Street Trading is a function of the Council. However, under provisions in the Local Government Act 1972, the Council can delegate the responsibility for the function to Town and Parish Councils.
- 1.3** Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Bishops Castle, Ludlow and Shifnal Town Councils all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of street trading. Similarly, on the 18 July 2013, the Council delegated these powers to Oswestry Town Council. The powers delegated to Oswestry Town Council relate to the Administrative Area of the former Oswestry Borough Council; however, current practice is such that the delegation relates only to the area for which Oswestry Town Council has responsibility.
- 1.4** Ludlow Town Council is the only Town Council who currently undertakes the administration and enforcement of Street Trading.
- 1.5** The administration of Street Trading includes the determination of Prohibited, License and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 1.6** Work has been undertaken to rationalise and align Street Trading controls across the whole administrative area of the Council. This has led to

proposed amendments to designated streets and a new Street Trading Policy ('the Policy') which have been out for public consultation. The consultation was undertaken during the period of 30 January 2017 and the 26 March 2017.

- 1.7 The aim of the Policy is to ensure that the Council can properly regulate those who trade in the street and not from within a business premises.

2. Recommendations

- 2.1 That the Committee agrees, with any necessary modifications, that the proposed Street Trading Policy 2018 to 2023, as set out in **Appendix A**, is adopted by the Council and implemented with effect from 1 April 2018.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The preparation and publishing of the Policy is not a legal requirement. However, it will help to ensure that the Council can properly regulate those who trade in the street and not from within a business premises. It will create transparency for all stakeholders providing the manner in which the Council intends to regulate Street Trading.
- 3.2 The purpose of the report is to seek the Committee's support for the formal adoption of the Policy.
- 3.3 Street Trading provisions are local in nature. Currently delegations exist in relation to Ludlow and Oswestry Town Councils. The consultation process has explored the opportunity to further delegate the responsibility for the Street Trading function to Parish and Town Councils. Street Trading is currently undertaken in a very different economic climate than that which existed when the legislation was originally adopted over thirty years ago by the previous District and Borough Councils.
- 3.4 The responses to the consultation and officer comments are set out at **Appendix B**. There was no appetite from the Town and Parish Councils to take on responsibility for the Street Trading function and Oswestry Town Council has requested that Shropshire Council resumes the function that was delegated to it in July 2013. Ludlow Town Council will continue the administration and enforcement of Street Trading as set out in the streets listed in **Appendix C**.
- 3.5 Shrewsbury Town Council was the only consultee who responded regarding converting Consent Streets to Licence Streets on the basis that this would provide greater control over Street Trading applications. Officers support this change as Licence Streets provide a more robust basis on which to

undertake sufficient checks for safeguarding purposes. Licence Streets provide for greater scrutiny as to the suitability of applicants thus strengthening the Councils ability to satisfy its safeguarding responsibilities by further protecting children, young persons and adults with care and support needs from harm. This also provides Street Traders with a fairer and more just system that allows them to challenge decisions that are made by the Council.

- 3.6** The Highway Authority for the Strategic Road Network (SRN) (Highways England) expressed support for the Policy. In addition, they made a request for the M54, A5, A49, A458 and the A483 trunk roads and attached lay-bys to be included in the list of Licence Streets designated for Street Trading. Furthermore, that a ‘blanket protection of all A and B roads was taken across the county’ to ensure a consistent approach.
- 3.7** In response to the request made by the SRN contact was made with Shropshire Council Highways in regard to the A and B roads for which they have responsibility. Shropshire Council Highways agreed with the SRN’s desire for a consistent approach to be taken and requested that all A and B roads and attached lay-bys coming under their administration were adopted.
- 3.8** The adoption of the Policy will also have a positive impact on Human Rights, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8), of both applicants and their customers. On this basis, the recommendations contained in this report are compatible with the provisions of the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications.
- 3.9** **Appendix C** contains the list of the streets designated as prohibited, licence or consent which come into effect from 1 April 2018.
- 3.10** The proposed Policy contains the application processes and requirements to obtain both a Street Trading Licence and Consent. The Consent process/requirements purposefully mirror those set out for a Licence Street. It is recognised that the Council may face a challenge on the robust nature of the proposed application process in relation to Consent Streets; however, the Act sets out that ‘the Council may grant a Consent if they think fit’ and in order to make this judgement it is deemed necessary and proportionate given the need to ensure applicants are suitable under the Council’s safeguarding responsibilities.
- 3.11** The Act provides a broad basis to request such ‘particulars as the Council may reasonably require’ in order to determine whether or not to grant or renew a Street Trading Licence. It is on this basis that Officers consider the information requested as part of the application process to be entirely lawful.
- 3.12** An Equality and Social Inclusion Impact Assessment (ESIIA) has been carried out and informed by the feedback from the consultation process. The

overall conclusions from the ESIIA are that the impact on the ‘Protected Characteristic Groups and Other Groups in Shropshire’ are in the ‘low positive or negative impact’ category. The ESIIA is set out at **Appendix D**.

- 3.13** Compliance with the ‘Environmental Impact’ conditions that will be attached to Street Trading Licence/Consents will have a positive impact on the environment.

4. Financial Implications

- 4.1** There are direct financial implications associated with the recommendation. This relates to the costs associated with the legal requirement to publish details of the resolution on four occasions in a local newspaper. There is also officer time required to undertake the whole process. The officer time and associated costs can be recovered through the licence/consent fees that are determined by the cost recovery fee setting process.

5. Background

- 5.1** The legal controls relating to Street Trading are contained in Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. These include the designation of streets, setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.
- 5.2** Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licence or consent and they are defined as:
- ‘Prohibited Street’ means a street in which street trading is prohibited.
 - ‘Licence Street’ means a street in which street trading is prohibited without a licence granted by the Council.
 - ‘Consent Street’ means a street in which street trading is prohibited without the consent of the Council
- 5.3** Where a street has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council. However, Street Traders must always seek permission to use the land from the land owner. This includes Shropshire Council’s Highways Service or the Highway Authority for the Strategic Road Network (SRN) (Highways England) where the land is a highway.
- 5.4** It is illegal to trade in those streets designated as Prohibited Streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a Licence or Consent Street, traders must apply for a Street Trading Licence or Consent and be granted

permission to trade. Within the Council this process is undertaken by the Licensing Team.

- 5.5** Prior to submitting an application the Street Trader must ensure they have permission to use the land from the land owner. The permission to use the land is separate from gaining permission to trade.
- 5.6** Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Bishops Castle, Ludlow and Shifnal Town Councils all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of street trading. Similarly, on the 18 July 2013, the Council delegated these powers to Oswestry Town Council. The powers delegated to Oswestry Town Council relate to the Administrative Area of the former Oswestry Borough Council; however, current practice is such that the delegation relates only to the area for which Oswestry Town Council has responsibility.
- 5.7** Where Street Trading provisions are delegated, the decision on where and when Street Trading should be permitted can be exercised more locally. Should additional Town and Parish Councils express an interest in taking on responsibility for the Street Trading function a separate report will be brought before the Strategic Licensing Committee.
- 5.8** Enabling the powers to be exercised at the most local level has clear benefits for Shropshire communities, allowing more informed decisions regarding how Street Trading is conducted according to the nature of the local area. However, based on the responses from the consultation there is no appetite for this function to be delegated to a more local level.

6. Additional Information

- 6.1** Formal consultation was undertaken for a period of 30 January 2017 to 26 March 2017. However, a period of informal engagement with key stakeholders was also undertaken from May to December 2016 to assist in the initial draft of the Policy.
- 6.2** A further period of informal engagement with existing businesses with permission to trade from land owned by Shropshire Council Highways Service and Highways England was undertaken during the month of August 2017. The additional consultation was undertaken to ensure that existing businesses were made aware of the request made by Shropshire Council Highways Service and the Highway Authority for the Strategic Road Network (SRN), to adopt motorways, all major trunk roads, A and B roads across the administrative area of Shropshire Council.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government (Miscellaneous Provisions) Act 1982 s.3 and Schedule 4

Local Government Act 1972 s101 (1) (b)

Strategic Licensing Committee, 4th October 2017: Street Trading Adoption of Streets.

Strategic Licensing Committee, 5th June 2013: Street Trading – Delegation of Powers to Oswestry Town Council

Strategic Licensing Committee, 25th January 2017: Street Trading Policy Consultation

Cabinet Member (Portfolio Holder)

Councillor Robert Macey - Portfolio holder for Planning and Regulation

Local Member

Applicable to all Members

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Street Trading Policy

2018 – 2023

Date policy adopted:

Adopted by:

Date of implementation:

Next review period:

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PART 1

INTRODUCTION

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APPENDIX A – Street Trading Policy Consultation Proposals

PART 1 – INTRODUCTION

- 1.0 On 1st April 2009 Shropshire Council became the responsible authority for the street trading provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Prior to this date the responsibility lay with the preceding district and borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) all of which ceased to exist as a result of the unitary process.
- 1.1 The Street Trading Policy ('the Policy') is applicable to the regulation of street trading across the whole of the administrative area of Shropshire Council. This Policy supersedes all previous Council policies relating to Street Trading. The Policy is in place to ensure that Shropshire Council (the Council) can properly regulate those who trade in the street and not from within a business premises. Where Street trading provisions do not apply the Council encourages Street Traders to have regard for the principles set out in this Policy.
- 1.2 Street trading is a function of Shropshire Council. However, under provisions in the Local Government Act 1972, the Council can delegate the responsibility for the function to Town and Parish Councils. Shropshire Council actively encourages Town and Parish Councils to adopt this function in order to facilitate more local decision making. Shropshire Council will support and facilitate the delegation process to ensure a smooth transition.
- 1.3 The administration of street trading includes the determination of Prohibited, Licensed, and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 1.4 The Council takes a permissive approach to Street Trading. As a result, it is unlikely to designate any further streets as Prohibited Streets and discourages the designation of additional streets as Consent Streets unless there are exceptional circumstances that support such designations. Where a need is identified to increase the level of control in currently undesignated streets, the Council encourages such streets to be designated as Licence Streets. Overall, the Council aims to grant valid street trading applications.

Scope

- 1.5 "Street trading" is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 1.6 "Street" includes any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.
- 1.7 The Street trading provisions are local in nature and within the administrative area of Shropshire Council there are certain streets and areas that have been designated as Prohibited Streets, Licensed Streets and Consent Streets as set out in **Appendix 1**. Where a street has not been designated as either Prohibited, Licenced or Consent, the Council has no regulatory responsibility under Street trading legislation and therefore, no permissions are required from the Licensing Service. However, Street traders must always seek permission to use the land from the land owner. This includes Shropshire Councils Highways Service and the Highway Authority for the Strategic Road Network

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(SRN) where the land is a highway. Where a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force Street Trading is not permitted other than trading to which the control order does not apply.

- 1.8 Where the streets are designated as either ‘prohibited’, ‘licenced’ or ‘consent’ they are defined as;

Prohibited Street

“prohibited street” means a street in which street trading is prohibited.

If a street is designated as a “prohibited street” then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example, the street may not be wide enough to facilitate a trader or the Council may wish to restrict trading at a particular location. It may be considered that the prohibited status might be the most appropriate designation for the majority of residential streets in a town. There is no right of appeal in respect of a Council decision to designate a street as prohibited; challenge is by way of Judicial Review.

Licence Street

“licence street” means a street in which street trading is prohibited without a licence granted by the Council.

Street trading in a licence street without a licence is a criminal offence. If a street is designated as a “licence street” then applications can be made by persons over 17 for a licence to trade in the articles described in the application on certain days on that street. For so long as the designation of licence street remains in place for that particular street or part of street the council is duty bound to grant or renew a properly made application unless one or more of the statutory grounds for refusal applies. When granting or renewing a licence the Council may attach any reasonable condition, furthermore the Council can at any time vary the conditions attached to a licence. There is a right of appeal against a council decision made in respect of a street trading licence.

Consent Street

“consent street” means a street in which street trading is prohibited without the consent of the Council.

If a street is designated as a “consent street” then street trading without a consent is a criminal offence. There is no right of appeal¹ against any council decision made in respect of a street trading consent. Street trading consent cannot be granted for a period of time exceeding twelve months and can be revoked at any time. When granting or renewing a consent the Council may attach any reasonable condition, furthermore the Council can at any time vary the conditions attached to a consent. Any such variations will be notified in writing to the named person on the consent and will take effect immediately or on the date of the notification letter.

¹ An aggrieved party may challenge a decision by way of judicial review.
DRAFT – Street Trading Policy 2017 -

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Legislative framework

- 1.9 The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable conditions and the Regulators' Code (BRDO 14/705 April 2014).
- 1.10 The primary legislation relating to street trading is the Local Government (Miscellaneous Provisions) Act 1982. In addition, the service is provided in accordance with all relevant Council policies, but in particular those relating to:
- Protection of children, young persons and adults with care and support needs;
 - Better regulation and enforcement;
 - Access to information;
 - Public sector equality duty; and
 - Human rights²
- 1.11 The regulation of street trading will be considered in conjunction with but not restricted to the following;
- granting of Pavement Permits;
 - Street Collections;
 - Distribution of Free Printed Matter;
 - Face to Face fund raising;
 - House to House Collections;
 - Planning and wider premises licensing regimes;
 - Pedler certificates for selling door to door; and,
 - any restrictions imposed by Public Space Protection Orders (PSPO).
- 1.12 So far as is reasonably practicable the Council will avoid duplication with other regulatory regimes. In particular, the Policy and associated conditions do not address health and safety at work, fire safety or planning requirements. Street traders are required to ensure all relevant provisions are satisfied with the relevant responsible authority in these respects.

Purpose

- 1.13 Shropshire Council recognise that street trading is important to both the local environment and the local economy. Street trading can provide vitality and interest to Shropshire's already vibrant towns and communities, and provides an opportunity for small businesses to establish themselves and grow.
- 1.14 The fundamental purpose of the Policy is to create a street trading environment which complements premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire.
- 1.15 The Council positively encourages applications from Street Traders that aim to promote a healthy lifestyle.

² Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 6 – right to a fair hearing; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 – right to freedom of expression.

APPENDIX A – Street Trading Policy Consultation Proposals

- 1.16 Whilst recognising the important contribution that street trading brings to supporting local businesses and the growth and prosperity of Shropshire's economy, a key purpose is also to reduce any potential harm or exploitation which could occur through street trading.
- 1.17 Shropshire Council ('the Council') is particularly concerned to ensure:
- public safety;
 - the prevention of public nuisance;
 - the prevention of crime and disorder; and,
 - the protection of children, young persons and adults with care and support needs from harm
- 1.18 The Council recognises that promoting the welfare of children and protecting them from harm is everyone's responsibility, in particular, Street Traders who may have dealings with children, young people and adults with care and support needs have a duty to report matters of concern to the relevant authorities. Further details are set out in **Appendix 2**.
- 1.19 The Policy provides guidance to any person with an interest in street trading, in particular, but not restricted to:
- persons who wish to apply to undertake street trading;
 - persons who hold existing licences or consents, including those that are the subject of review;
 - the Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees;
 - licensing consultants, solicitors and barristers advising and/or representing applicants and licence/consent holders; and,
 - Magistrates and judges hearing appeals or judicial reviews against Council decisions.

Consultation and Communication

- 1.20 In determining the Policy, the Council has consulted as set out on page 27. The views of relevant stakeholders have been taken into consideration.
- 1.21 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with street traders to enable and encourage the exchange of views and information in relation to the Policy, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

Review of the Policy

- 1.22 The policy will be the subject of continuous evaluation and, if necessary, formally reviewed every 5 years. At the time of review all relevant stakeholders will again be consulted.

APPENDIX A – Street Trading Policy Consultation Proposals

Conditions

- 1.23 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that traders comply with relevant legislation and the fundamental purpose of the Policy. Any trader may request a review of any condition at any time.

PROPOSED

PART 2

LICENSING PRINCIPLES, PROCESS AND DELEGATION

APPENDIX A – Street Trading Policy Consultation Proposals

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

Introduction

- 2.0 The Council has adopted a scheme in accordance with Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which permits the Council to control street trading in the areas listed and mapped in **Appendix 1**.

Licensing principles

- 2.1 The Council aims to provide a clear, consistent and responsive service to prospective and current licence and consent holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants.
- 2.2 All applications will be considered and determined on their own individual merits.

Licensing process and delegation of functions

- 2.3 The licensing of street trading is a Council function that is discharged by the Council's Strategic Licensing Committee, Licensing and Safety Sub-committee and officers in accordance with delegated authority set out in the Council's Constitution.
- 2.4 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.

Committees

2.5 Strategic Licensing Committee

This Committee is made up of 15 members of the Council. It deals with policy issues, standard conditions of licence/consent and the setting of fees and charges.

2.6 Licensing and Safety Sub-committee

The Committee has been established to consider applications and hear objections in relation to licensing matters, it is made up of a selection of Members from the Strategic Licensing Committee. Five to six Members (Quorum of 3) will sit on hearings to consider new applications, renewals and reviews of licences/consents that are referred by officers; this includes the hearing of objections. The hearings are normally held in public unless there are matters to be considered that are of a confidential nature.

- 2.7 Members, when determining applications for a licence/consent, renewals or reviews of a licence/consent, will have regard to the Local Government (Miscellaneous Provisions) Act 1982 and other relevant legislation, the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law and other relevant Council policies.

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Consideration of a Licence application by the Licensing and Safety Sub-committee

- 2.8 On receipt of relevant written representations and/or if the applicant has not met the criteria, arrangements will be made for the application to be heard by the Licensing and Safety Sub-committee and the applicant and all parties making representations will be notified in writing of the date, time and place where the application will be heard.
- 2.9 The person or body making a representation will be expected to attend the hearing and be allowed the opportunity to address the Licensing and Safety Sub-committee and ask questions relating to the application. The applicant can be represented by a solicitor, or supported by a friend or colleague.
- 2.10 Representations received by the Council will be circulated to members of the Committee in advance. Where appropriate, the representations will also be sent to the applicant but without any information that would identify the person submitting the representation.
- 2.11 The Licensing and Safety Sub-committee will always determine applications by:
- Considering each on its own merits;
 - Using this Policy;
 - Dealing with the hearing in a balanced and impartial manner;
 - Ensuring that the rules of natural justice are applied in any hearings held; and,
 - Giving all parties sufficient opportunity to present their case, ask questions and present information for consideration in support of their application or representation.

Consideration of a Consent application

- 2.12 Applications are considered by a Public Protection Officer (Specialist).
- 2.13 On receipt of relevant written representation and/or if the applicant has not met the criteria, the Officer will determine the application.
- 2.14 Where appropriate, any representation made will be sent to the applicant but without any information that would identify the person submitting the representation.
- 2.15 The Officer will always determine applications by:
- Considering each on its own merits;
 - Using this Policy;
 - Dealing with the hearing in a balanced and impartial manner;
 - Ensuring that the rules of natural justice are applied in any hearings held; and,
 - Giving all parties sufficient opportunity to present their case, ask questions and present information for consideration in support of their application or representation.
- 2.16 Where the Officer with delegated authority is unable to reach a decision or for any other reason so agreed by that Officer will be referred to the Licensing and Safety Sub-committee for determination in accordance with the procedure as set out at paragraphs 2.8 to 2.11 above.

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Decisions

- 2.17 The Council, by virtue of an officer with delegated authority, has the power to refuse, grant or renew licences or consents and also to vary or revoke existing licences and consents in accordance with relevant legislative provisions.
- 2.18 Any decision to refuse to grant or renew a licence or consent or to vary or revoke an existing licence or consent will be made in accordance with the Council's scheme of delegation as set out in **Appendix 3** and other relevant procedures. In particular, applications will be considered favourably where there is clear and robust evidence of effective mitigating measures offered by the applicant in relation to those matters set out in **Appendix 4**.
- 2.19 Where applications are to be determined, the officer and Licensing and Safety Sub-committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties, together with the recommendation made by the licensing officer presenting the report. Where necessary officers will seek comments directly from officers from the Council with responsibility for Highways, officers from West Mercia Police and any other relevant organisation. In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.
- 2.20 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Abandoned vehicles/objects

- 2.21 The failure to remove any Street Trading Stall in accordance with the relevant environmental impact conditions will be treated as an abandoned vehicle/object under the relevant legislation and may be removed by the Council for retention or destruction. The licence or consent holder shall pay all costs incurred by the Council in carrying out such action. Impounded vehicles and equipment will not be released until all outstanding costs have been paid by the licence or consent holder and may in default of payment be sold by the Council.

Appeals

2.22 Street Trading Licence

Parties aggrieved by a decision of the Council, with respect to a refusal to grant or renew a licence or vary or revoke an existing licence, have a right of appeal to the Magistrates' Court. This must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

2.23 Street Trading Consent

There is no right of appeal for a street trading consent.

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Working in partnership

- 2.24 The Council aims to work in partnership when dealing with street trading issues as public protection is a priority in Shropshire. Partners will include (but are not restricted to) relevant Town and Parish Councils, trade associations, West Mercia Police, Shropshire Council Highways, the Highway Authority for the Strategic Road Network (SRN), Revenues and Benefits teams and consumer groups.
- 2.25 However, it must be recognised that the Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced to protect the public.

Setting fees

- 2.26 The cost of dealing with street trading is covered by fees from licences and consents.
- 2.27 The Council aims to ensure that the income from fees, as nearly as possible, equates to the costs of providing the service to which the fees relate; in this respect, the Council is committed to continuous improvement across the fee setting process.
- 2.28 The Council aims to make its fee setting as transparent as possible. Costs are tracked to enable the Council to evidence, as much as is reasonably practicable, how it arrives at the specified fee levels. Fees are calculated on a cost recovery basis only.
- 2.29 The Council does not recover costs for the collection of refuse or the cleansing of streets on the basis that the conditions of each licence/consent requires the licence/consent holder to take responsibility for such matters.
- 2.30 The Strategic Licensing Committee reviews the fees annually under delegated authority from the Council.

PART 3

LICENSABLE ACTIVITIES

PROPOSED

APPENDIX A – Street Trading Policy Consultation Proposals

PART 3 – LICENSABLE ACTIVITIES

Introduction

- 3.0 This part of the Policy focusses on the licensable activities and the necessary steps required to obtain and hold a licence or consent. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to ‘applicant’ is deemed to include existing licence and consent holders.
- 3.1 The following are applicable to all licence and consent types:
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence or consent, the licence or consent is likely to be revoked. Applicants are reminded that any applicant who makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
 - All fees are payable at the time of application. Where a licence or consent is not granted, i.e. the applicant withdraws their application; a proportion of the licence fee will be refunded. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
 - In the event that an application for street trading is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence or consent has been issued, the Council will seek to revoke the licence or consent;
 - The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant’s control, otherwise the application process will cease to progress further until such time as the applicant provides all the required information;
 - Where a licence or consent has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence or consent procedure before the Council will consider the application;
 - When a licence or consent expires, the Council will not permit any ‘periods of grace’ for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

Appointments

- 3.2 The Council runs an appointment system. Applicants will not be seen without an appointment. The Council will notify street traders who hold an annual licence/consent that their licence or consent is due to expire at least four weeks before the actual expiry.

APPENDIX A – Street Trading Policy Consultation Proposals

Criminal Record Disclosure

- 3.3 Criminal record disclosure is relevant to those persons who wish to apply for a Street Trading licence because the Council has a responsibility to ensure the suitability of the applicant for this particular licence. The Council recognises that this requirement is not directly replicated within the consent regime; however, on the basis that the Council may grant a consent if it thinks fit, the Council has agreed to consider the suitability of applicants for consents in the same manner as the law requires for the applicants of a licence. Refer to **Appendix 5** and **Appendix 6** for further details in this respect.

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APPENDIX A – Street Trading Policy Consultation Proposals

3a Street Trading Licence

Application process for new and renewal

3a.1 Any person wishing to trade in a licenced street will require a licence issued by the Council.

3a.2 Applicants must submit the following to the Licensing Authority:

- A completed and signed relevant Street Trading Licence application form.
- The appropriate application fee.
- One passport size photograph, countersigned in accordance with passport rules.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation: e.g. passport, photo driving licence, national proof of age standards photo card, birth certificate, current utility bill/bank statement not more than 3 months old.
- Provide a basic criminal record disclosure from Disclosure Scotland (or the Disclosure and Barring Service at the point this function transfers to them) (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

APPENDIX A – Street Trading Policy Consultation Proposals

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- Where the proposed street activity is from a fixed position, a copy of map of at least 1:1250 scale clearly outlining the proposed trading location in red should be provided. An additional map to scale clearly identifying the precise trading position and its proximity to other similar retail outlets (shops etc.).
 - 3 colour photographs of any stall, van, barrow, cart, etc. that will be used for the street trading activity showing the front, rear and side of the unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.
 - A sketch or diagram of the stall, van, barrow, cart, etc. identifying the external dimensions.
 - If trading in food or drink:
 - a declaration that you have registered as a food business;
 - evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - evidence that the business has a food hygiene score rating of 3 or above; and,
 - evidence that the vehicle/unit meets the Council's food safety standards.
 - An original certificate of insurance that covers the street trading activity for third party and public liability risks up to a minimum of £5,000,000.
 - Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
 - Any permissions or consents already granted with regard to the proposed operation, e.g. including but not limited to planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.
- 3a.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicants licence, the licence will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

- 3a.4 The basic criminal record disclosure from Disclosure Scotland (or the Disclosure and Barring Service when they take over this function for applicants in England) must be a new certificate requested as part of this application process. It should be no more than three months old at the time the application was submitted.

APPENDIX A – Street Trading Policy Consultation Proposals

3a.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from Disclosure Scotland.

Consultation

3a.6 Upon submission of a valid Street Trading Licence application applicants will be required to display a site notice on or immediately outside the proposed trading location, for a period of 14 consecutive days to allow for any representations to the application to be made. If no representations are received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the licence (subject to all other requirements in this policy).

3a.7 Where objections are received and not resolved relating to the grant or renewal of a licence the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

3a.8 The Licensing and Safety Sub-committee or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.

3a.9 On granting the application the Council will issue a Street Trading Licence for a period of twelve months or shorter period as specified in the licence and shall also specify the following principle terms:

- the street(s) and where relevant a particular place in that street(s);
- the day(s);
- the trading times; and,
- the description of articles/goods that may be sold.

3a.10 In addition, the Council will attach standard conditions (subsidiary terms - see below) and where necessary any additional specific conditions.

Standard Conditions (Subsidiary Terms)

3a.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 7**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply. These conditions are in addition to any matters set out within the main body of the Policy.

Other Conditions

3a.12 The Council aims to grant licence applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

APPENDIX A – Street Trading Policy Consultation Proposals

3b

Street Trading Consent

Summary

3b.1 Any person wishing to trade in a consent street will require a consent issued by the Council.

3b.2 Applicants must submit the following to the Council:

- A completed and signed relevant Street Trading Consent application form.
- The appropriate application fee
- One passport size photograph, countersigned in accordance with passport rules.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation e.g. passport, photo driving licence, National Proof of Age Standards Photo Card, birth certificate, utility bill/bank statement not more than 3 months old.
- Provide a satisfactory basic criminal record disclosure from Disclosure Scotland (or the Disclosure and Barring Service when they take over this function for England) (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

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NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- Where the proposed street activity is from a fixed position, a copy of map of at least 1:1250 scale clearly outlining the proposed trading location in red should be provided. An additional map to scale clearly identifying the precise trading position and its proximity to other similar retail outlets (shops, etc.) should also be provided.
 - 3 colour photographs of any stall, van, barrow, cart, etc. that will be used for the street trading activity showing the front, rear and side of the unit and dimensions of that unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.
 - A sketch or diagram of the stall, van, barrow, cart, etc. identifying the external dimensions.
 - If trading in food or drink:
 - a declaration that you have registered as a food business;
 - evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - evidence that the business has a food hygiene score rating of 3 or above; and,
 - evidence that the vehicle/unit meets the Council's food safety standards.
 - An original certificate of insurance that covers the street trading activity for third party and public liability risks up to a minimum of £5,000,000.
 - Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
 - Any permissions or consents already granted with regard to the proposed operation, e.g. including but not limited to planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.
- 3b.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicants consent, the consent will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

- 3b.4 The basic disclosure from Disclosure Scotland (or the Disclosure and Barring Service when they take over this function for England) must be a new disclosure for the purposes of this application and should be no more than three months old at the time the application is submitted.

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3b.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from Disclosure Scotland.

Consultation

3b.6 Upon submission of a valid Street Trading Consent application applicants will be required to display a site notice on or immediately outside the proposed trading location, for a period of 14 consecutive days to allow for any representations to the application to be made. If no representations are received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the Consent (subject to all other requirements in this policy).

3b.7 Where objections are received and not resolved relating to the grant or renewal of a consent the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

3b.8 The Licensing and Safety Sub-committee, or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.

3b.9 On granting the application the Council will issue a Street Trading Consent for a period not exceeding twelve months and will specify the following:

- the street(s) and where relevant a particular place in that street(s);
- the day(s);
- the trading times; and,
- the description of articles/goods that may be sold.

3b.10 In addition, the Council will attach standard conditions and where necessary any additional specific conditions

Standard Conditions

3b.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 9**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply. These conditions are in addition to any matters set out within the main body of the Policy and maybe varied by the Council at any time.

Other Conditions

3b.12 The Council aims to grant consent applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

PART 4

INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

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PART 4 – INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Summary

- 4.0 This part of the Policy sets out the manner in which the Council approaches inspection, compliance and enforcement, including the way in which complaints will be dealt with, as it relates to Street Trading Licences and Consents.
- 4.1 The overarching principles are led by the Better Regulation and Enforcement Policy (or such similar policy that may from time to time be adopted) which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. In addition, the Council undertakes an intelligence led approach supported by the National Trading Standards Intelligence Operating Model (IOM).

Inspection, Compliance and enforcement

- 4.2 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates. Council officers may undertake inspection, compliance and enforcement activities for the purpose of assessing compliance with licences/consents, and to determine whether an offence is being committed.
- 4.3 In doing so, the Council's officers will work closely with other enforcement authorities to achieve compliance with the relevant legislation, licence/consent requirements and specific conditions of each licence/consent.
- 4.4 The Council will undertake all inspection, compliance and enforcement work in accordance with the Council's Better Regulation and Enforcement Policy. The Better Regulation and Enforcement Policy sets out clearly the overall approach adopted by the Council towards inspection, compliance and enforcement. It also specifically sets out the principles by which the Council intends to manage all criminal investigations; these principles also apply to the way in which criminal proceedings will be managed in relation to street trading related criminal offences specified in the Local Government (Miscellaneous Provisions) Act 1982 ('the Act').
- 4.5 In relation to the prevention, investigation and prosecution of offences under the Act, the Council will give priority, based on the level of risk posed, to crimes in which there is a greater risk of harm or exploitation to children and vulnerable persons, including adults with care and support needs.
- 4.6 The Council will default, in the first instance, to its regulatory rather than criminal powers when considering a breach of licence/consent conditions. These regulatory powers include revocation, suspension and adding/removing/amending conditions.
- 4.7 However, where there are significant breaches of licence/consent conditions that satisfy the criteria for invoking criminal powers in accordance with the Council's Better Regulation and Enforcement Policy this will mean that the Council will investigate matters with a view to instituting criminal proceedings irrespective of whether it has used its regulatory powers or not.
- 4.8 The Council will abide by the statutory principles of good regulation and the Regulators' Code. Inspection and enforcement activities will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted, and promotes efficient

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and effective regulatory approaches that improve outcomes without imposing unnecessary burdens on business.

- 4.9 Traders must comply with all reasonable requests made by officers of Shropshire Council, the Highway Authority for the Strategic Road Network (SRN) and the police. Licence and Consent holders are strongly encouraged to cooperate with officers of all other relevant bodies. Failure to cooperate may lead to revocation of their licence or consent.

Complaints

- 4.10 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence or consent holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licence/consent decisions.

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PART 5

CONSULTATION

PROPOSED

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PART 5 – CONSULTATION

- 5.0 Formal consultation was undertaken for a period of 30 January 2017 to 26 March 2017. However, a period of informal engagement with key stakeholders was also undertaken from May to December 2016 to assist in the initial draft of the Policy. A further period of informal engagement with existing businesses with permission to trade from land owned by Shropshire Council Highways Service and Highways England was undertaken during the month of August 2017. The additional consultation was undertaken to ensure that existing businesses were made aware of the request made by Shropshire Council Highways Service and the Highway Authority for the Strategic Road Network (SRN), to adopt Motorways, All Major Trunk Roads, A and B Roads across the administrative area of Shropshire Council. The responses were used to assist in the final draft of the Policy. The Council has consulted as widely as was reasonably practicable. Details of the consultees are set out below.
- 5.1 The representations received during the consultation process, together with the Council's responses, is available on the Council's website as part of the report that was presented to the Strategic Licensing Committee on 13 December 2017.
- 5.2 During the process of assessing the representations of those who were consulted, the Council had regard to guidance issued under the Act and gave appropriate weight to the views of those it consulted. In determining the weight to give particular representations, the following factors were taken into account:
- Who made the representation (their expertise or interest);
 - Relevance of the factors to the licensing objectives;
 - How many people expressed the same or similar views; and,
 - How far the representations related to matters that the Council should be including in its Policy.
- 5.3 Members of the public were invited to put forward their comments to the proposed policy document during the consultation periods. In addition consultation was undertaken with the following stakeholders and partners:-
- West Mercia Police
 - Shropshire Fire and Rescue Service
 - Shropshire Council Highways
 - Highway Authority for the Strategic Road Network (Highways England)
 - Town & Parish Councils
 - Charitable Organisations
 - All current consent and licence holders
 - Existing businesses with permission to trade from land owned by Shropshire Council Highways Service and Highway Authority for the Strategic Road Network (Highways England)
- 5.4 We have also consulted various other teams within the Council, these include:
- Environmental Health
 - Planning
 - Street Scene
 - Legal Services
 - Chair and members of the Licensing Committee

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- Portfolio Holder
- 5.5 We have considered and taken into account the views of all the appropriate bodies and organisations.

PROPOSED

PART 6

LICENSING CONTACT DETAILS

PROPOSED

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PART 6 – LICENSING CONTACT DETAILS

Contact details

For information, advice and guidance relating to Street Trading Licences or Consents:

Licensing
Public Protection
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
Tel: 0345 678 9026
Email: licensing@shropshire.gov.uk

Website: <http://new.shropshire.gov.uk/licensing>

Licence Fee Payments Telephone: 0345 678 9026

On line: https://payments.shropshire.gov.uk/epayments/webpay_public/webpay

APPENDICES

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Appendix 1

Consent, Licensed and Prohibited Streets

All streets in Shropshire, as defined in section 329 of the Highways Act 1980, are Licence Streets with the exception of any street/area specifically listed below. This includes any area to which the public have access without payment.

Shrewsbury Prohibited Streets

Street trading is prohibited in all streets (save for those referred to in Shrewsbury Licence Streets listed below or the areas where consent does not have an effect) within the boundary of the Conservation Area which is primarily the town centre and immediate surroundings (see maps in Appendix A (i) and (ii)).

Oswestry Prohibited Streets

All streets within the specified area of the Town of Oswestry (see map at Appendix B).

Ellesmere Prohibited Streets

- Church Hill
- Love Lane

Ludlow Consent Streets

- Bull Ring
- Broad Street (from Buttercross to Lloyds Bank)
- Castle Street
- Castle Square (excluding Market Square)
- Upper Dinham
- Harp Lane
- Church Street
- High Street
- Market Street
- King Street
- Tower Street

Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Ludlow Town Council all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading. Ludlow Town Council is therefore responsible for the administration and enforcement of Street Trading in the Ludlow Town Council area.

Shrewsbury Licence Streets

- The Square
- St Chad's Terrace – outside the main entrance gate to the Quarry
- Priory Road – the western end close to the children's playground
- Entrance to Porthill Bridge off Porthill
- Area adjacent to the Footbridge Access Ramp on the Frankwell Carpark
- St Mary's Closed Church Yard

Street Trading is only permitted in the streets listed below where the Street Trading forms an incidental part of planned entertainment/activity licenced under Shrewsbury Town Council's Premises Licence (PN/SC1043)

- Pride Hill

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- High Street (between Pride Hill and Milk Street)
- St Chad's Closed Church Yard
- Old St Chads Church Yard
- Butcher Row
- St Alkmunds Closed Church Yard
- Shrewsbury Library Gardens
- Periphery of Rowleys House
- Paved Area adjacent to Hills Lane
- Shoplatch
- Paved area between Shoplatch and Mardol Head (where the Darwin Gate modern art is situated)

Roads and lay-bys to be adopted as Licence Streets (unless otherwise specified in the above lists)

All roads and attached lay-bys covered by the the Highway Authority for the Strategic Road Network (SRN) (Highways England), including:

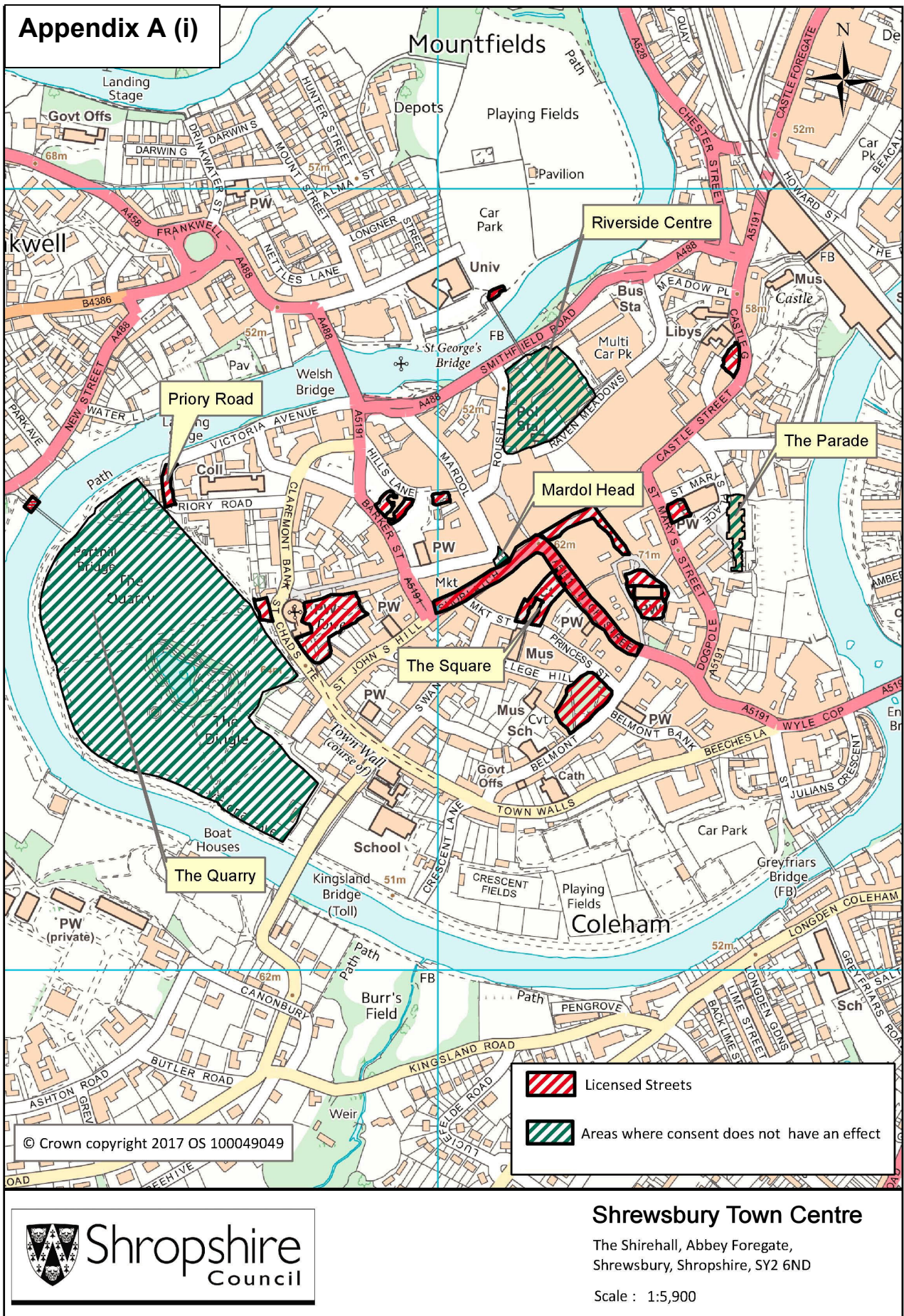
M54
A5
A49
A458
A483 trunk roads

All A and B roads and attached lay-bys coming under the administration of Shropshire Council Highways and Transport Service

Lay-by near to the Wolfshead Roundabout on the old A5 at Nesscliffe and all of Battlefield Way, Shrewsbury.

All streets in Shropshire, as defined in section 329 of the Highways Act 1980, will become Licence Streets with effect from 1 April 2018, with the exception of any street/area specifically listed as Prohibited/Consent in the lists above.

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Appendix A (ii)



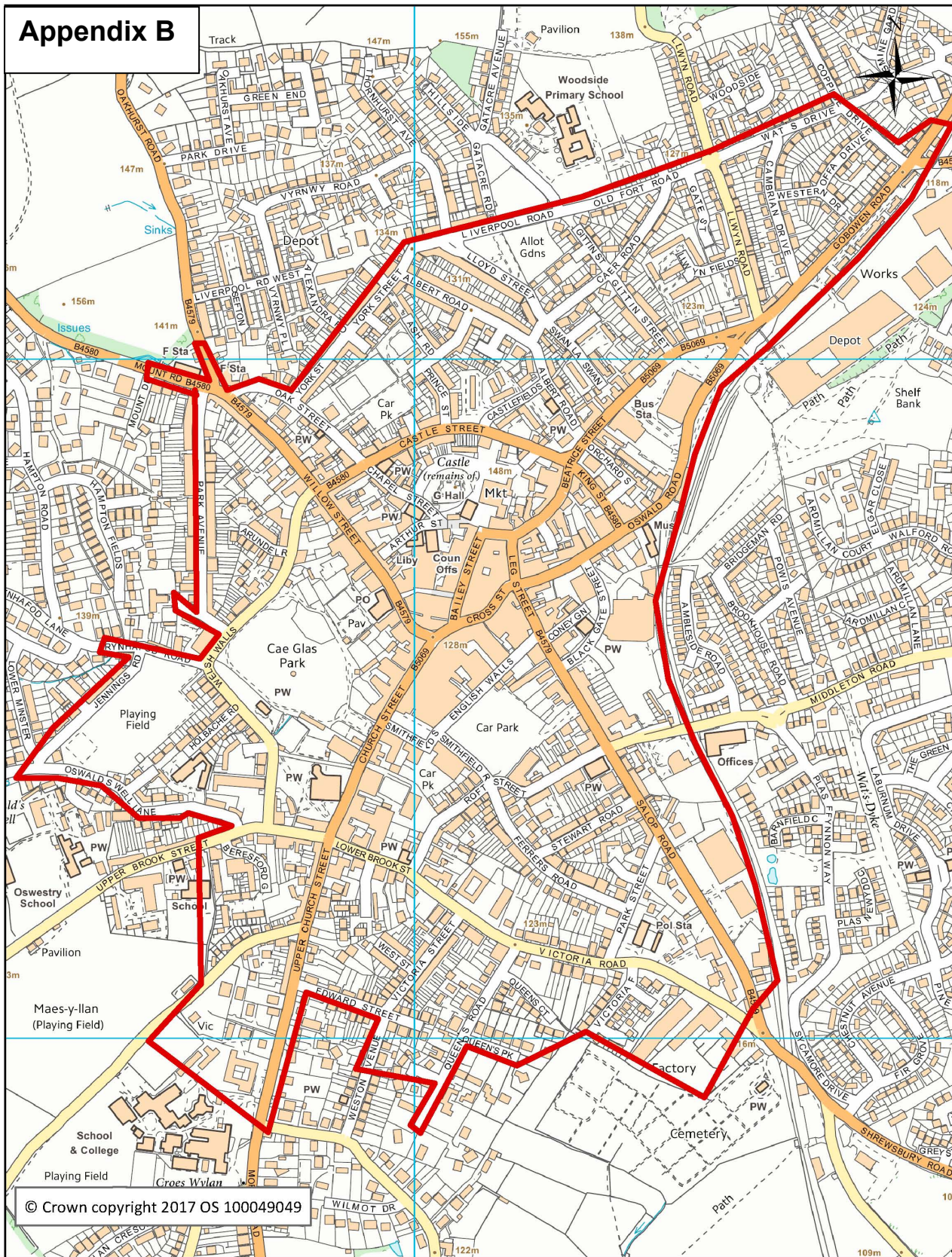
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Legend
 Shrewsbury Conservation Area



Shrewsbury Conservation Area
 The Shirehall, Abbey Foregate,
 Shrewsbury, Shropshire, SY2 6ND
 Scale : 1:18,846

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 Oswestry Town Line

Oswestry Sreet Trading Prohibited Streets
 The Shirehall, Abbey Foregate,
 Shrewsbury, Shropshire, SY2 6ND
 Scale : 1:7,200

Appendix 2

Child Exploitation and Trafficking of Children and Young People

Introduction

- 1.0 Set out below is information for street traders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

General information

- 1.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council and the Safeguarding Children Board. The Board also works with the police, children's social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.
- 1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.
- 1.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator (HM Government, February 17).
- 1.4 Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- 1.5 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How street traders can help tackle child sexual exploitation

- 1.6 Street traders are in a good position to help identify victims of sexual exploitation because through the trading they undertake they regularly come into contact with

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children and young people. This means they are in an ideal position to help protect young people.

- 1.7 In particular, street traders should consider the following questions when trading:
- Does your customer appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are you aware of any conversations that suggest children or young people are being or have been taken to a hotel, party or secluded location? If so, ask yourself why?
 - Are you aware of children/young people being taken regularly to the same localities? If so, ask yourself why?
- 1.8 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the ‘Safety of children and adults with care and support needs or other vulnerable persons’ detailed below.**
- 1.9 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children’s Social Care (Tel: 0345 678 9021).**
- 1.10 Further information about Shropshire’s Safeguarding Children Board can be found at: (<http://www.safeguardingshropshireschildren.org.uk/scb/index.html>)

Safeguarding Adults

- 1.11 If an adult with care and support needs is experiencing or at risk of abuse or neglect and a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect, you may need to take urgent action to protect the adult. Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the First Point of Contact (FPoC 0345 678 9021), or you can report to FPoC on behalf of the adult if it is in the public interest to do so. In an emergency contact the police (999) or non emergency 101.
- 1.12 Further information about the Keeping Adults Safe in Shropshire Board may be found at <https://new.shropshire.gov.uk/adult-social-care/where-can-i-get-help/concerned-about-someone/>

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Appendix 3

Extract from the Shropshire Council Constitution setting out Delegations

Licences Council Delegations – Part 8 Constitution

Street Trading

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing and Safety Sub-Committee	Public Protection Officer (Professional)* (unless otherwise specified)
Final approval of the relevant Local Authority Policy Statement	X			
Fees setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for a Licence (New or Renewal)			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Specify principle and subsidiary terms of the licence			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Revocation of a licence			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a Consent (New or				X

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Renewal)				
Attach conditions/ include permissions to a Consent				X
Revocation of a Consent				X

X indicates the lowest level to which decisions can be delegated
 *Or equivalent if post designations are amended

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Appendix 4

Matters to be considered when determining an application

In considering applications for the grant or renewal of a Street Trading Licence/Consent or the decision to revoke a current licence/consent the following factors will be considered (This is not an exhaustive list and each application will be judged on its own individual merits);

1.1 Suitability of Applicant

- whether the applicant or operator of the stall is under the age of 17 years;
- whether a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force on the proposed trading location;
- whether the applicant has been convicted of an offence that the Council considers makes them unsuitable to hold such licence/consent, (guidance relating to the relevance of convictions is set out in **Appendix 6**;
- whether the applicant has at anytime persistently refused or neglected to pay fees or charges due in relation to a licence/consent;
- whether the applicant has without reasonable excuse failed to trade on the street and on the days and times agreed in relation to a licence/consent;
- whether the applicant of the licence/consent has failed to comply with the conditions relating to a licence/consent;
- whether any earlier licence/consent to the applicant has been surrendered, refused or revoked (whether it be by this Council or another);
- the levels of complaints received about the operation of the street trading activity, taking into account whether and how such matters were resolved;
- the attitude of the applicant and/or their staff in dealing with concerns and queries raised by any person, Officer or organisation; and
- any other relevant information relating to the suitability of the applicant to hold such a licence/consent.

1.2 Public Safety / Highway

- Whether the street trading activity represents or is likely to represent a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site;

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- Whether there is sufficient space in the street for the applicant to engage in the trade in which he/she is proposing without causing undue interference or inconvenience to other persons using the street;
- Whether the street trading activity may damage the structure or surface of the street;
- Whether the location and operating times will be such that the highway can be maintained and that there are no dangers to those who have a right to use the highway and no obstruction for emergency services.

1.3 Public Order

- Whether the street trading activity represents, or is likely to represent a risk to public order.

1.4 Avoidance of Public Nuisance

- Whether the street trading activity represents, or is likely to represent a risk of nuisance or annoyance, particularly in residential areas.
- Whether the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, odour, litter, disturbance or anti social behaviour;
- Whether the street trading activity is in an area which is residential and where trading would not normally take place.

1.5 Street Trading stall

[This will include a van, barrow, cart, individual item for sale (e.g. motor vehicles), etc.]

- Whether the unit satisfies all relevant Health and Safety requirements.
- Whether the unit satisfies all relevant hygiene standards.
- Whether the unit is of a smart appearance.
- Whether the appearance of the trading unit or structure and the associated branding and advertising is compatible with the character of the area in which it is proposed to be situated.

1.6 Environmental impact

- Whether the proposed operation will or is likely to have a negative impact on the local environment (e.g. street surfaces and materials, verges, power supply, carbon footprint, supply chain, packaging, surface water or foul drainage system, waste minimisation, waste disposal and waste created by customers).

1.7 Goods to be sold

- If trading in food or drink, whether the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods hold evidence of

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current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate;

- If trading in food, whether the food business has achieved a food hygiene rating score of 3 or more;
- Whether the sale of the articles would conflict with those provided by nearby business premises providing similar goods or services;
- Whether the trading in a particular location will conflict with concessions granted to other existing street traders;
- Whether the quality of the goods to be sold and the hours and days for which it is intended to trade are suitable.

1.8 Number of Street Trading Licence/Consents

- Whether there are enough traders trading in the street from shops or otherwise in the goods in which the applicant decides to trade.

1.9 Objections

- Any objections made about the application or licence/consent holder from interested parties.

Appendix 5

Suitability of an applicant to hold a Licence or Consent

- 1.0 The Council has a responsibility for determining the suitability of applicants to hold a licence or consent. The principles set out below will be taken into account.
- 1.1 The Council will not grant a licence/consent to anyone unless it is satisfied that they are a suitable applicant. The Council will consider the following criteria when assessing the suitability of an applicant:
- the integrity of the applicant;
 - the competence of the applicant to undertake street trading in a manner consistent with this Policy; and
 - any previous criminal history and/or pattern of behaviour.
- 1.2 In order to ensure the Council is in a position to make as accurate an assessment of the applicant's suitability to hold a licence/consent as is reasonably practicable, all applicants (including sole traders, partnerships and companies) on initial application and renewal must:
- provide a satisfactory basic disclosure from Disclosure Scotland (of the Disclosure and Barring Service when they take over this function for England) (applicants can apply to Disclosure Scotland by telephone on 0870 609 6006, online at www.disclosurescotland.co.uk, by email at info@disclosurescotland.co.uk, by fax 0870 609 6996 or in writing to Disclosure Scotland at PO Box 250, Glasgow, G51 1YU)³; and
 - have two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)
- NB** For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.
- 1.3 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body

³ The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>. Where practical, the Council encourages the use of the DBS Update Service for all applicants.

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to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

- 1.4 When assessing the suitability of an applicant to hold a licence/consent, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with Council officers) whilst holding a licence/consent from the Council or any other authority. Particular attention will be given to patterns of behaviour, the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may call into question the integrity and competence of the applicant to undertake street trading activities.
- 1.5 In addition, the Council considers that an important element associated with the suitability to continue to hold a licence/consent is the appearance and behaviour of the applicant. Consequently, the Council requires all licence/consent holders to maintain a reasonable standard of appearance and behaviour when in contact and dealing with customers, the general public, other licence/consent holders, other traders, Council officers and elected members at all times.
- 1.6 Applicants and licence/consent holders must also co-operate with any reasonable request made by an authorised officer of the Council, any relevant authorised Highways officer, or any officer from the emergency services.
- 1.7 The Council will also consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence/consent holders were directly engaged in permitted work at the time or whether they occurred during the licence/consent holder's own personal time.

Criminal record disclosure

- 1.8 The Rehabilitation of Offenders Act 1974 applies to persons who wish to apply for a licence/consent. This means that convictions (not all) and cautions become spent in accordance with the provisions of the 1974 Act.
- 1.9 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a suitable person to be granted or hold a licence/consent.
- 1.10 The Council does not deem that a criminal record automatically bars an applicant from holding a licence/consent; however, it will be a significant factor when determining whether a licence/consent ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out under 'Relevance of Criminal Convictions'. However, the over-riding consideration will always be to ensure the safety and welfare of the licence/consent holder's existing and potential customers. Decision making will be proportionate and focuses on the risks posed and whether these can be managed. This approach balances the rights of individuals to engage in work whilst protecting the public from risk.

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- 1.11 Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings.
- 1.12 Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.
- 1.13 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a suitable person, the Council will give serious consideration to refusing an application or revoking an existing licence/consent.

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Relevance of Criminal Convictions and Cautions

Introduction

- 1.0 The purpose of this section is to provide additional guidance to determine whether or not an applicant or an existing licence/consent holder is a suitable person to hold a street trading licence/consent as it relates specifically to convictions and cautions.
- 1.1 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing and consent process by both the Council and the applicant.
- 1.2 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- 1.3 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

Legislation

- 1.4 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out that the Council may refuse or revoke an application on the basis that the applicant is unsuitable to hold a licence/consent by reason of having been convicted of an offence or for any other reason.

Defining ‘suitability of an applicant’

- 1.5 There is no legal definition as to what definitively constitutes a ‘suitable applicant’. However, because of the potential vulnerability of the customers that licence/consent holders may come into contact with, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is suitable to hold a licence/consent granted by the Council.
- 1.6 In essence, a suitable applicant will be:
 - Honest and trustworthy
 - Not abusive, violent or threatening
 - Knowledgeable and competent in the area of street trading
 - Able to communicate effectively with customers

The Council’s approach when considering convictions

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- 1.7 The disclosure of any convictions or cautions will not necessarily mean an applicant is an unsuitable applicant and, therefore, automatically prevented from being issued a licence/consent. However, the Council will have regard to unspent convictions and cautions and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:
- How relevant the offence(s) are to the licence/consent being applied for.
 - How serious the offence (s) were.
 - When the offence(s) were committed.
 - The date of conviction.
 - The extent of any mitigating factors.
 - Sentence imposed by the court.
 - Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
 - The applicant's explanation around the offence
 - Any other character check considered reasonable, e.g. personal references.
 - Any other factor that may be relevant.
- 1.8 If the Council has any doubts as to the suitability of an applicant/existing licence/consent holder, then an application must be refused or licence/consent revoked until those doubts can be effectively allayed through the provision of further adequate evidence.
- 1.9 If the applicant or holder of a licence/consent has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing and Safety Sub-committee for a decision as to whether the permit ought to be revoked.

Patterns of behaviour

- 1.10 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence/consent or to revoking an existing licence/consent.
- 1.11 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence/consent holder is a suitable person to hold a licence/consent and will give significant consideration to refusing to grant a licence/consent or to revoking an existing licence/consent.

Rehabilitation periods

- 1.12 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 1.13 A person with a conviction for an offence need not be automatically barred from obtaining a licence/consent. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate

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adequate evidence that they are a suitable person to hold a licence/consent. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is suitable.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

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Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years
Penalty points for a road traffic offence	3 years
Driving disqualification*	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

- 1.14 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence/consent or revoke an existing licence/consent until the applicant is in a position to satisfy them.
- 1.15 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/licence or consent holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence or consent holder in order to assist the Council to determine whether an applicant/existing licence/consent holder is a suitable person or not. The rehabilitation periods will not be considered in isolation.
- 1.16 The Council will not grant a licence/consent to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

Street Trading offences

- 1.17 In addition to the consideration of rehabilitation periods, where an existing licence/consent holder is found guilty of street trading related offences or multiple breaches of licence/consent requirements, licence/consent holders will be referred to the Licensing and Safety Sub-Committee or relevant officer with delegated authority in line

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with the Council's scheme of delegation with a view to determining whether the licence/consent should be revoked.

Right of appeal

- 1.18 Any applicant refused a licence on the grounds that they are not a suitable person, or who has had their licence revoked has a right of appeal to the Magistrates' Court within 21 days of the notice of decision.
- 1.19 There is no right of appeal against refusal or revocation of a street trading consent.

Conclusion

- 1.20 Any applicant having a previous or current conviction should not, in principle, be debarred from obtaining a licence/consent. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence/consent. It is this Council's policy to consider the protection of the public above all else by ensuring all holders of a licence/consent are honest and trustworthy, will not be a threat to the public, and are competent in their role and able to communicate effectively. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

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Standard Licence Conditions (Subsidiary Terms)

1.0 Conduct of licence holder

- 1.1 The licence holder must ensure that all employees are made aware of the responsibility to promote the welfare of children, young people, adults with care and support needs and vulnerable persons and to protect them from harm. To this end a licence holder must ensure that all employees are made fully aware of the information contained in the policy in particular **Appendix 2** relating to child sexual exploitation and adult safeguarding.
- 1.2 Throughout the currency of the licence, the licence holder must continue to be a suitable person to hold the licence. In this respect, the licence holder must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a suitable person would reasonably place on a license holder.
- 1.3 In particular, during the currency of a licence, the licence holder must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions or fixed penalties;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.
- 1.4 The licence holder must notify the Council in writing, of any change of address and contact details which may occur during the currency of their licence.
- 1.5 The licence holder **MUST** at all times when undertaking the street trading activity:
- comply with all reasonable requests made by an authorised officer of the Council, emergency services, or any relevant authorised officer of the appropriate Highways Authority.
 - at all times maintain a valid third party public liability insurance to the satisfaction of the Council and shall produce a valid certificate of such insurance when requested by an authorised officer of the Council.
 - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.
 - Behave in a civil and orderly manner towards all persons including, but not limited to, pedestrians, customers, the general public, other street users, police officers, officers and elected members of the Council.
 - Be courteous to customers.
- 1.6 The licence holder **MUST NOT**, at any time when undertaking the street trading activity:
- Use offensive, racist, abusive, profane or insulting language or behaviour.

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- smoke (this includes electronic cigarettes).
 - leave their stall, van, barrow, cart, etc. unattended at any time.
 - not trade outside the street and the days and times permitted by the licence.
 - not trade using a street trading licence where there are other licence, consent, approval or registration requirements under any other statutory provisions.
 - not assigned or transferre the licence to any other person.
- 1.7 Where the licence holder is not in sole control of the stall, van, barrow, cart, etc. they must ensure that those persons left in charge of the stall, van, barrow, cart, etc or assisting are adequately trained to undertake the street trading activity.

2.0 Public Safety / Highway

- 2.1 The street trading activity must not obstruct any of the street in which trading takes place other than as granted by the licence.
- 2.2 The licence holder must undertake regular checks to ensure enough space is maintained in the street to prevent undue interference or inconvenience to other stall holders and persons using the street.
- 2.3 The street trading activity must not endanger any persons using the street.
- 2.4 The street trading activity must not damage the structure or surface of the street.

3.0 Public Order

- 3.1 The licence holder must take appropriate steps to manage and control customers waiting to be served to ensure that public order is maintained.

4.0 Avoidance of Public Nuisance

- 4.1 Cause or permit sound emitted from any radio/sound reproducing instrument or equipment to be an annoyance/nuisance to any person.
- 4.2 The street trading activity must not cause annoyance, nuisance or loss of amenity to occupiers in the vicinity by virtue of noise, odour, litter and disturbance or anti social behaviour.
- 4.3 The licence holder must not operate a generator or other plant or equipment if it gives or is, in the opinion of an authorised officer of the Council, likely to give rise to nuisance to other persons and shall immediately comply with any direction of an authorised officer of the Council to mitigate or abate such nuisance.

5.0 Street Trading stall

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[This will include a van, barrow, cart, caravan, individual item for sale (e.g. motor vehicles) etc.]

- 5.1 The licence holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant Health and Safety requirements.
- 5.2 The licence holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant hygiene standards.
- 5.3 Whilst trading the licence holder must at all times display in a conspicuous position the licence issued ensuring the licence holders name and licence number are fully visible to the public.
- 5.4 The size and type of stall or container must accord with the photographs/diagram, including the branding and advertisements, submitted as part of the licence application. Any alterations to the stall/container and branding or advertising must be notified to the Council and approval agreed prior to use.
- 5.5 The storage and use of fuel e.g. liquefied petroleum gas, petrol, calor gas etc. must comply with relevant safety requirements including, but not limited to, the number and method of securing full and empty gas cylinders. (The licence holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.6 Suitable and sufficient fire extinguishers shall be held and maintained on the stall, van, barrow, cart, etc.
- 5.7 All electrical installations shall comply with any relevant safety requirement. (The licence holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.8 The licence holder must, if requested by an authorised officer of the Council, arrange a test of any electrical or gas installation by a competent person and must submit a certificate of test to the Council.

6.0 Environmental Impact

- 6.1 At the end of the trading period the licence holder shall remove all waste resulting from the street trading activity and ensure that the surrounding area is left clean and tidy.
- 6.2 The licence holder must not dispose of waste in public waste bins.
- 6.3 The licence holder must provide adequate waste bins and ensure that throughout the period of trading the bins do not overflow.
- 6.4 Ensure any litter that is not adequately disposed of by customers is removed and the surrounding area is kept clean and tidy at all times.
- 6.5 The licence holder must not deposit on any street surface, verges or into surface water drains any solid or liquid refuse, waste water or oil or other matter.

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- 6.6 The licence holder must ensure that fuel, oil and any other waste does not leak onto the street, highway or verge or pollute any surface water or foul drainage system.
- 6.7 The licence holder must remove the Street Trading Stall from the approved site immediately upon the expiry of the licence.

7.0 Goods to be sold

- 7.1 The licence holder must not offer, display, sell or supply any article other than as specified in the licence.
- 7.2 The licence holder must ensure articles stored, offered, displayed, sold or supplied in such a manner to ensure that they meet all relevant hygiene standards.

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Appendix 8

Additional Licence/Consent Conditions for 'Motorways, Major trunk Roads, A and B Roads'.

- 1.0 Floodlighting, fairy/string/novelty lights or similar forms of illumination of the site are not permitted. Any other lighting provided shall be so positioned or controlled so as not to cause glare or annoyance to traffic on the highway or to neighbouring property.
- 1.1 Advance advertisement, by the placing of signs, whether attached to a vehicle or any description or otherwise, is not permitted.
- 1.2 Advertisements on the site shall be subject to the approval of the relevant Council department, the Highways Authority for the Strategic Road Network and their Agents.
- 1.3 In the interests of public safety, no outside eating facilities, such as tables, chairs, etc. shall be provided on the site without prior consent and must not represent or be likely to represent a substantial risk to the public or users of the highway.
- 1.4 The consent or licence holder shall maintain separate additional sanitary accommodation including suitable closet and wash hand basin having supplies of hot and cold water or a suitable bactericidal agent for the use of customers only and ensure that such accommodation is only accessible from outside the unit.
- 1.5 The licence or consent holder shall make available adequate sanitary accommodation including closet and wash hand basin with hot and cold water for the use of food handlers only.
- 1.6 The licence or consent holder shall ensure that all vehicles, including trailers and caravans, that are the subject of the licence or consent left in or on the public highway, lay-by or adjacent verges comply fully with all relevant road traffic legislation including legislation relating to vehicle construction and use.
- 1.7 Vehicles of any description, including caravans, trailers etc. which are the subject of or are ancillary to the trading licence or consent, shall be kept in such a condition as to enable them to be capable of being towed off the site immediately.
- 1.8 For the avoidance of any doubt, any vehicle which requires alterations or operations, other than one or more of the following, shall not be regarded as complying with this condition;
 - Winding up or the raising of corner stays
 - Unplugging of generator connection
 - Disconnection of gas supply
 - Closing of any canopies or trading windows
 - Removal of any steps
 - Securing of internal contents
 - Hitching to a suitable towing vehicle and connection to the towing vehicles lighting system

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- 1.9 The main activity shall not be the sale of alcohol.
- 1.10 The vehicle shall not be sited in a lay-by adjoining the highway in such a position that in the opinion of the Council and the appropriate Highways Agency any danger to other highway users or customers would be likely to arise. No vehicles or projections from vehicles, such as canopies, opening windows etc., shall restrict visibility or obstruct the path of vehicles entering or leaving the lay-by or on the highway.
- 1.11 Where no internal seating facilities are provided for the use of customers, any trading window shall be positioned so that it is parallel to and facing the nearside verge or pavement (if any) of the lay-by in which it is situated in order that customers do not have their backs towards the traffic on the adjacent highway itself.
- 1.12 A trader shall remove his vehicle, trailer or caravan from the approved site immediately upon the expiry of his trading licence or consent.
- 1.13 No vehicle, trailer or caravan on a licence or consent site shall be left on the site for a period in excess of 48 hours if trading is not taking place.

Appendix 9

Standard Consent Conditions

1.0 Conduct of consent holder

- 1.1 The consent holder must ensure that all employees are made aware of the responsibility to promote the welfare of children, young people, adults with care and support needs and other vulnerable persons and to protect them from harm. To this end a consent holder must ensure that all employees are made fully aware of the information contained in the policy in particular **Appendix 2** relating to child sexual exploitation and safeguarding adults.
- 1.2 Throughout the currency of the consent, the consent holder must continue to be a suitable person to hold the consent. In this respect, the consent holder must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a suitable person would reasonably place on a consent holder.
- 1.3 In particular, during the currency of a consent, the consent holder must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions or fixed penalties;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.
- 1.4 The consent holder must notify the Council in writing, of any change of address and contact details which may occur during the currency of their consent.
- 1.5 The consent holder **MUST** at all times when undertaking the street trading activity:
- comply with all reasonable requests made by an authorised officer of the Council, emergency services, or an authorised officer of the appropriate Highway Authority.
 - at all times maintain a valid third party public liability insurance to the satisfaction of the Council and shall produce a valid certificate of such insurance when requested by an authorised officer of the Council.
 - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.
 - Behave in a civil and orderly manner towards all persons including, but not limited to, pedestrians, customers, the general public, other street users, police officers, officers and elected members of the Council.
 - Be courteous to customers.

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- 1.6 The consent holder **MUST NOT**, at any time when undertaking the street trading activity:
- Use offensive, racist, abusive, profane or insulting language or behaviour.
 - smoke (this includes electronic cigarettes).
 - leave their stall, van, barrow, cart, etc. unattended at any time.
 - not trade outside the area of street and the days and times permitted by the licence.
 - not trade using a street trading consent where there are other licence, consent, approval or registration requirements under any other statutory provisions.
 - not assigned or transfer the licence to any other person.
- 1.7 Where the consent holder is not in sole control of the stall, van, barrow, cart, etc. they must ensure that those persons left in charge of the stall, van, barrow, cart, etc. or assisting are adequately trained to undertake the street trading activity.
- 2.0 Public Safety / Highway**
- 2.1 The street trading activity must not obstruct any of the street in which trading takes place other than as granted by the consent.
- 2.2 The consent holder must undertake regular checks to ensure enough space is maintained in the street to prevent undue interference or inconvenience to other stall holders and persons using the street.
- 2.3 The street trading activity must not endanger any persons using the street.
- 2.4 The street trading activity must not damage the structure or surface of the street.
- 3.0 Public Order**
- 3.1 The consent holder must take appropriate steps to manage and control customers waiting to be served to ensure that public order is maintained.
- 4.0 Avoidance of Public Nuisance**
- 4.1 Cause or permit sound emitted from any radio/sound reproducing instrument or equipment to be an annoyance/nuisance to any person.
- 4.2 The street trading activity must not cause annoyance, nuisance or loss of amenity to occupiers in the vicinity by virtue of noise, odour, litter and disturbance or anti social behaviour.
- 4.3 The consent holder must not operate a generator or other plant or equipment if it gives or is, in the opinion of an authorised officer of the Council, likely to give rise to nuisance to other persons and shall immediately comply with any direction of an authorised officer of the Council to mitigate or abate such nuisance.

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5.0 Street Trading stall

[This will include a van, barrow, cart, caravan, individual item for sale (e.g. motor vehicles), etc.]

- 5.1 The consent holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant Health and Safety requirements.
- 5.2 The consent holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant hygiene standards.
- 5.3 Whilst trading the consent holder must at all times display in a conspicuous position the consent issued ensuring the consent holders name and consent number are fully visible to the public.
- 5.4 The size and type of stall or container must accord with the photographs/diagram, including the branding and advertisements, submitted as part of the licence application. Any alterations to the stall/container and branding or advertising must be notified to the Council and approval agreed prior to use.
- 5.5 The storage and use of fuel e.g. liquefied petroleum gas, petrol, calor gas etc. must comply with relevant safety requirements including, but not limited to, the number and method of securing full and empty gas cylinders. (The consent holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.6 Suitable and sufficient fire extinguishers shall be held and maintained on the stall, van, barrow, cart, etc.
- 5.7 All electrical installations shall comply with any relevant safety requirement. (The consent holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.8 The consent holder must, if requested by an authorised officer of the Council, arrange a test of any electrical or gas installation by a competent person and must submit a certificate of test to the Council.

6.0 Environmental Impact

- 6.1 At the end of the trading period the consent holder shall remove all waste resulting from the street trading activity and ensure that the surrounding area is left clean and tidy.
- 6.2 The consent holder must not dispose of waste in public waste bins.
- 6.3 The consent holder must provide adequate waste bins and ensure that throughout the period of trading the bins do not overflow.
- 6.4 Ensure any litter that is not adequately disposed of by customers is removed and the surrounding area is kept clean and tidy at all times.
- 6.5 The consent holder must not deposit on any street surface, verges or into surface water drains any solid or liquid refuse, waste water or oil or other matter.
- 6.6 The consent holder must ensure that fuel, oil and any other waste does not leak onto the street, highway or verge or pollute any surface water or foul drainage system.

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6.7 The consent holder must remove the Street Trading Stall from the approved site immediately upon the expiry of the consent.

7.0 Goods to be sold

7.1 The consent holder must not offer, display, sell or supply any article other than as specified in the licence.

7.2 The consent holder must ensure articles stored, offered, displayed, sold or supplied in such a manner to ensure that they meet all relevant hygiene standards.

PROPOSED

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Appendix B

Summary of the Consultation Responses

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
Doc 1	1	SP	Comments Noted
Doc 2	1	N	The level of engagement and consultation will be limited to the site notice being made available which all parties are able to view and respond to within the consultation period. Any decisions will be made in accordance with the policy. Where the Town Council has concerns in regard to insufficient enforcement and concerns about engagement/consultation further discussions regarding delegated authority will need to take place.
Doc 2	2	Y	Further clarification requested in regard to this paragraph with further responses logged at paragraphs 3 to 8 below.
Doc 2	3	Y	New Wharf Road added as a Consent Street.
Doc 2	4	Y	Scotland Street between the junctions of Victoria Street and Market Street added as a Consent Street.
Doc 2	5	Y	Confirmation that reference made to Church Lane was in fact Church Hill.
Doc 2	6	Y	Clarification on location of Love Lane.
Doc 2	7	Y	Stated streets removed from the map further clarification sought on the need for these streets to be prohibited. Further response paragraph 9 below.
Doc 2	8	Y	All streets that the Town Council requested to be Consent Streets have been included.
Doc 2	9	Y	All streets that the Town Council requested to be Prohibited Streets have been included.
Doc 3	1	In Part	The Council is concerned to ensure that the Policy avoids duplicating legal obligations required by legislation that

			is not the direct responsibility of the Licensing Service. The draft policy has been amended to advise applicants to seek clarification from the relevant responsible authority. The Council will include a list of responsible authorities on the application form and the website.
Doc 4	1 to 14	N	Paragraphs provide context to the requirements outlined below and do not require a specific amendment to the Policy.
Doc 4	15	Y	States the Oswestry Town Council's desire to change all of the current Consent Streets to Prohibited Streets.
Doc 4	16	N	Paragraph sets out Oswestry Town Council's current position in relation to the granting of Street Trading Consents and do not require a specific amendment to the Policy.
Doc 4	17	Y	States Oswestry Town Council's desire to hand back the responsibility for Street Trading to Shropshire Council if agreement is reached to Prohibit the current Consent Streets. (See document 5 for further clarification.)
Doc 5	1	Y	Oswestry Town Council Markets and Car Parks Committee agreed to prohibit Street Trading in Oswestry Town Centre and hand back the delegation of Street Trading to Shropshire Council.
Doc 5	2	Y	In the event that Shropshire Council seeks to change its Street Trading Policy in the future Oswestry Town Council has requested a full consultation exercise and a discussion on delegation.
Doc 5	3	N	The concerns raised about organisations such as Talk Talk and Sky who collect direct debit sign-ups are outside the scope of this consultation as this is not Street Trading as defined by the relevant legislation.

Doc 6	1	Y	Acknowledgement of opportunity for Shrewsbury Town Council to be consulted.
Doc 6	2	Y	Recognition of the existing Prohibition of streets works well alongside the limited Consent Streets. Identification of areas which should be listed as Consent Streets where Street Trading currently takes place without permission. Porthill Bridge off Porthill and a small area of Frankwell Car Park.
Doc 6	3	Y	This paragraph is in two parts; firstly, the identification of a new area for consideration for Street Trading (St Mary's Closed Church Yard), and secondly, Shrewsbury Town Council wholly support the conversion of existing Consent Streets to Licenced Streets.
Doc 6	4	Y	Acknowledgement that Street Trading Activity has been taking place as part of larger events in the town.
Doc 6	5	Y	Shrewsbury Town Council would like to co-ordinate Street Trading with other town centre events and have requested additional areas to be designated as Consent/Licenced streets.
Doc 6	6	Y	Shrewsbury Town Council have requested additional wording within the Street Trading Policy to only allow Street Trading to be permitted when the trading activity forms part of another planned event under the Shrewsbury Town Council's Premises Licence.
Doc 7	1	Y	Highways England provided clarity on the roads within Shropshire they have responsibility for. These roads will be referenced in the proposed policy.
Doc 7	2	Y	Highways England confirmed they are generally in support of the proposals within the draft policy.
Doc 7	3	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where

			appropriate.
Doc 7	4	Y	Further clarification sought from Shropshire Council Highways Department with regard to the road network for which they, rather than Highways England, have responsibility for. Shropshire Council Highways Department are in agreement with Highways England's response (see Shropshire Council Highways response documents 8 & 9 below).
Doc 7	5	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where appropriate.
Doc 7	6	Y	Proposed amendments included in the draft document.
Doc 7	7	Y	Amendments to policy will be made to specifically include lay-bys as consent/licensed streets.
Doc 7	8	Y	Highways England state their support for the entire strategic road network in the Shropshire Council area being adopted as consent streets.
Doc 7	9	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where appropriate.
Doc 8	1	Y	Meeting held with Shropshire Council Highways to request further clarification on Highways England recommendation at Document 7 paragraph 4.
Doc 8	2	Y	One of the area Highways Managers provided a response to the consultation on behalf of all five area Highways Managers.
Doc 8	3	Y	Details provided of known locations of existing street traders on Shropshire A and B roads
Doc 8	4	Y	Shropshire Council Highways confirmed they had no further comments about the streets listed in the proposed policy.
Doc 8	5	Y	Further clarification required from Shropshire Council Highways – see document paragraph
Doc 8	6	Y	Content noted

Doc 8	7	Y	Content noted
Doc 8	8	In part	Shropshire Council Highways suggestion of recharge for inspections.
Doc 8	9	Y	See Document 8 Paragraph 3 above.
Doc 9	1	Y	Further clarification sought from Shropshire Council Highways with reference to Document 8 Paragraph 5 above.
Doc 10	1	Y	Confirmation received from Shropshire Council Highways with reference to Document 9 Paragraph 1.
Doc 11			Confirmation received from Shropshire Council Highways of the two locations that are not classed as A or B Roads where they have authorised the use of the land. Battlefield Way, Shrewsbury and the old A5 at Nescliffe. (Maps of the specific locations were attached to the response).
Doc 12			Consultation letter sent to existing traders identified by Shropshire Council Highways not currently requiring a street trading consent or licence
Doc 13	1	N	Additional information requested from existing trader
Doc 13	2	N	Clarification provided on proposed changes with request for response in writing before 25 th August 2017 (no response received)
Doc 14	1	N	Existing trader objection to proposals
Doc 14	2	Y	Recognition that the administration of Street Trading Consents incurs a cost to the Council.
Doc 14	3	N	Existing trader questioning relevance of current daily fee structure to traders operating all year round. Licensing fees and charges are currently being calculated as part of the annual fees and charges report and this will be considered within that process.
Doc 14	4	N	Questions make up of fee in relation to service received for payment of fee. The fee is primarily generated by the costs of covering the processing of the application and the associated background checks and safety inspections on the operator and

			trading location. Licensing fees and charges are currently being calculated as part of the annual fees and charges report and this will be considered within that process.
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WOORE PARISH COUNCIL

Clerk: Miss S.H. Pimlott
North Barn,
Coole Lane,
Nantwich,
Cheshire CW5 8AB

Tel: 01270 624359
Email: clerk@wooreparishcouncil.org

Licensing,
Shropshire Council,
Shirehall,
Abbey Foregate,
Shrewsbury,
Shropshire SY2 6ND

SENT BY EMAIL AND BY POST

1st March 2017

Dear Sirs,

Shropshire Council Street Trading Policy 2017-2022 Consultation

- ① Further to your email of 30th January concerning the above policy, I write to indicate that, at its meeting on 13th February 2017, Woore Parish Council resolved to approve and support that policy.

Yours faithfully,

Sarah Pimlott
Clerk to Woore Parish Council

Good afternoon,

Please find the response on the above consultation from Ellesmere Town Council which was approved by Full Council on the 6th March, 2017.

- ① **That they agree with the schedule of streets as listed and to advise Shropshire Council that the Town Council wish to keep under review the possibility of delegation of the licensing responsibility to the Town Council in the future. There were concerns regarding the enforcement aspect but in the meantime the Town Council expect meaningful engagement/consultation on any licensing applications and decisions being made by Shropshire Council under the proposed policy.**
- ② **The map and list of streets do not match in certain areas such as the map shows: Church Lane, Love Lane and St. John's Hill included but they are not on the list and Mereside is not marked on the map. Also, Scotland Street should be recorded as "part" and New Wharf Road should be added onto the list of Consent Streets.**

Kind regards,

Mandy

Mandy Evans
Town Clerk and Responsible Finance Officer
Ellesmere Town Council

Tel: (01691 622689)

Email: clerk.ellesmeretc@btinternet.com

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27/04/2017 10:53:10

From: "Mandy Evans" <clerk.ellesmeretc@btinternet.com>
Sent: 19/04/2017 11:21:17
To: "Jessica Moores" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A96F8C73EA8496C95D0676A587779A3-JESSICA MOO>
Subject: RE: Shropshire Council Street Trading Policy 2017 - 2022

Hi Jessica,

Please find clarification from the Planning, Economic, Development Land Committee.

Regards,

Mandy

From: Jessica Moores [mailto:Jessica.Moores@Shropshire.gov.uk]
Sent: 12 April 2017 12:15
To: 'clerk.ellesmeretc@btinternet.com'
<clerk.ellesmeretc@btinternet.com>
Subject: Shropshire Council Street Trading Policy 2017 - 2022

Hello Mandy

Thank you for submitting Ellesmere Town Council's response to the Street Trading Policy 2017 – 2022. Having reviewed all the comments received there are just a few points of clarification we require from Ellesmere Town Council:

- ③ Ellesmere Town Council would like New Wharf Road to be adopted as a consent street for street trading? Confirmed.
- ④ The area of Scotland Street which should be named as a consent street is between the junctions of Victoria Street and Market Street? Yes.
- ⑤ Where Church Lane has been referred to does this mean Church Hill? If not where is Church Lane? Should be Church Hill.
- ⑥ Where is Love Lane? Off Birch Road. Between Birch Road and St. John's Hill.
- ⑦ For the streets on the map which are not included in the list – Church Lane, Love Lane and St John's Hill, would the Town Council like these to be included as consent streets, or removed from the map? Removed and should be prohibited areas.
- ⑧ Does the council wish for all streets to remain as consent streets? All the streets the Town Council agreed to in their response.

If you would be able to respond to the above by the 21st April I would be grateful. Please let me know if you have any questions.

Kind regards

Jessica Moores

From: Mandy Evans <clerk.ellesmeretc@btinternet.com>
Sent: 12 May 2017 12:10
To: Licensing
Subject: RE: Shropshire Council Street Trading Policy 2017 - 2022

Hi Jessica,

④ The Town Council's opinion is that the narrowness of these streets make them appropriate to be assigned as prohibited streets.

Hope this helps,

Mandy

From: Jessica Moores [mailto:Jessica.Moores@Shropshire.gov.uk] **On Behalf Of** Licensing
Sent: 12 May 2017 10:21
To: 'clerk.ellesmeretc@btinternet.com' <clerk.ellesmeretc@btinternet.com>
Subject: Shropshire Council Street Trading Policy 2017 - 2022

Hi Mandy

Thank you for your below email.

I just need a bit of further clarification re. the below comment

- For the streets on the map which are not included in the list – Church Lane, Love Lane and St John's Hill, would the Town Council like these to be included as consent streets, or removed from the map? Removed and should be prohibited areas.

Where 'prohibited areas' are referred to, is the Town Council asking that Church Hill, Love Lane and St John's Hill are removed from showing as consent streets on the maps – as this was an error in the mapping in the draft, and returned to showing no designation as far as street trading is concerned (as they have been up to now). Or are the Council asking that these streets specifically are adopted as 'prohibited streets' as defined by the street trading policy?

Sorry to come back to you again on this, we just need to clarify exactly what has been requested to ensure the Town Council's requirements can be met through the policy.

Kind regards

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

Doc 3

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Dear Sir/Madam.

I am emailing you feedback concerning the above policy.

- ① Shropshire Fire & Rescue Service (SFRS) would like to ensure that any potential Traders, Caterers, Event Organisers etc. are aware of their legal requirements concerning adequate fire safety provisions. The Regulatory Reform (Fire Safety) Order 2005 requires that any premises, other than a single domestic dwelling would require a suitable and sufficient fire risk assessment to be carried out. The Responsible Person is also required to complete written findings of the Actions, Control Measures and list the Fire Safety Provision within their demise.

The information detailed below should be referenced within the Street Trading Policy:

Fire Safety

Compliance with the Regulatory Reform (Fire Safety) Order 2005: (FSO)

The person responsible for planning public events should be aware of their legislative duties under the above Order.

For larger events, in larger buildings or temporary structures or where high risk activities such as fireworks are planned, it may be necessary to employ a 'competent person' who has relevant training and experience in fire safety risk assessment and management, such a person may be needed to assist the organisers in undertaking the following:-

- ☞ Fire Risk Assessment
- ☞ General Fire Precautions
- ☞ Fire safety management, including testing and maintenance of fire safety provisions
- ☞ Assessing the adequacy and requirements for escape routes and exits
- ☞ Maximum safe occupancy levels for places of assembly
- ☞ Evacuation planning – Incorporating a “dynamic” Crowd Management Plan
- ☞ Provision of suitable fire alarms and emergency lighting
- ☞ Provision and location of suitable firefighting equipment
- ☞ Provision of trained stewards or other staff for firefighting and evacuation
- ☞ Carrying a fully “integrated” evacuation plan. This should also incorporate those other premises in close proximity to your event. An evacuation of a large business would undoubtedly have an impact on your event, likewise your event may also have an impact on the other premises evacuation strategies

Shropshire Fire and Rescue Service, Fire Safety Officers are able to advise on the steps necessary to achieve compliance with fire safety regulations, and to provide the "Responsible Person"™ with relevant guidance on how to prepare and manage events safely but; the Service will not plan it for you, or formulate your event documentation.

As an enforcement authority we have a duty to ensure full compliance with the FSO is achieved, therefore we cannot take "ownership" of any of the Risk Control Measures detailed in your Event Documentation.

At all times it remains the duty of the "Responsible Person"™ to ensure the necessary measures are identified, taken and maintained to ensure the safety of people from fire.

A failure to do so, where persons are placed at risk of injury, is a serious criminal offence for which the "Responsible Person"™ may be prosecuted.

Guidance for planning fire safety and carrying out effective fire risk assessments at events in places of assembly or open air events is available for free download on:

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-open-air-events-and-venues>

A link below also takes you to the SFRS website. Here you can find various fire risk assessment templates and additional advice:

<https://www.shropshirefire.gov.uk/safety-at-work/regulatory-reform-order>

Further guidance on fire appliance access requirements is provided below:

- ☛ Access routes to and within the site should be checked to make sure that they can take the maximum weight and wheelbase of fire engines (see Table 4)

Table 4 Typical access requirements for fire engines

Appliance type	Width of road (metres)	Width of gateway (metres)	Turning circle (metres)	Clearance height (metres)	Weight (tonnes)
Pump	3.7	3.1	16.8	3.7	12.5 - 17
High Reach	3.7	3.1	29.0	4.0	17"25

Emergency Response Planning " Fire

Persons planning events should give detailed consideration to the needs of the fire and rescue service and in particular the following:-

- ☛ Liaison with fire and rescue service before the event (directly or through the Safety Advisory Group)
- ☛ Summoning the fire and rescue service in event of emergency
- ☛ Liaison with the fire and rescue service on arrival at and during an emergency
- ☛ Access for fire and rescue service vehicles and equipment
- ☛ Water supplies for fire fighting

All considerations must be applied, with due regards to, the size of event, numbers of attendees, risk profile of attendees, location of event and be site specific (generic documentation will not be considered acceptable).

If I can assist in any other way, or to aid clarification please do not hesitate to contact me on the details below.

Regards,

Paul.


Paul Fulgoni | Watch Manager - Development / Projects

A: Protection Department, Shropshire Fire and Rescue Service,
St Michael's Street, Shrewsbury, Shropshire, SY1 2HJ.

T: 01743 260256 | M: 07791452418 |

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W: www.shropshirefire.gov.uk

 SFRS-logo-1-white-background

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OSWESTRY TOWN COUNCIL – STREET TRADING IN OSWESTRY TOWN

PURPOSE

- ① This document aims to set out the Town Councils aspiration for street trading in the town and it has been prepared in response to Shropshire Council's feedback on the Oswestry Town Council (draft) Street Trading Policy.

OBJECTIVES

- ② The Town Council have been clear in setting that in accepting the delegation of street trading powers from Shropshire Council they wish to
- Protect Oswestry's Heritage as a Market Town;
 - Encourage footfall throughout the Town Centre area;
 - Support Town Centre businesses.

Context

- ③ Markets have been a major part of the trading and historical importance of Oswestry and have existed for many centuries. The first known Charter was granted during the reign of Henry II when the Town was known as Whiteminster. In 1262 a Charter was granted by John FitzAlan, Lord of the Manor To our Burgesses of our village of Oswaldestree.

- ④ Legislation to operate the market is set out in the Royal Charters granted by James I and Charles II and more recently under the Markets and Fair Clauses Act 1847 and the Oswestry Markets and Fair Clauses Act 1848. The Council has also adopted the provisions of Part III of the Food Act 1984 and Section 37 of the Local Government Miscellaneous Provision 1982.

- ⑤ As the Market Authority for the Town, Oswestry Town Council is fully committed to maintaining the long-established tradition and heritage of the indoor and outdoor markets in Oswestry town centre. The Council is working closely with the Business Improvement District (BID) Project to raise the quality of the town centre retail offer, to attract new visitors, and to improve the town centre generally

- ⑥ It is, however, clear that internet shopping and other retail trends and competition has had an adverse effect on the number of market traders attending the town's Wednesday and Saturday outdoor markets on the Horsemarket and Bailey Head .

- ⑦ The Indoor Market on the Bailey Head has also been affected by the reduction of the outdoor market, and the resulting 'draw' of shoppers. One of the findings of the Mary Portas project in the town centre was that the markets (and the town centre generally) need to be revitalised. One way to achieve this is to create activity in the streets, to draw in shoppers. The Council has recently received consent from the Planning Authority to operate the market in Bailey Street.

CURRENT POLICY

In order to promote the town of Oswestry and to protect local retailing, it is the Town Council's preference for street trading to be prohibited from all streets. Future activities would be operated and licenced under the Town Council's market rights.

The Town Council's current policy, since powers have been delegated to it, is in line with the Shropshire Council policy of streets being designated as consent streets. However, the Town Council decided not to issue any street trading consents during 2017/2018.

This policy would remain in place until it is superseded by the introduction of a new Shropshire Council policy and the Principal Authority would then retain responsibility for Street Trading.

Reason: To retain adequate weekday parking in the town and to safeguard the living conditions of nearby residents.

4. The market shall comprise solely of traditional market stalls (i.e. demountable pole structures erected on site), open table top type stalls and no more than four motorised or trailer self contained retail units of which there shall be no more than one of the lorry/articulated/rigid box van type. There shall be no fairground type facilities such as bouncy castles.

Reason: In the interests of the visual and residential amenities of the area.

Informatives

Pavement Permits are required where a business wishes to use areas of the highway for trade. In order to carry out such activities the business must apply to Shropshire Council for a pavement permit.

The permit is for businesses that uses the pavement for their trade. This includes tables and chairs for cafes and bars, as well as shelving or storage for displaying goods. If you are unsure whether you need a permit for your business, please visit the Shropshire Council webpages or contact our Customer Service Centre on 0345 678 9000.

Any business which intends to have the provision for the sale of alcohol on the pavement area needs to ensure that the pavement area is covered by their existing premises license. If this is not the case a variation of the license may be required. To access information on this subject please visit the following link and follow links to minor variations:
<http://www.shropshire.gov.uk/licences.nsf/open/E5ABE557F648CBCA8025754E0057B731>

Any business selling food must ensure that they have registered as a food business. The form required can be found at the following address:

<https://new.shropshire.gov.uk/environmental-health/food-safety/food-safety-for-business/register-a-food-business/>

The completed form should be completed and returned to the Health Promotion and Prevention team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND and it is recommended that it is returned prior to the food premise opening.

The applicant should ensure that the design and layout ensures that all food safety and hygiene legislation can be complied with in full.

Should permission be granted approval any users of the site must ensure that they are aware of any traffic restrictions which may be in place to protect the safety of highways users and reduce congestion.

It is requested that the Town Council consults with the Council's Conservation team with regard to the design of the proposed stalls and in relation to any proposed associated lighting and signage.

Reason: In the interests of preserving and enhancing the character and appearance of the Conservation Area.

Mandy Beever

From: Jessica Moores
Sent: 01 June 2017 17:53
To: Mandy Beever
Subject: FW: Street Trading Legislation

Jessica Moores
 Public Protection Officer - Professional
 Trading Standards & Licensing

☎ 01743 251615 | ☎ 07990 085582
 ✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk
 📍 Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: Arren Roberts [<mailto:a.roberts@oswestry-tc.gov.uk>]
Sent: 01 June 2017 12:19
To: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>
Cc: David Preston <d.preston@oswestry-tc.gov.uk>
Subject: RE: Street Trading Legislation

- ① Hi Jess, the Markets and Car Parks Committee met last night and agreed with the recommendations to:
- Prohibit street trading in the Town Centre;
 - Hand back the delegation of street trading to Shropshire Council.

The recommendations were made following the meeting that David and I had with yourself and Mandy and the feedback you gave us on the draft policy. The Town Council believes that its objectives can be achieved through its existing market rights and through the planning permission recently obtained. It also feels that Shropshire Council is better placed to deal with enforcement issues particularly as any street traders, trading in contravention of the policy would be doing so on Shropshire Council owned land.

The Town Council understands that this will require the agreement of the Strategic Licencing Committee and then public notification of the changes. We were reassured that the Town Councils recommendations would be acceptable.

- ① Just a couple of additional points that the Members made, should Shropshire Council seek to change its street trading policy in the future, a full consultation exercise and a discussion on delegation would be requested. Whilst
- ② Street trading hasn't been a significant problem in Oswestry there are concerns about organisations such as Talk talk and Sky who collect direct debit sign ups. There is an argument that they are displaying goods for sale and should come under street trading legislation; that said we would be interested in some regulation of these organisations conduct as introduced in Shrewsbury Town Centre.

I hope this covers everything that you need, if not please get back to me.

Best wishes and thank you for your advice and guidance

Arren

From: Jessica Moores [<mailto:Jessica.Moores@Shropshire.gov.uk>]
Sent: 31 May 2017 11:39
To: Arren Roberts
Subject: RE: Street Trading Legislation

Hi Arren

Just a few points for clarification (to make sure we're absolutely clear!):

- The Town Council wish for all current consent streets in Oswestry Town Centre to be prohibited for street trading?
- Oswestry Town Council wish to hand back the delegation of Street Trading to Shropshire Council?

The above would take effect from the date the prohibition of the streets comes into force. We need to go through the process of getting agreement from Strategic Licensing Committee to prohibit the streets, and then public notification. We will notify the Town Council in writing once this has been done, and let you know the date that the streets are prohibited from, and the date from which Shropshire Council will resume authority over Street Trading in Oswestry.

If you can get back to me asap to confirm agreement with the above that would be great so we can include the changes in the committee report.

Thanks

Jess

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

☎ 01743 251615 | ☎ 07990 085582

✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk

📍 Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: Arren Roberts [<mailto:a.roberts@oswestry-tc.gov.uk>]

Sent: 17 May 2017 12:45

To: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>; Mandy Beever <mandy.beever@shropshire.gov.uk>

Cc: David Preston <d.preston@oswestry-tc.gov.uk>

Subject: Street Trading Legislation

Dear both, thank you for your time last week to discuss the Town Council's draft street trading policy.

As agreed, David and I have set out what the Council seeks to achieve from Street Trading Legislation and this is detailed in the attached document. We believe that what we want to achieve can be done under our Market Rights rather than Street Trading Legislation, we previously understood that Street Trading took precedent over Market Rights.

Given our discussion and your feedback it is our understanding that the Council's aspiration for street trading could be achieved within a broad Shropshire Council policy with Oswestry specific policies. If this is the case then there is no benefit in the Town Council taking on responsibility for Street Trading and that it would sit with Shropshire Council. That said, it is our understanding that Street Trading will sit with OTC until the new policy is adopted by Shropshire Council.

Could you please let me know when the strategic licencing committee is due to meet as I need to prepare a report to our Council to cover this issue off.

Arren

Arren Roberts
Assistant Town Clerk

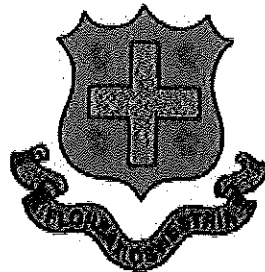
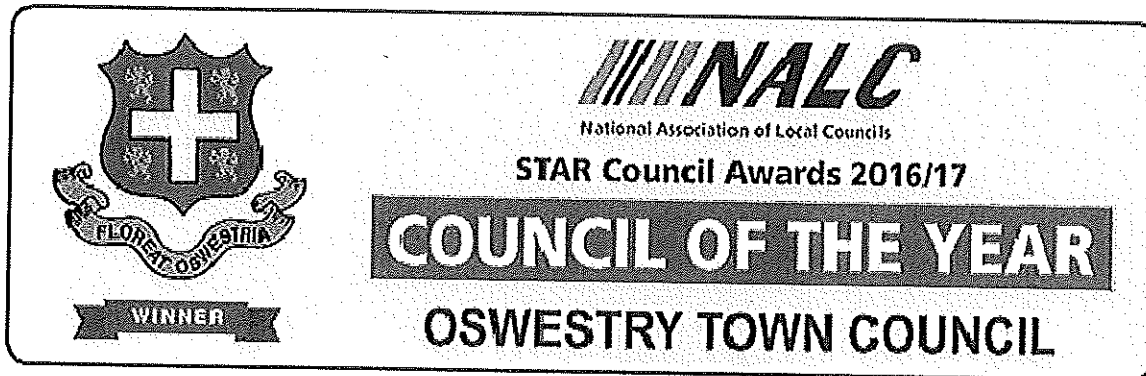
Oswestry Town Council

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Oswestry Town Council
The Guildhall,
Bailey Head,
Oswestry
SY11 1PZ

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Jessica Moores

From: Helen Ball-STC
Sent: 31 May 2017 13:38
To: Jessica Moores
Subject: Street Trading Policy

- I refer to the recent consultation into a countywide approach to Street Trading and the local criteria based in Shrewsbury. I am grateful to Licensing Staff for sparing the time to look at the implications of the proposed policy for Shrewsbury.
- ① On the whole the Prohibition on Street Trading in Shrewsbury works well and the areas identified as consent streets allow for events/activities to take place. These should be continued. We have identified a number of other locations that may need to be added to the list of Consent Streets where street trading activity already occurs; these include:
 - The entrance to Porthill Bridge off Porthill – Shropshire Horticultural Society place a ticket booth for the sale of Flower Show Tickets
 - The area adjacent to the disabled ramp in Frankwell Carpark – traditionally places a tea/coffee van is sited there for use by those wishing to access transport from the carpark to the Quarry Park on Flower Show Days. We are to understand this is an arrangement between the vendor and Zoe Mortimer in Highways
 - ② The Town Council has also been in discussions with both the Churches Conservation Trust and the St Chads PCC regarding the possible use of the St Mary's Closed Church Yard as a possible venue for events and activities. The Town Council is happy that those areas identified as Consent Streets are amended to Licensed Street to allow for greater control on street trading activity than were they to remain as Consent Streets.
 - ③ However in looking at this in more detail there are a number of areas where activities take place as part of bigger events in which those activities may be interpreted as Street Trading; an example of this would be the mini fairground rides along Shoplatch as part of the Christmas Lights Switch on.
 - ④ The Town Council would welcomes some additions to the Policy which would allow for greater co-ordination with other regulations. We already have a Premises Licence (PN/SC1043) for many of the streets within the Town Centre which allows for the provision of entertainment to facilitate community events; these include:
 - Pride Hill
 - High Street (between Pride Hill & Milk Street)
 - St Chads Closed Church Yard
 - Old St Chads Church Yard
 - Butcher Row
 - St Alkmunds
 - Library Gardens
 - Periphery of Rowleys House
 - Paved Area of Hills Lane
 - Shoplatch Including Mardol Head
 - ⑤ Could there be some reference to consents to street trading in those locations where there is a reliance on the use of the Town Centre Premises Licence for entertainment, whereby street trading is incidental to another planned activity.

Regards

Helen Ball BA (Hons) FILCM
 Town Clerk

Shrewsbury Town Council

Riggs Hall

Castle Gates


The Library


Shrewsbury

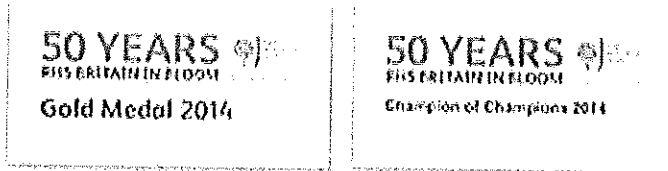
SY1 2AS

Tel: 01743 257650

Web: www.shrewsburytowncouncil.gov.uk

 www.facebook.com/shrewsburytowncouncil

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Our ref: SHARE/ 50913295
Your ref:

The Licensing Team
Shropshire Council
Via Email: licensing@shropshire.gov.uk

Patrick Thomas
Asset Manager
Operations Directorate

The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

Direct Line: 0300 470 3407

02 June 2017

Dear Sir / Madam,

STREET TRADING POLICY 2017-2022

- ① Thank you for forwarding me details of the above referenced consultation. Highways England is responsible for the operation and maintenance of the strategic road network (SRN) in England. The network includes all major motorways and trunk roads. The SRN in Shropshire includes the M54 motorway and A5, A49, A458 and A483 trunk roads.
- ② We have reviewed the proposed Street Trading Policy and are generally in support of the proposals. We have included a number of comments, which we feel clarify Highways England's role, particularly when potential trading sites are located on or near to the SRN. Highways England's priority will always be to ensure the safe and effective operation of the SRN.

The table below contains a summary of our main comments in respect of the consultation.

Paragraph/Item	Comment
③ Paragraph. 2.19	Details should be added to clarify that Highways England will be consulted in all cases where an application is being made on or adjacent to the strategic road network, or where a proposal has the potential to impact on the strategic road network.
④ Appendix 1	It would be beneficial to Highways England if the blanket protection of A and B class roads was extended across the county to provide a consistent approach to licencing and enforcement.
⑤ Appendix 4, item 1.2	Reference should be added to require Highways England's views to be sought when an application is made for trading on or adjacent to the strategic road network.
⑥ Appendix 8	References to 'the Highways Agency' or 'the Highways England' should be amended to read 'the Highway Authority for the Strategic Road Network'.

⑦ N/A	Where lay-bys meet the appropriate standards, as required by DMRB TD 69/07 (6/3 Part 3) The Location and Layout of Lay-Bys and Rest Areas and SP 04/16 Trading from Lay-Bys, it may be appropriate for them to be designated as Licensed Streets. This may give more certainty to prospective businesses, who in turn are more likely to invest in higher-quality facilities and help to look after their trading location.
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- ⑧ In conclusion, for the avoidance of any doubt, the entire SRN in Shropshire should be designated as 'consent streets'. This is to safeguard against any potential detrimental impacts on the SRN.
- ⑨ Highways England should also be consulted on all license applications which could impact on the SRN and their recommendation should be applied in all cases.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely



Patrick Thomas
 OD Midlands
 Email: Patrick.Thomas@highwaysengland.co.uk



Mandy Beaver

From: Graham Downes
Sent: 21 July 2017 13:04
To: Mandy Beaver
Cc: Ian Walshaw; Victoria Doran; Chris Fisher; Andrew Keyland
Subject: RE: Street Trading
Attachments: A458 Morville Cafe.pdf; A464 Priorslee Road Cafe.pdf; A41 Pickmere to Tong - Cafe.pdf; A41 Tong.pdf; A41 Cosford - Cafe.pdf; A41 Pickmere (a) - Cafe.pdf; A41 Pickmere (b) - cafe.pdf; A41 Tong Havannah - Cafe.pdf; A442 Sutton Maddock - cafe.pdf; A49 cafe.pdf; A 528 Ellesmere Road, Shrewsbury.pdf; A488 Lea Cross.pdf; Battlefield Way, Shrewsbury.pdf; A458 Cressage.pdf; Wolfshead.pdf; A458 Weeping Cross Island.pdf; A49 Shrewsbury, south of Battlefield Island.pdf; A49 Shrewsbury, north of Preston Island.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mandy,

- ① I refer to our recent meeting and email correspondence below.
- ② I am providing a response for the group of highway managers across the five different areas of Shropshire.
- ③ Attached to this email are a number of site plans which show know locations of roadside snack bars / cafés for 3 of the 5 areas. I have copied all managers into the reply and will leave the responsibility of providing additional plans to them and they will forward them onto you directly.

In response to the questions posed below I would answer as follows :

- ④ • No further comments about the streets listed in the policy.
- ⑤ • No additional streets to be adopted as licensed / consented streets.
- ⑥ • No amendments or alterations to the application process.
- ⑦ • No additional conditions to be added to license or application process.
- ⑧ • Estimated time charged for inspections should be 2 hrs per divisional area per month, therefore a rate of £25.00 per hour should be applied. The inspections can be undertaken as part of the highway technicians monthly driven safety inspections which are undertaken by two staff members. Anticipated Countywide annual fee would be £3.0k.
- ⑨ • Plans of a number of locations Countywide where layby's are occupied by street traders.

If there are any issues or require further assistance please do not hesitate to contact me.

Regards

Graham

From: Mandy Beaver

Sent: 19 June 2017 16:03

To: Victoria Doran <victoria.doran@shropshire.gov.uk>; Chris Fisher <chris.fisher@shropshire.gov.uk>; Andrew Keyland <andrew.keyland@shropshire.gov.uk>; Ian Walshaw <ian.walshaw@shropshire.gov.uk>; Graham Downes

<graham.downes@shropshire.gov.uk>; Gary Parton <gary.parton@shropshire.gov.uk>

Cc: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>; Frances Darling <frances.darling@shropshire.gov.uk>

Subject: Street Trading

Good afternoon.

Thank you for a very positive meeting this afternoon.

I have attached the proposed policy document (pending any amendments you require) this document is due to be put before the Strategic Licencing Committee in September of this year.

In principle you have suggested that under this policy you would like all of the A and B Roads across the administrative area of Shropshire Council to be included as a Licence/Consent Street under this policy. In order for this to be done you have agreed to provide some additional information, this is as follows;

1. Any comments you have in regard to the streets currently listed in the policy (Page 30 to 41).
2. Any additional streets you would like adopting as a licenced/consent street (Page 16 to 18).
3. Any amendments you would like to see to the application process for a Street Trading Licence.
4. Are there any additional conditions you would like to attach to the licence (Page 56 onwards).
5. Percentage of Officer time per year apportioned to checking Laybys where Street Trading is being undertaken and the grade of those officers.
6. A list of traders currently trading from the laybys in your geographical areas.

I require this information and any comments you have by no later than Friday 21st July 2017.

I will make the necessary enquiries in regard to Non Domestic Rates and let you know the outcome.

If you have any queries and I am not around please contact Jessica Moores on extension 1615 or email Licensing@shropshire.gov.uk

For those of you who were unable to attend the meeting I am happy for you to contact me to discuss this further.

Kind regards

Mandy

Mandy Beever
Transactional and Licensing Manager
Public Protection
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

Tel: 01743 251702

Mobile: 07990 085378

Email: mandy.beever@shropshire.gov.uk

Web: www.shropshire.gov.uk



Public Protection on facebook

Mandy Beever

From: Mandy Beever
Sent: 28 July 2017 11:16
To: Graham Downes
Cc: Ian Walshaw; Victoria Doran; Chris Fisher; Andrew Keyland; Jessica Moores
Subject: RE: Street Trading

Hi Graham,

Thank you for your email and the attached maps they are really helpful.

In your email you have stated that 'no additional streets need adopting as licenced/consent streets', I would like to confirm that if you want all of the roads that the Shropshire Council Highways Service are responsible for to be included (as per our discussion at the meeting of 19th June 2017) then they would be subject to adoption as either consent or licenced streets. This process would be undertaken by the Licensing Service so no additional work would need to be undertaken by yourselves. Please can you confirm that this is something that you would still like Licensing to proceed with?

In addition, the Licensing Service need to undertake a consultation exercise with the existing traders before we take the report back to the Committee therefore, would it be possible for you to send me the outstanding maps for existing businesses in the other areas of the county by no later than Friday 4th August 2017. (We are hoping to consult with the traders for 3 weeks commencing Monday 7th August 2017).

It would be helpful if you hold any names and home addresses for the traders that this information be forwarded at the same time otherwise I will need to send an officer to each of the sites to hand deliver a letter.

If you would like to discuss this further please give me a call.

Kind regards

Mandy

Mandy Beever
Transactional and Licensing Manager
Public Protection
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

Tel: 01743 251702
Mobile: 07990 085378
Email: mandy.beever@shropshire.gov.uk
Web: www.shropshire.gov.uk



Public Protection on facebook

From: Ian Walshaw

Sent: 04 August 2017 11:10

To: Mandy Beever <mandy.beever@shropshire.gov.uk>

Cc: Andrew Keyland <andrew.keyland@shropshire.gov.uk>; Chris Fisher <chris.fisher@shropshire.gov.uk>; Graham Downes <graham.downes@shropshire.gov.uk>; Victoria Doran <victoria.doran@shropshire.gov.uk>

Subject: RE: Street Trading

Mandy,

My understanding was that we would include all A and B class roads as licenced/consent streets along with any other that are currently covered. I have 2 locations where snack bars are operating from that are not on either an A or B class road and these locations should be included.

Regards,

Ian

Mandy Beever

From: Ian Walshaw
Sent: 08 September 2017 12:49
To: Mandy Beever
Subject: RE: Street Trading
Attachments: Battlefield Way, Shrewsbury.pdf; Wolfshead.pdf

Mandy,

The snack bars that are trading from the minor road network are at Battlefield Way, Shrewsbury and the old A5 at Nesscliffe at the locations shown on the attached maps.

Regards,

Ian

Ian Walshaw
Highways Manager
Environmental Maintenance
107 Longden Road
Shrewsbury
SY3 9EL

Tel. 01743 254903
Mob. 07990 085299

www.shropshire.gov.uk

From: Mandy Beever
Sent: 08 September 2017 10:54
To: Ian Walshaw <ian.walshaw@shropshire.gov.uk>
Subject: RE: Street Trading

Hi Ian,

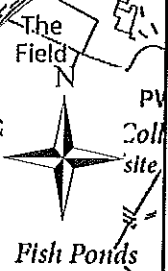
Further to the email below please can you confirm the location of the snack bars which are operating from areas that are not A or B class roads?

We require this information for the adoption process.

Kind regards

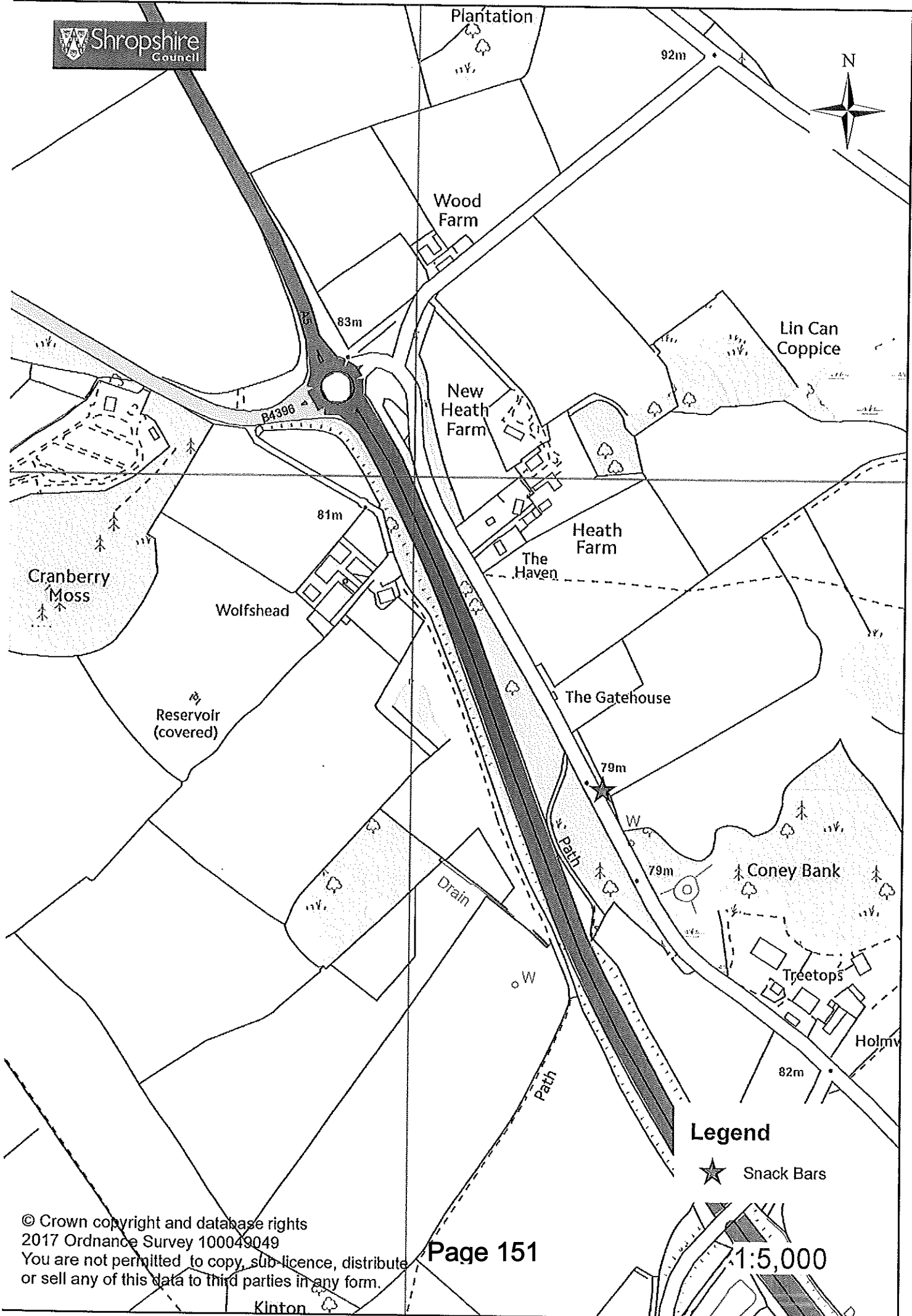
Mandy

Mandy Beever
Transactional and Licensing Manager
Public Protection
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND



Legend

★ Snack Bars



Legend

★ Snack Bars



Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

IMPORTANT
The Owner/Occupier

Date:
My ref:
Your ref:

Dear Sir/Madam

We are writing to you as a Street Trader within the Shropshire Council administrative area to inform you of changes to Shropshire Council's Street Trading Policy which may affect you.

On 1st April 2009 Shropshire Council took on the street trading provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The purpose of these provisions is to ensure that Councils can properly regulate those who sell without the use of an ordinary business premises.

The provisions are local in nature and within the Shropshire Council boundary there are some streets and areas which have been designated as Consent Streets, Prohibited Streets and Licensed Streets with regard to street trading activities, and others which haven't.

- A 'Consent Street' means a street in which trading is prohibited without the consent of the council.
- A 'Licenced Street' means a street in which trading is prohibited without a licence from the council.
- A 'Prohibited Street' means it is illegal to trade in this street.

The former South Shropshire District Council, North Shropshire District Council, Oswestry Borough Council and Shrewsbury & Atcham Borough Council adopted the provisions. They were not adopted by Bridgnorth Borough Council.

On 25th January 2017 the Strategic Licensing Committee resolved to adopt Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 across the entire administrative area of Shropshire Council, to include Bridgnorth.

Following the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Shropshire Council Licensing developed and consulted on a new draft policy for Street Trading. In response to this consultation both Highways England and Shropshire

Council Highways Department responded that they felt it would be preferable for all the A and B Roads (including their laybys) across the administrative area of Shropshire Council to be adopted as a Licence/Consent Streets under the new policy.

The fundamental purpose of the Policy, and the inclusion of all A and B roads, is to create a street trading environment which complements premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire.

Whilst recognising the important contribution that street trading brings to supporting local businesses and the growth and prosperity of Shropshire's economy, another key purpose of the policy is also to reduce any potential harm or exploitation which could occur through street trading.

It is important that you are aware of these changes as they may affect you. It will mean that whilst the only permission you currently require to trade is from Shropshire Council Highways, under the new policy you will have to make an annual application to Shropshire Council Licensing Team to obtain a Street Trading Consent/Licence. There will be a fee associated with this application.

If you would like to view a copy of the draft Street Trading Policy and the associated committee report you can visit: <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&Mid=3406&Ver=4>.

If you have any questions, would like any further information or have any comments to make please contact the Licensing Team using the below details by Friday 25th August 2017.

Yours faithfully

Licensing Team
Trading Standards & Licensing
0345 678 9026
licensing@shropshire.gov.uk

From: [REDACTED]
Sent: 18/08/2017 10:16:32
To: Licensing </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53A048730875443DBCC19AB764FAF0BB-LICENSING>
Subject: Re: [CAUTION] Layby Bully van of A518

Hi,

① Both my husband and I are very distressed about what we have learnt in relation to the street licencing. We have read the sections that have been identified to us but still feel we don't truly understand and would like the terminology explained in layman's terms please.

Can you please let us know or in return email any forms that need to be completed in relation to street licencing and also who to contact in the Highways department to gain permission to trade.

We would also like to make an official heartfelt appeal as to necessary criteria needed in order to carry on with our small never caused any trouble business.

Many thanks for your ongoing support.

[REDACTED]

On Tuesday, 15 August 2017, 9:36, Licensing <licensing@shropshire.gov.uk> wrote:

② Dear [REDACTED]

Thank you for your email.

Highways England and Shropshire Council Highways have not requested that any of the A and B roads in Shropshire become prohibited for street trading, only that they become either license or consent streets.

The main change affecting you therefore will be that you may need to apply for a licence from Shropshire Council Licensing, as well as gaining the permission of Highways to trade. These are 12 month licenses which you would need to renew each year, and they do carry a fee. Please follow the below link and see items 18 and 19 for further details.

<https://shropshire.gov.uk/committee-services/ieLisIDocuments.aspx?Ck=166M&d=3406Ver=4>

If you would like to comment on the proposed changes please do so in writing to this email address or the address on the letter before the 25th August. If you have any questions please do not hesitate to contact us.

Kind regards

Jessica Moores
Public Protection Officer - Professional
Trading Standards Licensing

- 0345 678 9026
- licensing@shropshire.gov.uk <<mailto:licensing@shropshire.gov.uk>> | • www.shropshire.gov.uk <<http://www.shropshire.gov.uk>>
- Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: [REDACTED]
Sent: 14 August 2017 15:34
To: Licensing <licensing@shropshire.gov.uk>
Subject: [CAUTION] Layby Bully van of A518

** CAUTION

** It has not been possible to verify the sender of this e-mail as the sender's

** e-mail domain does not have an SPF record. This means the sender's

** e-mail address may be spoofed and used for SPAM or Malware distribution.

** Treat the e-mail with caution, and if in doubt contact the sender.

** If you need further help please email its.helpdesk@shropshire.gov.uk <<mailto:its.helpdesk@shropshire.gov.uk>>

[REDACTED]
A468 layby
Between Bridgnorth & Morville

Licensing Team
Trading Standards & Licensing
licensing@shropshire.gov.uk

Sirs,

Re : Draft street trading policy.

- ① As a self employed small business holder, I must object to the proposals for street trading.
- ② As with most policy's there are good and bad ideas contained within said policy. The proposal that there may be a small fee associated with the application and issue of a street trading license is not a problem, I already have my Bridgnorth issued one and can see there are costs involved with the issue of said license.
- ③ What I do object to in the strongest terms is having to apparently pay £4.00 per day to trade in advance. If this is correct, I would have to pay almost £1250 before I have earned a penny. If you are a market stall holder on a Saturday on Bridgnorth High Street £4.00 wouldn't be that much of a hardship, but I normally work 6 days a week 8.00 am to 1.30/2.00 pm. You can, I am sure see my problem. I have worked hard on my layby to build up my customer base, but I never know what my takings will be. I have spoken to my local customers and all are outraged at the idea of a daily fee. My van has become a bit of a social hub for locals and farmers where they pass on information to each other, so I also feel that I am contributing to the wellbeing of the local area.
- ④ What would the fee be used for? As it stands at the moment I keep my part of the layby clean and tidy, I leave no waste and even have the hedges trimmed to stop them overhanging my area. There are no street lights, there are no facilities except those which I supply. I can't help but think my situation is not covered or allowed for by the street trading policy, as it seems to be aimed more for occasional, town based trading, unlike my solitary Van on a layby.

Yours sincerely,

[REDACTED]



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Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change: Street Trading Policy

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Street Trading Policy

Aims of the service change and description

Context

Street trading is controlled through Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). The legislation is adoptive, which means that for it to take effect across the Shropshire Council administrative area, Shropshire Council ('the Council') must take certain formal steps to adopt the legislation. Once the legislation is adopted, the Council can then determine which streets if any, within its area are to be designated as licence, consent or prohibited streets.

Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licenced or consent and they are defined as:

- 'Prohibited Street' means a street in which street trading is prohibited.
- 'Licence Street' means a street in which street trading is prohibited without a licence granted by the council.
- 'Consent Street' means a street in which street trading is prohibited without the consent of the council

On the 26 January 2017, Shropshire Council, through delegated authority to its Strategic Licensing Committee, adopted the street trading provisions of the 1982 Act for the whole of the Shropshire Council administrative area. The relevant report can be found in the papers for the Committee meeting held on the 25 January 2017 at Agenda Item 7

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3406&Ver=4>.

The confirmed minute of this decision is available in the papers for the Committee meeting held on the 22 March 2017 at Agenda Item 2.

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3407&Ver=4>

A further meeting of the Strategic Licensing Committee, held on the 4 October 2017, led to the publishing and serving of notices, in accordance with the 1982 Act, in order to finalise the designation of relevant streets across the county. The new designations will take effect from 1 April 2018. The relevant report can be found in the papers for the Committee meeting held on the 4 October 2017 at Agenda Item 5 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3470&Ver=4>. The minute of this decision will not be available until after the next Strategic Licensing Committee meeting, which is due to be held on the 13 December 2017.

The administration of street trading includes not only the determination of prohibited, licensed and consent street applications but also the setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.

Prior to the adoption of the street trading provisions by Shropshire Council, the control was based on the regimes that existed within the previous District and Borough Councils. The former South Shropshire District Council, North Shropshire District Council, Oswestry Borough Council and Shrewsbury & Atcham Borough Council adopted the provisions and designated specific streets as prohibited and consent. The streets that were specifically designated as prohibited and consent streets by the previous Councils have remained designated as such. Bridgnorth District Council did not adopt the provisions and hence there are no designated streets in what was the Bridgnorth District Council area.

On the 1 April 2009, each of the District and Borough regimes (including the 'no regime' in what was the Bridgnorth District Council area) transferred to Shropshire Council by virtue of the legal process that created Shropshire Council as the new unitary council.

Historically, the District and Borough Councils opted to designate streets as consent rather than licence streets. As a consequence, there are no licenced streets in the Shropshire Council administrative area; this will change on the 1 April 2018 in line with the decision made by the Strategic Licensing Committee on the 4 October 2017. Consent street provisions are administratively more straightforward and less burdensome on both the Council and applicants. However, they limit the street traders' right to challenge decisions that are made by the Council and potentially limits the Council's ability to adequately scrutinise the suitability of applicants.

Where a street has not been designated as either prohibited, licenced or consent, the Council has no regulatory responsibility under street trading legislation and, therefore, no permissions are required from the Council. However, street traders must always seek permission to use the land from the relevant land owner. This includes Shropshire Council's Highways Service or Highways England where the land is a highway.

It is illegal to trade in those streets designated as prohibited streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a licence or consent street, traders must apply for a street trading licence or consent and be granted permission to trade. Within the Council, this process is undertaken by the Licensing Team. The permission to use land is separate from gaining permission to trade and as a result, prior to submitting an application a street trader must ensure they have permission to use the land from the land owner.

Whilst street trading is a function of Shropshire Council, under provisions in the Local Government Act 1972, the Council may delegate the responsibility for the function to Town and Parish Councils. On the 9 December 2010 the Council delegated to Bishops Castle, Ludlow and Shifnal Town Councils all of its powers emanating from the 1982 Act in respect of street trading. Similarly, on the 18 July 2013, the Council delegated these powers to Oswestry Town Council. The powers delegated to Oswestry Town Council relate to the administrative area of the former Oswestry Borough Council; however, current practice is such that the delegation relates only to the area for which Oswestry Town Council has responsibility.

Where street trading provisions are delegated, the decision on where and when street trading should be permitted can be exercised more locally. Should additional Town and Parish Councils express an interest in taking on responsibility for the street trading function, this has the potential to enhance the localism of service provision. Enabling street trading controls to be exercised at the most local level has clear benefits for Shropshire communities, allowing

more informed decisions regarding how street trading is conducted according to the nature of the local area.

There is now a desire to rationalise and align street trading controls across the whole administrative area of the Council. Whilst the preparation and publishing of a policy is not a legal requirement under street trading legislation, it is a practical way forward to achieve the desired rationalisation and alignment. It will also enable the Council to seek to ensure that safeguarding and environmental issues and any likely equality impacts are considered alongside economic factors and considerations to be made in pursuing efficiencies in our service delivery processes.

Aims of the new Policy

The proposed Street Trading Policy aims to:

- create a street trading environment which compliments premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire;
- encourage applications from street traders that aim to promote a healthy lifestyle;
- ensure public safety, prevent public nuisance, prevent crime and disorder and protect children, young persons and adults with care and support needs from harm;
- reduce potential harm or exploitation which could occur through street trading by embedding safeguarding principles into the street trading regime, including setting out processes to enable the Council to adequately scrutinise the suitability of applicants;
- provide street traders with a fairer opportunity to challenge Council decisions;
- assist street traders to correctly apply for a street trading licence/consent;
- assist street traders to comply with relevant requirements once a licence/consent is granted;
- encourage local Town and Parish Councils to seek delegated authority to undertake the street trading function where they have a desire to do so;
- rationalise and align pre-unitary street trading controls so that a single regime operates for the whole administrative area of the Council;
- provide a clear, transparent and consistent approach to the control of street trading;
- provide a key reference document setting out the Council's position on street trading;
- assist Council officers to administer the application process fairly and efficiently;
- assist the Council to properly regulate street traders; and
- assist Council officers to enforce compliance with street trading controls more effectively.

Intended audiences and target groups for the service change

The intended audiences and target groups are considered to be:

- The communities of Shropshire, including those who live here, visit here, and work here, regardless of whether they may or may not purchase goods from street traders.
- Persons who wish to apply to undertake street trading
- Persons who hold existing licences or consents, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees

- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/consent holders
- Magistrates and judges hearing appeals or judicial reviews against Council decisions
- Shropshire based Town and Parish Councils
- Premises based traders and market stall holders, particularly those in areas where street trading is likely to occur
- National Association of British Market Authorities
- National Farmers' Retail and Markets Association
- National Market Traders Federation
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shropshire Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Highways, including Environmental Maintenance
- Highways England
- Chief inspector of West Mercia Police
- Police and Crime Commissioner
- Shropshire Fire and Rescue Service
- Shropshire Business Board
- Shropshire MPs
- Shrewsbury BID
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership
- Voluntary Groups/Organisations
- Government Departments and Agencies

The above list is not intended to be exhaustive or in order of priority. It may be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Ad hoc feedback to Licensing Officers from consent street applicants and street traders indicating a lack of consistency in the application of the street trading regime.
- Officer feedback in relation to the difficulties encountered when administering and enforcing the street trading regime.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and vulnerable adults.
- Ongoing discussions with Town and Parish Councils that indicate there may be a desire from some to take on the street trading function at a more local level.
- The Government's localism agenda.
- The lack of a proper review of street trading prior to and following the transition from the two-tier council system to the unitary council.

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the review of the Street Trading Policy. This is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft Policy for formal public

consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 25 January 2017 at Agenda Item 8 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3406&Ver=4>.

The confirmed minute of this decision is available in the papers for the Committee meeting held on 22 March 2017 at Agenda Item 2 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3407&Ver=4>

The public consultation in respect of the Policy was undertaken over an 8 week period from 30 January 2017 to the 26 March 2017. Full details of the consultation responses received, together with officer comments and explanatory notes, are included in the report that was considered by the Strategic Licensing Committee on the 4 October 2017. The relevant papers can be found at Agenda Item 5 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3470&Ver=4>.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website, direct engagement by email, hand delivered letters and/or face-to-face discussion was undertaken with:

- Street traders who currently have or have previously held street trading consents
- Street traders who currently trade on non-designated streets where there are proposals to implement new designations
- Parish and Town Councils (via Shropshire Association of Local Councils)
- Highways England
- Shropshire Council Highways
- Shropshire Council Adult Services
- Shropshire Partners in Care
- National Association of British Market Authorities
- National Farmers' Retail and Markets Association
- National Market Traders Federation
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shrewsbury BID
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership

Both Shropshire Council's Adult Social Care and Children Services, together with Shropshire Partners in Care, contributed to the draft Policy prior to the public consultation. This led to improvements in the language used across the Policy in terms of referring to adults with care and support needs and safeguarding, as well as emphasising the public protection priority in Shropshire. Improvements were also made to the way in which Disclosure Scotland/DBS checks were referenced and the definition of child sexual exploitation was updated.

Details of the consultation were also circulated, through a newsletter, by the Shropshire Voluntary and Community Sector Assembly (VCSA) to around 250 different voluntary groups/organisations.

The draft Policy aims to demonstrate a clear and consistent approach to the control of street trading. Feedback on this general aspect was welcomed as part of the consultation but there was also a focus to generate feedback in relation to:

- the further delegation of the street trading function to Town and Parish Councils;
- a proposal to move from consent to licence streets; and
- the increased focus on safeguarding.

Despite the steps taken to publicise the consultation, the response was limited with submissions received from Woore Parish Council, Ellesmere Town Council, Oswestry Town Council, Shrewsbury Town Council, Shropshire Fire and Rescue Service, Highways England, Shropshire Council Highways and two street trading businesses. This followed proactive follow-ups with key stakeholders and included accepting submissions after the formal consultation period had ended.

Street trading provisions are local in nature. Currently delegations exist in relation to Bishops Castle, Ludlow, Shifnal and Oswestry Town Councils. As a result, the consultation process specifically explored the opportunity to further delegate the responsibility for the street trading function to Parish and Town Councils. The feedback indicated there was very little appetite from Town and Parish Councils to take on responsibility for the street trading function. Oswestry Town Council requested that Shropshire Council resumes responsibility for the function in the future despite the previous delegation that took effect in July 2013. As a result, the Council will resume the function in the Oswestry area and continue to be responsible for the function across Shropshire except in relation to Bishops Castle, Ludlow and Shifnal.

Views have also been sought to determine whether the existing prohibited and consents streets are fit for purpose given the very different economic climate within which street trading is now undertaken compared with the climate that existed when the legislation was originally adopted over thirty years ago by the previous District and Borough Councils.

Following feedback from Ellesmere Town Council, Oswestry Town Council and Shrewsbury Town Council, Highways England and Shropshire Council Highways, existing street designations have been amended and new streets designated in accordance with Schedule 4 of the 1982 Act. This includes, on safety grounds, all trunk roads managed by Highways England, together with A and B roads under the control of Shropshire Council Highways. The draft Policy has been amended to reflect these changes.

Given the safeguarding responsibilities that the Council has, it has been recognised that the consent street provisions potentially limit the Council's ability to undertake sufficient checks for safeguarding purposes. Consequently, as part of the consultation process active consideration was given to converting consent streets to licence streets and to amending the draft Policy to discourage the designation and use of consent streets in the future. All responses received were silent in this respect; no direct support was offered but equally no opposition was expressed.

Consequently, the drive for this change came solely from officers of the Council based on the positive impact that the change will bring in relation to the human rights of both applicants and their customers, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8). As a result, these changes have been made in accordance with Schedule 4 of the 1982 Act (following the Strategic Licensing Committee meeting held on 4 October 2017 and will take effect on 1 April 2014) and the draft Policy has been amended to reflect this position, i.e. any street already designated as a consent street will be designated as a licensed street and this includes the newly designated streets proposed as part of the consultation responses.

The Policy has been further amended to discourage the designation and use of consent

streets and makes it clear that any request to designate a street as a consent street will require evidence of exceptional circumstances before the Council will consider such a request.

The draft Policy that was subject to consultation set out that the application process and requirements to obtain a street trading consent would mirror those required by the legislation in respect of a street trading licence. It was recognised that this approach would be important if the decision is made to retain consent streets as the Council may face challenge over the robust position taken as part of the consent application process; however, the 1982 Act sets out that ‘the Council may grant a Consent if they think fit’ and in order to make this judgement the approach is deemed necessary and proportionate given the need to ensure applicants are suitable under the Councils safeguarding responsibilities. In this particular respect, the consultation responses provided no opposition or support.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>

Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers,

	general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact of the proposed Policy is rated as 'low positive'. However, in practice, with the exception of 'age' and 'disability' and those with caring responsibilities, thus potentially encompassing gender and pregnancy and maternity, the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings.

This would include consideration of sightlines where street traders are in operation to aid those with caring responsibilities, whether of young children or of people with mental health problems or learning disabilities, and consideration of practical accessibility matters for people with physical disabilities or those who may be pregnant.

In addition, as street traders may unintentionally cause intimidation or distress to vulnerable children and adults through the methods that they may choose to employ to attract business, such as loud voices, guidance will need to be given on this matter to people applying for licences. Once traders are in operation, there is potential for any officer of the Council to help, e.g. attending social workers, by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the service area. This could help ensure effectiveness as well as efficiency of the new policy.

The proposed Policy stems from provisions within the Local Government (Miscellaneous Provisions) Act 1982 and is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council. This will naturally lead to benefits for the Protected Characteristic Groups simply because they are part of the wider community. The Policy will be a key tool that will drive street trading standards up for everyone.

The public consultation has already helped the Council to modify the Policy. Members of the Strategic Licensing Committee will consider the revised Policy on the 13 December 2017 and

will decide whether further consultation is necessary or whether they are in a position to agree that the Policy is adopted by the Council. The aim is for the Policy to be adopted no later than 1 April 2018.

Actions to review and monitor the impact of the service change

With respect to ‘age’ and ‘disability’ groups and people with caring responsibilities, in particular around the Council’s safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Use will be made of the Communications team to aid knowledge sharing about the arrangements and about the safeguarding measures that are in place.

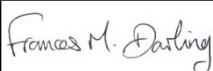
The Policy will be the subject of continuous evaluation based on ongoing feedback from stakeholders and, if necessary, formally reviewed and considered by the Council’s Strategic Licensing Committee and Council every 5 years. At the time of review all relevant stakeholders will again be consulted. Anyone may request a review of the Policy at any time.


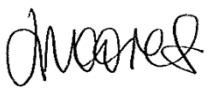
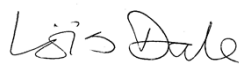

There will be ongoing dialogue with street traders through direct contact as a result of the application process. This will provide the opportunity for the trade to provide feedback to the licensing team. A generic licensing telephone number and email address is and will continue to be generally publicised on the Council’s website for stakeholders, including members of the public, to provide feedback on the impact of the changes made to the Policy. In addition, street traders must display their licence/consent on their stall; this will highlight to members of the public that Shropshire Council is the issuing authority and can be contacted in the event of any complaint or other issue that they wish to raise. All feedback will be recorded either on the licensing database used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate. Professional leads within the licensing team will have a key role to play in understanding the impact of the Policy on street traders. Feedback will be sought from Members and Officers to inform the ongoing informal and, where necessary, any formal review of the Policy that will be undertaken in the future.

Whilst it is not currently very likely to occur, if the street trading function is delegated to any Town or Parish Council, the primary role to review and monitor the impact will rest with those Councils; however, Elected Members and MPs, in their role as community representatives/leaders will have a key role to play in understanding the impact of this particular element of the Policy on their communities. Feedback will be sought from Members and MPs to inform the review of any delegations. Any such delegation will require formal consideration and resolution by full Council and will be the subject of a separate ESIA.

Scrutiny at Part One screening stage

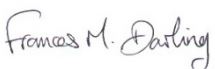

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Frances Darling – Trading Standard & Licensing Operations Manager		27 November 2017

<i>Any internal support*</i> Mandy Beever – Transactional and Licensing Team Manager Jessica Moores – Public Protection Officer (Professional)	 	28/11/17 28/11/17
<i>Any external support**</i> Lois Dale – Rurality and Equalities Specialist		26 May 2017
<i>Head of service</i> Rod Thomson – Director of Public Health		27.11.17

**This refers to other officers within the service area*

***This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling - Trading Standard & Licensing Operations Manager		27 November 2017
<i>Head of service's name</i> Rod Thomson - Director of Public Health		27.11.17

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIAs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.

Appendix C

SHROPSHIRE COUNCIL

Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4

STREET TRADING

Notice is hereby given that Shropshire Council at a meeting held on Wednesday 4 October 2017 at The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND resolved to designate streets as set out below:

<p>Shrewsbury Prohibited Streets Street trading is prohibited in all streets (save for those referred to in Shrewsbury Licence Streets listed below or the areas where consent does not have an effect) within the boundary of the Conservation Area which is primarily the town centre and immediate surroundings</p>
<p>Oswestry Prohibited Streets All streets within the specified area of the Town of Oswestry.</p>
<p>Ellesmere Prohibited Streets</p> <ul style="list-style-type: none">• Church Hill• Love Lane
<p>Ludlow Consent Streets</p> <ul style="list-style-type: none">• Bull Ring• Broad Street (from Buttercross to Lloyds Bank)• Castle Street• Castle Square (excluding Market Square)• Upper Dinham• Harp Lane• Church Street• High Street• Market Street• King Street• Tower Street <p>Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Ludlow Town Council all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading. Ludlow Town Council is therefore responsible for the administration and enforcement of Street Trading in the Ludlow Town Council area.</p>
<p>Shrewsbury Licence Streets</p> <ul style="list-style-type: none">• The Square• St Chad's Terrace – outside the main entrance gate to the Quarry• Priory Road – the western end close to the children's playground• Entrance to Porthill Bridge off Porthill• Area adjacent to the Footbridge

<p>Access Ramp on the Frankwell Carpark</p> <ul style="list-style-type: none"> • St Mary's Closed Church Yard <p>Street Trading is only permitted in the streets listed below where the Street Trading forms an incidental part of planned entertainment/activity licenced under Shrewsbury Town Council's Premises Licence (PN/SC1043)</p> <ul style="list-style-type: none"> • Pride Hill • High Street (between Pride Hill and Milk Street) • St Chad's Closed Church Yard • Old St Chads Church Yard • Butcher Row • St Alkmunds Closed Church Yard • Shrewsbury Library Gardens • Periphery of Rowleys House • Paved Area adjacent to Hills Lane • Shoplatch • Paved area between Shoplatch and Mardol Head (where the Darwin Gate modern art is situated)
<p>Roads and lay-bys to be adopted as Licence Streets (unless otherwise specified in the above lists)</p>
<p>All roads and attached lay-bys covered by the Highways England, including:</p> <p>M54 A5 A49 A458 A483 trunk roads</p>
<p>All A and B roads and attached lay-bys coming under the administration of Shropshire Council Highways and Transport Service</p>
<p>Lay-by near to the Wolfshead Roundabout on the old A5 at Nesscliffe and all of Battlefield Way, Shrewsbury.</p>
<p>All streets in Shropshire, as defined in section 329 of the Highways Act 1980, will become Licence Streets with the exception of any street/area specifically listed as Prohibited/Consent in the above lists.</p>

There having been no representations received by Shropshire Council, the designation of streets shall come into effect on 1 April 2018.

Dated 29 November 2017

Mandy Beever – Transactional and Licensing Manager



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee 13 December 2017	7 Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle and operator licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 16 September 2017 and the 17 November 2017 and a summary of applications considered by committee.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
 - a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.

- b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 16 September 2017 and the 17 November 2017. During this period the total number of licences processed was 1020.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 16 September 2017 and the 17 November 2017.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 16 September 2017 and the 17 November 2017, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18th March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New		1		2		
Renew		3				
Conduct	1	10	13		13	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct						

6. Conclusion

6.1 During the period captured in this report the workload for the Licensing team has continued to be high and the team have been working hard to maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Robert Macey Portfolio Holder for the Trading Standards and Licensing Service.

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued between 16 September 2017 and the 17 November 2017.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 16 September 2017 to the 17 November 2017.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 16 September 2017 to the 17 November 2017.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 16 September 2017 and the 17 November 2017.

APPENDIX A

Licences issued – 16 September 2017 to the 17 November 2017.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	20
Animal Breeding	11
Caravan Sites	4
Cosmetic Piercing Personal	8
Cosmetic Piercing Premises	5
House to House Collection	9
Pet Shops	3
Riding Establishments	3
Scrap Metal Site	1
Scrap Metal Collector	0
Sex Establishment Licence	0
Street Collection	4
Street Trading Consent	0
Tattooing Personal	0
Tattooing Premises	1
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	4
Total Applications General	73

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	18
Hackney Carriages	0
Total Surrendered Vehicles	18

Taxi Licensing		Total
Hackney Carriage	N	7
Hackney Carriage	R	21
Joint HC/PH Driver	N	12
Joint HC/PH Driver	R	48
Private Hire Operator	N	4
Private Hire Operator	R	5
Private Hire Vehicle	N	39
Private Hire Vehicle	R	103
Hackney Vehicle Transfer		4
Private Hire Vehicle Transfer		25
Private Hire Licensee Transfer		0
Trailer Licence		0
Total Taxi Applications		268

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	36
Premises Licence	10
Temp Event Notice no Alcohol	243
Temp Event Notice with Alcohol	
Minor Variation Application	9
DPS Change/Variation	50
Transfer Application	16
Annual Fee	233
Notification of Interest	1
Premises Lic with Alcohol - Full Variation	5
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	604

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	3
Notification of Intent to have gaming machines	3
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	19
Change of Promoter	0
Annual Fee	50
Family Entertainment gaming machine permit	0
Total Gambling Act 2005 Applications	75

Total Applications	1020
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Total Surrendered Vehicles	18
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APPENDIX B

Licensing and Safety Sub-Committee Meetings from 16 September 2017 to the 17 November 2017.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 16 September 2017 to the 17 November 2017.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
26/09/17	Exempt Premises	New	Roy Aldcroft, Dean Carroll and Paul Milner	Granted	n/a
02/11/17	The Bakery, 2 Barber Street, Broseley	New	Roy Aldcroft, Paul Milner and Kevin Pardy	Granted	n/a

APPENDIX D

Private Hire Vehicle and Hackney Carriage checks undertaken between the 16 September 2017 and the 17 November 2017.

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
17/09/2017	1	1	0
30/09/2017	5	3	2
01/10/2017	2	0	2
13/10/2017	1	1	0
15/10/2017	29	1	28
21/10/2017	3	0	3
27/10/2017	1	0	1
29/10/2017	4	3	1
02/11/2017	2	0	2
04/11/2017	7	0	7
07/11/2017	4	2	2
09/11/2017	2	2	0
11/11/2017	1	1	0
Total	62	14	48

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 September 2017

2.00 - 3.06 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Roy Aldcroft and Simon Jones

14 **Election of Chairman**

RESOLVED:

That Councillor Simon Jones be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

15 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Peter Adams explained that one of the objectors was known to him as he was a resident in the division he represented.

16 **Application for a Variation of a Premises Licence - The Warehouse, 5 - 6 Claremont Street, Shrewsbury, SY1 1QG**

Consideration was given to an application for a Variation of a Premises Licence in respect of The Warehouse, 5 – 6 Claremont Street, Shrewsbury, SY1 1QG.

Mr. P. Bramwell (Objector), Mr. C. Brennan (Objector), Mr. S. Rodenhurst (Licence Holder), Ms. R. Ingram (Licence Holder's Representative), Ms. J. Chanter (Public Protection Officer – Professional – Environmental Protection Team -Shropshire Council) (Ms. L. Prince (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Licensing Team - Shropshire Council) were in attendance.

The Licence Holder's representative addressed the Sub-Committee explaining that the Licence Holder had amended his application and was now seeking to extend the opening hours on a Saturday only. Ms. Ingram noted that following this amendment two of the objections received had been withdrawn and she outlined the conditions the Licence Holder would put in place to ensure that the business did not adversely impact on the amenity of residents.

In response to questions from the Public Protection Officer (Professional) – Licensing Team, Members of the Sub-Committee and Objectors the Licence Holder's Representative confirmed that:

- The Licence Holder was happy to ensure windows and doors were kept closed from 9pm;
- The music would be at a level to allow customers to speak to each other;
- The noise surveys were completed at various times between 11pm – 3am;
- Food would be served until approximately 10.30pm; and
- The Licence Holder was happy for residents to have his contact details.

Mr P Bramwell stated that following the information from the Licence Holder's representative in relation to the amendments to the application he was withdrawing his representation.

The Public Protection Officer (Professional) – Licensing Team addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period six relevant representations had been received and clarified that four of these representations had now been withdrawn. The Public Protection Officer (Professional) – Licensing Team outlined the application as amended by the Licence Holder.

The Public Protection Officer (Professional) – Environmental Protection Team clarified the original objection that had now been withdrawn explaining that the Licence Holder had made considerable amendments to ensure that there was no adverse impact on residents.

Mr Brennan (Objector) addressed the Sub-Committee in relation to the application. He explained that he still had concerns in relation to customers leaving the premises at 1am.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 2.40 p.m. and reconvened at 3.05 p.m. to announce their decision.

RESOLVED:

That the application for a Variation of a Premises Licence for The Warehouse, 5-6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Opening hours:

Sunday – Friday 10:00 – 00:30

Saturday 10:00 – 01:30

Supply of Alcohol (on premises)

Sunday – Friday 10:00 – 00:00

Saturday 10:00 – 01:00

Recorded Music (Indoors)

Sunday – Friday 10:00 – 00:00
Saturday 10:00 – 01:00

Live Music (Indoors)

Sunday – Friday 10:00 – 00:00
Saturday 10:00 – 01:00

Late Night Refreshment (Indoors)

Sunday – Friday 23:00 – 00:30
Saturday 23:00 – 01:30

And in accordance with the operating schedule contained within the current premises licence and the following additional conditions:

Condition to be added under the Prevention of Public Nuisance

No entry shall be permitted to the premises after 00:00 on Saturday, save for returning smokers

Condition to be amended under the Prevention of Public Nuisance

Doors and windows at the premises should remain closed during periods of amplified music at the location. Doors and windows to the premises shall be kept shut after 2100hrs except for access and egress.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of the objectors. However, having considered the application (as amended by the applicant) in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 26 September 2017

10.00 - 10.36 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Roy Aldcroft, Dean Carroll and Paul Milner

17 **Election of Chairman**

RESOLVED:

That Councillor Dean Carroll be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

18 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

19 **Exclusion of Public and Press**

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

20 **Application for a Premises Licence**

The Applicant, the Applicant's representative, the Public Protection Officer (Specialist) and the Council's Solicitor were in attendance.

The Chairman invited the applicant to present their case. The applicant's representative provided the Committee with background information relating to the premises and the circumstances that led to the representation received in objection to the application.

The Applicant responded to questions from the Sub-Committee and the Council's Solicitor.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period one relevant representation had been received.

The Public Protection Officer (Specialist) responded to questions from the Sub-Committee and the Council's Solicitor.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 10.19 a.m. and reconvened at 10.35 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence be granted for the following days, hours and licensable activity:

Recorded Music – Indoors

Monday to Thursday - 17:00 to 00:00

Friday – 17:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 00:00

New Year's Eve and Xmas Day – 12:00 to 01:00

Late Night Refreshment – Indoors and Outdoors

Wednesday, Friday and Saturday – 23:00 to 01:00

Thursday and Sunday to Tuesday – 23:00 to 00:00

New Year's Eve and Xmas Day – 23:00 to 01:00

Supply of Alcohol - on the premises

Monday, Tuesday and Thursday - 17:00 to 00:00

Friday and Wednesday – 17:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 00:00

New Year's Eve and Xmas Day – 12:00 to 01:00

Opening Hours

Monday, Tuesday and Thursday - 17:00 to 00:30

Friday and Wednesday – 17:00 to 01:30

Saturday – 12:00 to 01:30

Sunday – 12:00 to 00:30

New Year's Eve and Xmas Day – 12:00 to 01:30

And in accordance with the operating schedule

Prevention of Crime and Disorder

1. Colour digital CCTV with recording facilities will be installed on the premises covering internal areas of the premises.

2. CCTV recordings to be retained for a minimum of 30 days and made available in a viewable format to the police or responsible authority.

3. During operational periods that the premises are open to the public there will always be a member of staff on premises who is trained in the operation of the premises CCTV system and is able to download into a viewable format any

requested CCTV recordings at the premises upon request of the police or responsible authority.

4. Members of local Pub Watch/Shop Watch scheme.
5. Notices of crime prevention will be displayed throughout the premises.
6. Prevention of alcohol and/or containers being taken from our premises.
7. Management and staff are trained to prevent the sale of alcohol to minors, enforcing the Challenge 25 scheme.
8. Vigilance towards the use or sale of drugs on the premises.
9. The Designated Premises Supervisor will be on site or in reach of the premises during operating hours.

Public Safety

A log book shall be kept at the premises detailing inspections made, accidents and incidents

Prevention of Public Nuisance

1. Clear notices will be displayed to the public to ensure they leave in a respectful manner.
2. All deliveries are carried out during daytime hours.
3. Any music played to be of a light background nature.

Protection of Children from Harm

1. Challenge 25 Policy applied. Signage at points of alcohol sale.
2. Proof of id being passport, photo card driving licence and/or PASS photo card.
3. Challenge log kept and available to responsible authorities upon request.
4. Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually. Training records kept on site and available to responsible authorities on request.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

Having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The Sub-Committee stated that the applicant had taken a relaxed approach to licensing matters in the past and advised that in the future he should pay close attention to the conditions of the Premises Licence to ensure he remains compliant.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 2 November 2017

10.00 - 10.29 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Roy Aldcroft, Paul Milner and Kevin Pardy

21 **Election of Chairman**

RESOLVED:

That Councillor Roy Aldcroft be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

22 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

23 **Application for a Premises Licence - The Bakery, 2 Barber Street, Broseley, TF12 5NR**

Consideration was given to an application for a Premises Licence in respect of The Bakery, 2 Barber Street, Broseley, TF12 5NR

Mr. A. Dyke (Joint Applicant), Mr. A. Popsys (Joint Applicant), Mr. G. White (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Licensing Team - Shropshire Council) were in attendance.

Mr Dyke and Mr Popsys (Joint Applicants) addressed the Sub-Committee in relation to the application and outlined the steps that they would take to ensure that the business did not adversely impact on the amenity of residents.

In response to questions from the Public Protection Officer (Professional) – Licensing Team and Members of the Sub-Committee the Applicants confirmed that:

- They were willing to join a Pub watch scheme and would set up such a scheme if there was not one already in existence;
- They were happy to adjust the non-standard timings stated to allow for 30 minutes drinking up time;
- There was no plans to have music in the outside area; and

- They were happy with the amended wording of conditions as suggested by the Public Protection Officer (Professional) – Licensing Team.

The Public Protection Officer (Professional) – Licensing Team addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period five relevant representations had been received.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 10.24 a.m. and reconvened at 10.28 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for The Bakery, 2 Barber Street, Broseley, TF12 5NR be granted for the following days, hours and licensable activity:

Supply of Alcohol (On premises)

Monday to Sunday - 11:00 to 22:30

Non-standard timings: Christmas Eve and New Year's Eve – 00:30

Opening Hours

Monday – Sunday - 11:00 to 23:00

Non-standard timings: Christmas Eve and New Year's Eve – 01:00

And in accordance with the operating schedule

General

- 1] All staff will receive full training in health and safety, food safety and licensing laws and requirements.
- 2] Opening hours will be clearly displayed.
- 3] Weights and measures will be regularly tested and recorded as well as being clearly marked on all products/menus.
- 4] Violent, abusive or intimidating behaviour will not be tolerated. Any suspected illegal activity will be reported to the police.

Public Safety

- 1] Fire alarms are to be fitted throughout the premises with evacuation plans and clear signage throughout. All fire and alarm systems will be regularly tested and recorded.
- 2] Fire extinguishers/blankets will be fitted throughout and tested annually with certification to ensure all are in good working order.

- 3] A full fire and premises risk assessment is to be completed and training to be given to all staff on managing risks identified.

Prevention of Crime and Disorder

- 1] Colour digital CCTV will be in operation covering all internal and external areas of the premises. Recordings will be retained for a minimum of 28 days and made available in a viewable format to the police, licensing authority and any other authorised authority on demand.
- 2] The premises will be a member of the local pub watch scheme.
- 3] The premises will work closely with the local police
- 4] Any criminal or suspicious behaviour will be recorded and reported to police in the first instance.

Prevention of Public Nuisance

- 1] Last food orders will be one hour before closing and last drinks orders will be 30 minutes before closing to ensure customers have an opportunity to disperse from the premises before closing time.
- 2] Food and drinks are to be consumed on the premises only.
- 3] Any customer appearing intoxicated or under the influence of drugs will be refused service and asked to leave the premises.
- 4] All staff will have full training in how to spot and deal with customers who may be drunk or on drugs

Protection of Children from Harm

- 1] Challenge 25 policy will be in place for all alcohol sales.
- 2] Challenge 25 signage will be displayed at all points of sale.
- 3] Proof of age ID will be, passport, photo card driving licence and PASS photo card.
- 4] A challenge log book will be kept and will be available to all responsible authorities upon request.
- 5] All staff responsible for supplying alcohol will have challenge 25 training, with refresher training being held every 12 months. Full training records will be held on site and be available upon request to any responsible authority.
- 6] Children will only be allowed on the premises after 6pm if accompanied by an adult.
- 7] No gambling will take place in any form on the premises.
- 8] A range of non-alcoholic drinks will be available at all times.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

Having considered the application in detail and the answers given by the applicant, the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.