



Coventry City Council

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## **Council Meeting**

21 February 2012

**Booklet 2**

Recommendations

## **INDEX TO MINUTES**

**Cabinet Member (Community Safety and Equalities)  
9<sup>th</sup> February 2012**

**CABINET MEMBER**  
**(COMMUNITY SAFETY AND EQUALITIES)**

**9<sup>th</sup> February, 2012**

Cabinet Member

Present: - Councillor Townshend

Shadow Cabinet

Member Present: - Councillor Williams

Other Members

Present: - Councillor Mrs Abbott  
Councillor Mrs Dixon (for item 60)  
Councillor O' Boyle (for item 61)  
Councillor Welsh (for item 61)

Employees Present: - H. Abraham (Customer and Workforce Services Directorate)  
J. Barlow (Customer and Workforce Services Directorate)  
A. Burton (Finance and Legal Services Directorate)  
C. Edwards (City Services and Development Directorate)  
A. Farmer (Customer and Workforce Services Directorate)  
C. Hickin (Community Services Directorate)  
S. Innantuoni ( Customer and Workforce Services Directorate)  
P. Longden (Children, Learning and Young People's Directorate)  
G. Makin (Community Services Directorate)  
L. Nagle (Community Services Directorate)  
S. Nagra (Chief Executive's Directorate)  
U. Patel (Customer and Workforce Services Directorate)  
M. Watson (Community Services Directorate)  
J. Venn (Chief Executive's Directorate)

In attendance: - S. Bowen (for item 64 below)  
M. Edgar (for item 62)  
K. Evans (West Midlands Police)  
J. Harison (West Midlands Police)  
P. Horton (West Midlands Police)  
L. Matthews (for item 62)  
T. Mills (West Midlands Police)  
A. Tarr (West Midlands Police)

**Public Business**

**RECOMMENDATION**

**64. Outcome of Consultation on the Adoption of Street Trading Laws across the City**

Further to Minute 28/11, the Cabinet Member considered a report of the Director of Community Services which reported on the outcome of the consultation on the following proposals in relation to street trading:

- a) rescind the prohibited areas around Highfield Road which are no longer required;
- b) maintain the existing consent trading area within the ring road;
- c) authorise the Assistant Director (Public Safety and Housing) to commence the consultation process that may lead to designate all areas outside the city centre as consent streets;
- d) an appropriate table of fees for street trading;
- e) draft standard operating terms and conditions.

At present, street trading controls had not been applied throughout the City although there were specific controls in place in two areas; firstly, there is a declared consent area within the ring road currently managed by City Services and Development; and secondly there is a prohibited area around the site of the old football ground at Highfield Road, brought in some years ago to control street trading on football match days.

The broad proposal was to extend the current consent area to the whole of the city and revoke the redundant prohibited area at Highfield Road.

Feedback from the required statutory consultation had generally been positive with a particular acknowledgement that the legislation would be an additional tool to deal with nuisance car sales.

Following the responses received through the consultation, a number of options had been reviewed by Officers:

1. Amend the terms and conditions to incorporate clarification of the definition of private car sales
2. Extend the exclusion area for mobile traders from school entrances and exits to promote healthy eating
3. Review the need for consent in respect of Community events
4. Take no action and continue with the proposals as outlined in the Cabinet Member report 1<sup>st</sup> September 2011

Option 1: Amend the terms and conditions to incorporate clarification in relation to private car sales

Comments were made in relation to the wording of Prohibition (b) contained in the Terms and Conditions (Appendix B). This related to the issue of car sales. It was feared that unscrupulous persons may find a loophole in the wording which would allow them to continue to sell cars from the Highway.

Consideration was given to amending the statement "Registered keeper selling from the vehicles registered address will be deemed to have consent" to:

- "Registered keeper displaying the car for sale at the registered address will be deemed to have consent" and further to be qualified by
- "with a maximum of 2 car sales per household per year"

It is considered that this revised wording gave a tighter definition of private sales. The Nuisance Car Sales Working Group was developing an action plan to address the current issues and the Environmental Crime Unit will be responsible for ongoing enforcement.

Option 2: Extend the exclusion area for mobile traders from school entrances and exits.

A proposal from the Coventry Primary Care Trust suggests that the 50 metre exclusion zone stated at condition 23 (Appendix B) be extended to 400 metres in order to be in line with the proposed Supplementary Planning document on Hot Food Takeaways (currently in draft).

This planning proposal has not yet been formally agreed and may be adopted at some point in the future. If this is the case, consideration could be given to amending the distance criteria to bring the street trading terms and conditions in line with planning legislation.

The Council may, at any time, vary the conditions of consent should the need arise.

The Environment and Community Safety Scrutiny Board (Scrutiny Board 4) considered this report on 7<sup>th</sup> December 2011 and recommended that the exclusion zone be extended to 100m.

Every application would be the subject of consultation with Highways and the Police and the 50m exclusion zone from school entrances could be extended to 100m or more where there was a substantial risk to public safety.

Option 3: Review the fees applicable to Community events

Concern had been raised that the fee structure could adversely affect community events that rely on street traders to either enhance a fund raising activity or who may themselves fall within the scope of the legislation. (For example, the provision of food stalls or an ice-cream van at a community event.) In order to address this problem it was proposed that organised community events intended to raise funds for community purposes would not be required to pay a fee but would be deemed to have consent.

The terms and conditions would be amended to include the following definition "an event organised and run by a registered charity or recognised community association or organisation for public benefit will be deemed to have consent"

Furthermore, any single day or short term special event taking place on council owned land including parks and car parks, would not be required to have consent. Traders operating an ongoing commercial business from a park or from council land outside of any particular events would, however, be required to apply for consent.

Option 4 was to take no action and continue with the proposals as outlined in the Cabinet Member report of 1<sup>st</sup> September, 2011. In view of the results of the consultation, this was not considered to be a viable option.

In considering the report, the Cabinet Member requested that the following be incorporated into the policy:

- Recommendations for prosecution to the Licensing and Regulatory Committee shall be made by the Assistant Director (Public Safety and Housing) in consultation with the Cabinet Member responsible for Community Safety and Public Protection.
- Where officers deemed it appropriate or proportionate, a Criminal Records Bureau (CRB) or an enhanced CRB check be undertaken for certain

applications.

**RESOLVED** that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet Member (Community Safety and Equalities) considered the responses received during the consultation period and the proposed designation of Consent Streets for areas across the city outside the City Centre whilst retaining the current City Centre controls, the revocation of the existing Prohibited Streets near Highfield Road, the proposed fee structure and terms and conditions for street trading and recommends Council to approve the following resolutions :-

- (1) To designate all streets within the Coventry City Council boundary as Consent Streets for the purposes of the Street Trading regime with effect from 1<sup>st</sup> April 2012.**
- (2) To remove the designation of Prohibited Street around Highfield Road with effect from 1<sup>st</sup> April 2012.**
- (3) To authorise the Assistant Director (Public Safety and Housing) to advertise the above resolutions in accordance with Paragraphs 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**
- (4) To approve the Street Trading Consent Terms and Conditions and Fee Structure for the Street Trading regime as recommended by the Cabinet Member (Community Safety and Equalities).**
- (5) To delegate authority to the Assistant Director (Public Safety and Housing) to make minor amendments to the Street Trading Consent Terms and Conditions, to approve fee waivers in appropriate cases and to adjust the fee levels in line with inflation, in conjunction with the Cabinet Member responsible for Public Safety.**

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Cabinet Member (Community Safety & Equalities)  
Council

9th February 2012  
21 February 2012

**Name of Cabinet Member:**

**Cabinet Member (Community Safety & Equalities) – Councillor Townshend**

**Director Approving Submission of the report:**

**Director of Community Services**

**Ward(s) affected:**

**All**

**Title:**

**Outcome of Consultation on the Adoption of Street Trading Laws across the City**

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**Is this a key decision?**

**No**

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**Executive Summary:**

To inform the Cabinet Member of the outcome of the consultation carried out following the Cabinet Member report on 1st September 2011 which approved a consultation on the following proposals in relation to street trading:

- a) rescind the prohibited areas around Highfield Road which are no longer required;
- b) maintain the existing consent trading area within the ring road;
- c) authorise the Assistant Director (Public Safety and Housing) to commence the consultation process that may lead to designate all areas outside the city centre as consent streets;
- d) an appropriate table of fees for street trading;
- e) draft standard operating terms and conditions.

At present, street trading controls have not been applied throughout the City although there are specific controls in place in two areas:

- there is a declared consent area within the ring road currently managed by City Services and Development; and
- there is a prohibited area around the site of the old football ground at Highfield Road, brought in some years ago to control street trading on football match days.

The broad proposal is to extend the current consent area to the whole of the City and revoke the redundant prohibited area at Highfield Road.

## **Recommendations:**

Cabinet Member is asked to

- (1) Consider the responses received to the 28 day statutory consultation (as summarised in Appendix D);
- (2) Consider the proposed designation of Consent Streets for areas across the city outside the City Centre whilst retaining the current City Centre controls, the revocation of the existing Prohibited Streets near Highfield Road, the proposed fee structure and terms and conditions for street trading and to make any amendments deemed appropriate before referral to Full Council on 21<sup>st</sup> February 2012;
- (3) Request Full Council to approve the following resolutions:
  - a) To designate all streets within the Coventry City Council boundary as Consent Streets for the purposes of the Street Trading regime with effect from 1<sup>st</sup> April 2012;
  - b) To remove the designation of Prohibited Streets around Highfield Road with effect from 1<sup>st</sup> April 2012;
  - c) To authorise the Assistant Director (Public Safety and Housing) to advertise the above resolutions in accordance with Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982;
  - d) To approve the Street Trading Consent Terms and Conditions and Fee Structure for the Street Trading regime as recommended by the Cabinet Member (Community Safety and Equalities);
  - e) To delegate the authority to the Assistant Director (Public Safety and Housing) to make minor amendments to the Street Trading Consent Terms and Conditions, to approve fee waivers in appropriate cases and to adjust the fee levels in line with inflation.

## **List of Appendices included:**

Appendix A	Proposed street trading fees
Appendix B	Draft terms and conditions for street trading consents in Coventry
Appendix C	List of prohibited streets to be rescinded around Highfield Road
Appendix D	Summary of Consultation responses received
Appendix E	Scrutiny Board 4 Briefing Note

## **Other useful background papers:**

Local Government (Miscellaneous Provisions) Act 1982  
Cabinet Member (Community Safety and Equalities) Minutes 1<sup>st</sup> September, 2011  
Full consultation papers available from the Author

## **Has it been or will it be considered by Scrutiny?**

Yes

Scrutiny Board 4, 7<sup>th</sup> December 2011

## **Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

## **Will this report go to Council?**

Yes, 21<sup>st</sup> February 2012



## **Report title: Adoption of Street Trading Laws across the City**

### **1. Context (or background)**

**1.1** At present, the City Council does not have full street trading controls across the whole city which leads to a number of difficulties for traders, residents and the Authority in dealing with enquiries and complaints. Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 permits Councils to designate "consent streets" which means a street in which trading is prohibited without the consent of the district council; "street" includes:

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980;

"street trading" means the selling or exposing or offering for sale of any article (including a living thing) in a street.

**1.2** Feedback from the required statutory consultation has generally been positive with a particular acknowledgement that the legislation will be an additional tool to deal with nuisance car sales.

### **2. Options considered and recommended proposal**

**2.1** Following the responses received through the consultation, a number of options have been reviewed by Officers:

1. Amend the terms and conditions to incorporate clarification of the definition of private car sales
2. Extend the exclusion area for mobile traders from school entrances and exits to promote healthy eating
3. Review the need for consent in respect of Community events
4. Take no action and continue with the proposals as outlined in the Cabinet Member report 1<sup>st</sup> September 2011

#### **2.2 Option 1: Amend the terms and conditions to incorporate clarification in relation to private car sales**

Comments have been made in relation to the wording of Prohibition (b) contained in the Terms and Conditions (Appendix B). This relates to the issue of car sales. It is feared that unscrupulous persons may find a loophole in the wording which would allow them to continue to sell cars from the Highway.

Consideration has been given to amending the statement "Registered keeper selling from the vehicles registered address will be deemed to have consent" to:

- "Registered keeper displaying the car for sale at the registered address will be deemed to have consent" and further to be qualified by
- "with a maximum of 2 car sales per household per year"

It is considered that this revised wording gives a tighter definition of private sales. The Nuisance Car Sales Working Group is developing an action plan to address the current issues and the Environmental Crime Unit will be responsible for ongoing enforcement

### **2.3 Option 2: Extend the exclusion area for mobile traders from school entrances and exits.**

A proposal from the Coventry Primary Care Trust suggests that the 50 metre exclusion zone stated at condition 23 (Appendix B) be extended to 400 metres in order to be in line with the proposed Supplementary Planning document on Hot Food Takeaways (currently in draft).

This planning proposal has not yet been formally agreed and may be adopted at some point in the future. If this is the case, consideration could be given to amending the distance criteria to bring the street trading terms and conditions in line with planning legislation.

The Council may, at any time, vary the conditions of consent should the need arise.

At Scrutiny Board 4 on 7<sup>th</sup> December 2011 there was a recommendation to extend the exclusion zone to 100m.

Every application will be the subject of consultation with Highways and the Police and the 50m exclusion zone from school entrances can be extended to 100m or more where there is a substantial risk to public safety.

### **2.4 Option 3: Review the fees applicable to Community events**

Concern has been raised that the fee structure could adversely affect community events that rely on street traders to either enhance a fund raising activity or who may themselves fall within the scope of the legislation. (For example, the provision of food stalls or an ice-cream van at a community event.) In order to address this problem it is proposed that organised community events intended to raise funds for community purposes will not be required to pay a fee but will be deemed to have consent.

The terms and conditions will be amended to include the following definition "an event organised and run by a registered charity or recognised community association or organisation for public benefit will be deemed to have consent"

Furthermore, any single day or short term special event taking place on council owned land including parks and car parks, will not be required to have consent. Traders operating an ongoing commercial business from a park or from council land outside of any particular events will, however, be required to apply for consent.

### **2.5 Option 4: Take no action and continue with the proposals as outlined in the Cabinet Member report 1<sup>st</sup> September 2011**

In view of the results of the consultation, this is not considered to be a viable option.

## **3. The consultation**

- 3.1 The Street Trading proposal was advertised in the Coventry Telegraph giving people the opportunity to respond to the proposal between 13<sup>th</sup> September 2011 - 19<sup>th</sup> October 2011. In addition to this, Officers from Public Safety and Housing addressed 15 ward forums held during this time, all elected members received a briefing note relating to the proposals and an on line survey was established on the City Council's website.

- 3.2 The Statutory Notice was also served on Assistant Director, Planning, transportation and highways; Chief Superintendent, West Midlands Police; and Company Secretary of Network Rail.
- 3.3 A total of 60 responses were received.
- 3.4 The main points of discussion include issues contained within the terms and conditions and fee structure which are addressed in section 2. All of the consultation responses received are summarised in Appendix D.

#### **4. Timetable for implementing this decision**

- 4.1 Once the formal resolution to designate streets have been passed by Full Council, a notice of resolution has to be published in the local press over two successive weeks (the first notice appearing a minimum of 28 days before the resolution takes effect).
- 4.2 Extending current controls beyond the City Centre will come into effect on the date specified in the resolution, which is anticipated to be 1st April 2012.

#### **5. Comments from Director of Finance and Legal Services**

##### **5.1 Financial implications**

The proposed fees are forecast to generate additional net income in the region of £25,000 per annum based on early assumptions about activity levels. This comprises forecast income of £60,000 offset by additional administration and enforcement expenditure of £35,000. For the first year of operation (2012/13) the forecast additional net income is reduced to £5,000 to reflect the year one discounted fee rates and other timing issues.

Under the legislation the Council is restricted with the fee level to only recovering the full cost, with the fees covering administration and enforcement costs. In order to introduce the process an additional staffing resource (grade 5) is required in the Licensing Team to administer the applications and assist with the implementation of the necessary changes required in adopting the legislation. Any other costs of implementing and administering the new process will be absorbed within existing resources. The assumptions regarding additional costs and forecast income will be reviewed once the process is fully embedded

##### **5.2 Legal implications**

The legal procedure for designating streets for street trading purposes is laid down within Schedule 4 of the 1982 Act. As referred to above, this provides for a public notice/objection process and the consideration of objections received. Due to the city-wide implications of this proposal it is recommended that the Cabinet Member requests the endorsement of Full Council before initiating the legal designation process.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The ability to control street trading in the City will contribute to key objectives of the Corporate Plan by making Coventry an attractive and enjoyable place to be; reducing crime and anti-social behaviour; making places and services easily accessible; encouraging a creative, active and vibrant city; and improving the environment.

## **6.2 How is risk being managed?**

The key risk is if the scheme is not approved in time for it to become operational on 1<sup>st</sup> April 2012. In order to mitigate this, sufficient time has been allowed for the political and legal process. A small project team has been formed to progress the scheme from consultation through to implementation which is a relatively short timescale so risks will be managed on an operational basis although some contingency has been built in to the project plan. The implementation plan is currently on schedule.

## **6.3 What is the impact on the organisation?**

The Licensing Team will accept and process applications in addition to their current duties, using the same software for administration purposes. It is acknowledged that the Licensing Team already has significant workloads which may become more demanding with the introduction of new licensing legislation in 2012. Once these changes have been implemented, a review will be undertaken regarding capacity within the team.

Currently, an Officer from the food safety team has been seconded onto the street trading project to assist with implementation as the majority of traders are food businesses. Enforcement of the legislation will fall to officers in Public Safety and Housing so it may be necessary to re-prioritise existing food safety workloads in order to accommodate this new area of enforcement.

## **6.4 Equalities / EIA**

An EIA has been undertaken in relation to Street Trading legislation and has been found not to have an impact on any particular group.

## **6.5 Implications for (or impact on) the environment**

Consideration has been given to the potential impact on the environment from matters such as waste, litter and effluent as well as noise from generators. Any such adverse effects will be countered by compliance with the terms and conditions proposed at Appendix B.

## **6.6 Implications for partner organisations?**

The impact on communities and neighbourhoods in the City should be a positive one in that careful consideration will be given to each trader application made to mitigate or prevent any negative effects.

**Report author(s)**

**Name and job title:** Julie Pinnick, Principal Officer  
 Geoff Makin, Environmental Health Manager  
 Nicola Woodward, Food Safety Officer

**Directorate:** Community Services

**Tel and email contact:** 024 7683 1849  
 Geoff.makin@coventry.gov.uk

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title Directorate</b>	<b>or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Brian Walsh	Director	Community Services	1st December 2011	13th December 2011
Davina Blackburn	Principal Officer – Licensing	Community Services	29th November 2011	13th December 2011
Nicola Castledine	Principal Officer – Commercial	Community Services	29 <sup>th</sup> November 2011	13th December 2011
Craig Hickin	Environmental Health Manager	Community Services	29th November 2011	30th November 2011
Joy Adams	Principal Officer – Environmental Crime Unit	Community Services	1st December 2011	13th December 2011
Hamish Simmonds	Trading Standards Manager	Community Services	29th November 2011	5 <sup>th</sup> December 2011
Rachel Field/Neil Chaplin	Principal Officer - Environmental Protection	Community Services	1 <sup>st</sup> December 2011	6 <sup>th</sup> December 2011
Mandie Watson	Community Safety Manager	Community Services	1 <sup>st</sup> December 2011	13th December 2011
Paul Boulton	Traffic and Network Manager	City Services and Development	1st December 2011	14 <sup>th</sup> December 2011
Paul Beesley	Property Development Team Leader	City Services and Development	1 <sup>st</sup> December 2011	5 <sup>th</sup> December 2011
Graham Stephens	Group Leader	City Services and Development	1st December 2011	9 <sup>th</sup> December 2011
Usha Patel	Governance Services Officer	Customer and Workforce Services	1st December 2011	2nd December 2011
Inspector Jo Floyd	Police Inspector	West Midlands Police	1st December 2011	13th December 2011

Legal: Mark Smith	Senior Solicitor	Finance & Legal Services	29th November 2011	6 <sup>th</sup> December 2011
Lee House	Senior Event Manager	Culture and Leisure	1st December 2011	13th December 2011
Brian Sexton	Market Services Manager	City Services and development	1st December 2011	6 <sup>th</sup> December 2011
Gary Breen	Contact Centre Manager	Customer and workforce Services	1st December 2011	13th December 2011
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Diane Jones	Lead Accountant	Finance & legal	29 <sup>th</sup> November 2011	7 <sup>th</sup> December 2011
Finance: Mohamed Chatra	Finance Manager, Special Projects Finance Team	Finance & Legal	29th November 2011	13th December 2011
Legal: Andrew Burton	Senior Solicitor	Finance & Legal Services	7th December 2011	13th December 2011
Director: Sara Roach	Assistant Director Public Safety and Housing	Community Services	29th November 2011	13th December 2011
Members: Councillor Phil Townshend	Cabinet Member (Community Safety and Equalities)	Members: Councillor Phil Townshend	1st December 2011	13th December 2011
Councillor Andrew Williams	Shadow Cabinet Member (Community Safety and Equalities)	Councillor Andrew Williams	1st December 2011	13th December 2011
Councillor Rachel Lancaster	Chair of Scrutiny Board 4	Councillor Rachel Lancaster	1st December 2011	13th December 2011

This report is published on the council's website:  
[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

## Appendices

### Appendix A - Street Trading Fees

#### Proposed fee structure

Type of Application	£ Fee
1 month street trading consent <i>outside city centre</i>	250*
3 month street trading consent <i>outside city centre</i> 700*	
12 month street trading consent <i>outside city centre</i> 2,000*	
1 month street trading consent <i>outside city centre</i> (with proof of lease / rent a for pitch on private land)	125
3 month street trading consent <i>outside city centre</i> (with proof of lease / rent a for pitch on private land)	350
12 month street trading consent <i>outside city centre</i> (with proof of lease / rent a for pitch on private land)	1,000
Limited period consent per day or part day	50**
Peripatetic traders who move from place to place (e.g. ice cream vans) 12 month consent	50
Transfer, variation	50
Replacement copy of consent certificate	12

\* The fee for street traders already operating prior to 1 April 2012 will be discounted for the first year by 50%. Those wishing to have 12 month consent in the first year will be able to pay in four instalments of £250

\*\*This charge will be waived for registered charities

**If you are interested in trading within the City Centre (i.e. within the ring road) please direct your enquiries to Market Services on 024 7622 4927 or [Brian.sexton@coventry.gov.uk](mailto:Brian.sexton@coventry.gov.uk) or [Toni.pittaway@coventry.gov.uk](mailto:Toni.pittaway@coventry.gov.uk)**

## **Appendix B - Terms and Conditions for Street Trading Consents**

### **Local Government (Miscellaneous Provisions Act) 1982**

#### **Street Trading Consent Conditions**

Under the terms of the legislation, the Council may, at any time vary the conditions of a street trading consent. The legislation further states that street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

Upon grant of a street trading consent a street trader will be required to comply with the following terms and conditions which are attached to the consent. Any breach of the conditions may result in the revocation of the consent.

#### **Prohibitions**

**The following will not be issued with street trading consents:**

- a) Suitcase salesmen and similar itinerant traders.**
- b) The selling of cars and other vehicles in the course of a trade or business.**
- c) The sale of live animals.**

**The following will be deemed to have consent:**

- a) A registered keeper displaying a vehicle for sale at the registered address for that vehicle subject to a maximum of two vehicle sales per household per year;**
- b) Street Trading at an event organised and run by a registered charity or recognised community association or other organisation for public benefit;**
- c) Street Trading on Council owned land such as car parks as part of a community event where permission has been obtained from the Council department responsible for managing such land.**

#### **Applications**

In considering applications for the grant or renewal of a street trading consent the following factors will be considered:

- a) **Public Safety**  
Whether the proposed activity represents or could present a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions.
- b) **Public Order**  
Whether the proposed activity presents or could present a risk to public order.
- c) **The Avoidance of Public Nuisance**  
Whether the proposed activity presents or could present a risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
- d) **Local Area Needs**  
Consideration will be given to:
  - i) the character of the area e.g. conservation area; and
  - ii) the sufficiency of other trading outlets to serve the needs of the area.



### **Time Limit for Applications**

1. If you are applying for a new, (or a renewal of) a street trading consent you should not give less than 14 days notice of the application to:-

*Coventry City Council, Public Safety and Housing,  
The Licensing Team, Broadgate House, Broadgate, Coventry, CV1 1NH  
Tel: 024 7683 1888 Fax: 024 7683 2154  
email: licensing @coventry.gov.uk*

### **Fees**

2. The application should be accompanied by the requisite fee or direct debit authorisation. The scale of fees is available on the City Council website [www.coventry.gov.uk](http://www.coventry.gov.uk)

### **Plan of Location**

3. The applicant shall provide a map showing all streets and public areas in a radius of 0.25 a mile from the proposed location.

4. The map should be an ordnance survey map or equivalent and will mark clearly the proposed trading site. Peripatetic traders making multiple stops such as ice cream vans are exempt from this requirement

### **Suitability of the Street Trading Unit**

5. The unit to be used for the street trading must comply with the legal requirements relating to the type of proposed activity.

6. The application must be accompanied by a colour photograph of the unit to be used.

### **Suitability of the Applicant**

7. The Council will not grant a street trading consent to persons under the age of 17.

8. Applicants whose street trading activity includes the provision of food must be in possession of at least a current CIEH Foundation food hygiene certificate or equivalent

### **Consultations**

9. Before a street trading consent is granted or renewed the Licensing Team will consult with the following agencies as considered appropriate:

Police, Highways, Environmental Health.

10. The Council shall consider any representation made in writing to the Authority in respect of any application. The applicant will be provided with a copy of any representation received and given an opportunity to comment before a final decision is taken.

## **Conditions that apply to the grant of street trading**

### **Definitions**

**Street Trading** – the selling or exposing or offering for sale any article (including a living thing) in a street

**Street** –a) any road, footway, beach or other area to which the public have access without payment; and  
b) a service area as defined in section 329 of the M60 Highways Act 1980

**The Council** – Coventry City Council

**Authorised Officer** – an Officer employed by Coventry City Council and authorised by the Assistant Director Public Safety and Housing in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

### **General Conditions**

#### **Consent Details**

11. The street trading consent is valid for not more than the period stipulated on the consent approval.
12. The consent may be revoked by the council at any time for non-compliance with conditions, or surrendered by the consent holder at any time.
13. A copy of the consent must be displayed prominently on the unit at the street trading site.
14. The consent holder shall not sell any type of food, goods or merchandise other than those specified in the consent.
15. The consent holder shall not trade outside the time and days permitted by the consent.
16. The consent holder shall not trade within the consent area other than at the location permitted by the consent.
17. The consent is personal to the consent holder and any employees and shall not be assigned or transferred to another person or company without the appropriate notification of such transfer. (See application for consent transfer.)
18. The consent holder shall produce the consent if required to do so by a police officer or authorised officer at the time or within a 48 hour period.
19. If a proposed street trading location is on private land, including forecourts and car parks, satisfactory evidence must be provided to the council that permission of the landowner or leaseholder and Council planning department where applicable has been obtained for the period of the consent. If your trading activity involves a change of use of the land, please contact the Planning Department at [www.planning@coventry.gov.uk](mailto:www.planning@coventry.gov.uk) for further information.
20. There is no right of appeal in respect of refusal or revocation of street trading consent, other than by means of a judicial review of the administrative action in reaching the decision.

21. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent.

22. The fees will be fixed and reviewed annually in line with Council policy. A receipt will be issued in respect of all fees paid.

23. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery or within a designated conservation area.

24. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

## **Conduct**

25. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.

26. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.

27. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

28. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity. Noise from equipment must not be persistently audible in nearby residences. The use of generators are subject to prior agreement from the Council and if permitted must be fitted with a suitable silencer or acoustic enclosure.

29. The consent holder shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.

30. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

31. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

32. Any vehicle/stall/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council. A high standard of presentation and appearance will be expected.

33. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc Act 1974 and any Fire Authority requirements.

34. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.

35. The consent holder shall at all times maintain a valid third party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

36. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

37. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

### **Additional Requirements for Food Operations**

38. When street trading includes the provision of food the consent holder must ensure that any van/barrow/vehicle or stall is sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests. The consent holder must keep a high degree of personal cleanliness, shall wear suitable protective clothing and have received suitable hygiene training. In addition the consent holder shall ensure that:-

a) appropriate facilities are available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities)

b) surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable, corrosion-resistant and non toxic materials, unless the food business can satisfy the Authorised Officer that other materials used are appropriate.

c) adequate provision is to be made for the cleaning and, where necessary, disinfecting, of working utensils and equipment

d) an adequate supply of hot and/or cold potable water to be available

e) where foodstuffs are cleaned as part of the business operation, adequate provision is to be made for this to be undertaken hygienically

f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) are to be available

g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions are to be available

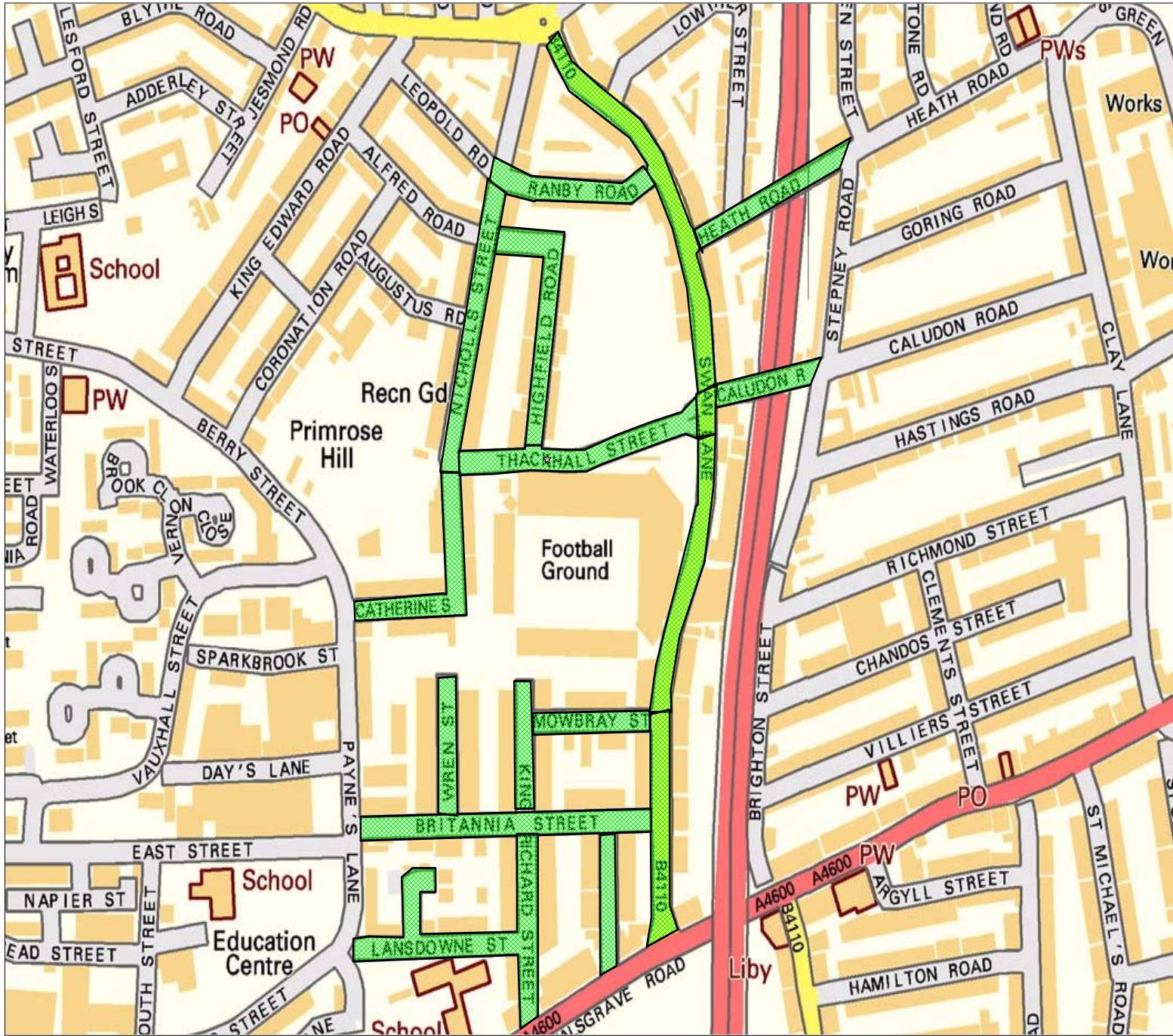
h) foodstuffs are to be so placed as to avoid the risk of contamination so far as is reasonably practicable

Furthermore, the consent holder must put in place, implement and maintain a permanent procedure based on the HACCP principles.

**Any person who engages in street trading in a designated area unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent**



**Appendix C – List of proposed rescinded roads around Highfield Road**



## Appendix D – Summary of Consultation Responses

### Survey Responses

#### Question

1. How far do you agree with our intention to control street trading across the City?

<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Comment</b>
25 3		1	0	1

#### Question

2. How far do you agree with the proposed fee structure?

<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Comment</b>
15 6		2	2	5

#### Question

3. How far do you agree with the draft terms and conditions in Appendix B of the report?

<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Comment</b>
13 9		2	0	6

### General Comments

A summary of comments made online, postal survey and during ward forums.

#### Car Sales

A total of 17 respondents, (4 postal survey, 1 online survey and 12 at ward forums) commented on the sale of cars on the streets. All of the respondents welcomed the proposal as a potential tool to control nuisance car sales. One of the respondents expressed a view that the fees should be set at a higher level to deter car nuisance car traders although it is clear that car sales will not be permitted by consent. Another particular concern of one of the respondents was that the proposal to introduce street trading consent should be tightly controlled and free from loopholes, a matter that has been taken to account in this report.

#### Healthy Eating

A total of 10 respondents, (1 postal survey, 8 online surveys and 1 at a ward forum) were concerned with issues in relation to obesity in the population, with particular reference being made to school children and controlling the availability of unhealthy food in the vicinity of schools. There was a general welcome for an exclusion area around schools and nurseries however there was a request from the Primary Care Trust that the exclusion area be extended to 400 metres. The majority of the respondents felt that fast food traders and ice cream sellers should not be allowed to trade directly outside of schools.

## **Fees**

A total of 7 respondents (6 online survey and 1 at a ward forum) commented on the proposed fee structure. The comments were divided by those who thought that the fees were acceptable and those who thought that the fees should be higher, particularly for ice cream van sales. One respondent suggested that the fees charged should reflect the nature of goods being sold and total sales. Some of the comments received were concerned with the enforcement of the fee structure and the construction of the fees. One respondent commented that the fees should be proportionate in relation to the enforcement fines for non compliance in order to deter traders from not gaining consent.

## **Community Events**

Respondents at ward forums raised concerns in relation to the possible effect that street trading consent could have on Community Events, in particular the fact that traders attending the event may be deterred from attending if they were required to seek consent and pay a fee.



Coventry City Council

## Briefing note

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To Cabinet Member (Community Safety and Equalities)

19<sup>th</sup> January 2012

### Subject

Street Trading Consent

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## 1 Purpose of the Note

- 1.1 To inform Cabinet Member (Community Safety and Equalities) of the Environment and Community Safety Scrutiny Board's recommendations following their consideration of Street Trading Consent on 7<sup>th</sup> December 2011.

## 2 Recommendations

- 2.1 Cabinet are asked to consider and decide whether to agree the following recommendations of the Environment and Community Safety Scrutiny Board:
- 1) The Environment and Community Safety Scrutiny Board are generally in support of the policy. However point 23 of the General Conditions in Appendix B should be amended to read:  
"Street trading will not normally be authorised within 100 meters of any entrance or exit to a school or nursery or within a designated conservation area"

## 3 Information/Background

- 3.1 At their meeting of 7<sup>th</sup> December 2011, the Environment and Community Safety Scrutiny Board considered a report on the outcome of the consultation on a Street Trading Policy. The consultation considered proposals to:
- Rescind the prohibited areas around Highfield Road which are no longer required
  - Maintain the existing consent trading area within the ring road
  - Authorise the Assistant Director (Public Safety and Housing) to commence the consultation process that may lead to designate all areas outside the city centre as consent streets
  - Consider an appropriate table of fees for street trading as set out in Appendix A
  - Consider draft standard operating terms and conditions as set out in Appendix B

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