

| NAME / SERVICE / ORGANISATION & RESPONSE DETAILS | LICENSING COMMENTS / CHANGES TO POLICY | COMMITTEE DECISION |
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| <p>Cllr Magowan:</p> <p>A resident's association are keen to have more visibility of these applications, which come through fairly often in Falmouth.</p> <p>They have a particular interest in how many licences are granted in a particular geographic area and how members of the public can access and comments on applications.</p> <p>Is this something being considered or something that could be as part of this policy review?</p> | <p>It is intended to create and publish a register containing details of pending applications and issued consents on the Council's website, in a similar way to the publication of alcohol and pavement licensing.</p> <p>The 'Application Procedure' section on page 13 of the policy and the 'Data Protection' section on page 16 of the Policy has been updated to reflect this.</p> | |
| <p>Public Health:</p> <p>Request to make this policy exemption easier to understand:-</p> <ul style="list-style-type: none"> Trading in residential areas/housing estates in a way that involves moving around (less than 20 minutes in each location) and not trading from a fixed pitch (e.g. ice-cream vans and hot food vendors). However, this exemption may not apply if trading within a 400 metre radius from the premises boundary of a school, college or other place where children and young people congregate. These "other" places may include youth centres and parks for example and will be determined on a case-by-case basis, with advice sought from the Public Health Team if required. | <p>Page 9 of the Policy has been amended to state:-</p> <ul style="list-style-type: none"> <i>"Trading in residential areas/housing estates in a way that involves moving around (less than 20 minutes in each location) and not trading from a fixed pitch (e.g. ice-cream vans and hot food vendors).</i> <p><i>NB This exemption may NOT apply to food sellers who trade within a 400-metre radius from the premises boundary of a school, college or other place where children and young people congregate. 'Other place' may include youth centres and parks for example and will be determined on a case-by-case basis, with advice sought from the Public Health Team if required. Please contact the Licensing Service for more information."</i></p> | |

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| <p>Highway Manager:</p> <p>In relation to Tables and Chairs/ Pavement Licensing, would it be sensible to include a general statement under the paragraph I've extracted below, such as:</p> <p>"A Council cannot grant a Tables and Chairs Licence unless Section 115A(1) of the Highways Act 1980 applies. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.</p> <p>Therefore, unless there is a Temporary Traffic Regulation Order or permanent Traffic Regulation Order in place that prevents vehicles using a space in question, the Council does not have the ability to grant a licence based on the Act above."</p> <p><small>The use for trading under the Highways Act 1980 of an object or structure placed on, in or over a highway. (pavement-cafes-etc.) However, a Pavement Licence under the Business and Planning Act 2020 may be required – please refer to Pavement licensing - Cornwall Council</small></p> <p><small>Trunk road picnic areas¹ - the operation of facilities for recreation or refreshment under the Highways Act 1980.</small></p> <p><small>Petrol Filling Stations or Shops - where trading is carried out, e.g. on a forecourt adjoining such premises, so used as part of the business of the shop (and not by a third party), Street Trading Consent is not required from the Licensing Authority. However, any trading on the highway must not take place unless you have permission from the Highway Authority, e.g. Tables and Chairs-Consent. or the Licensing Authority in respect of Pavement Licensing.</small></p> | <p>Licensing agree with the additional wording, subject to replacing the words 'Tables and Chairs Licence' with 'Pavement Licence' and has included this wording on page 7 of the Policy.</p> | |
| <p>Senior Beach Officer, CC Beach Management:</p> <p>No comments from us thank you but we appreciate you including us in the consultation and for making it clear that applicants still require permission to use a council owned beach etc.</p> | <p>Noted.</p> | |
| <p>CC Environment Service:</p> <p>... comments for the street trading review:</p> <p>Beach Management:</p> <p>They would like to make it clear that to any applicant that they need to obtain permission to use any CC owned land, whether it be a beach or POS site. Unfortunately, it's still happening that people obtain a TEN and don't read the</p> | <p>In relation to beaches and public open spaces, the Policy already states that permission must be obtained from the beach owner/relevant Council service.</p> | |

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| <p>small print that tells them they need our permission as well.</p> <p>If we get notified of a TEN on a beach, I will always try to contact the applicant to ask them to go through the event planning process if I can see it's likely to be affecting any of our beaches. We have had some instances whereby we have had to decline permission after someone has obtained a TEN which can cause a lot of issues as you can imagine.</p> <p>Car Parks: Can I suggest we include a statement advising that vehicles with licenses must still comply with parking restrictions. We have had an issue along Pentire recently where this was not clear to the licensee which has resulted in some difficult internal conversations.</p> <p>Public Open Spaces Pg8: The following two could be merged together as Beach Management generally send it to ourselves. I have copied in Beach management for their thoughts.</p> <ul style="list-style-type: none"> Trading on beaches (subject to however, permission must be obtained from the beach owner; email beachmanagement@cormacltd.co.uk for more information on Cornwall Council owned beaches) Trading on Cornwall Council owned Public Open Spaces/ Pop-up sites, Car Parks, Beaches and Harbours (subject to however, | <p>Temporary Event Notices (TENs) are under separate legislation, i.e. Licensing Act 2003.</p> <p>Licensing is aware, in some locations, Street Trading Consent is required in addition to submitting a TEN; it is unfortunate that not all individuals submitting TENs read the information that is provided to them when a TEN is acknowledged.</p> <p>There is already a section in the policy to cover this on 11.</p> <p>Condition 6 on page 19 has been amended to state "Consents do not override any other restrictions which may be in place in the trading location, including parking restrictions."</p> <p>These are listed separately on page 9 of the policy because Licensing is aware that some beaches are not owned by Cornwall Council. However, it is suggested that traders contact Beach Management so they can advise ownership of a particular beach.</p> | |
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permission must be obtained from relevant service within Cornwall Council)

Pg 10

Should street trading be requiring all food business to have a 5 star food rating to bring it in line with Pop Ups

- All food businesses must be registered with the Council and have a food safety management system in place. If intending to sell food, traders should seek advice from a Food Safety Officer in the Council's Public Protection Team. Further information is available at [Food safety - Cornwall Council](#), [Food registration and approval - Cornwall Council](#)

An extra clause could read

- All mobile food businesses require to have 5 star food rating.

Noise reduction:

- All street traders to use a silent generator and a baffle box to reduce noise pollution.

Licensing's view is that street traders should not be treated differently than other food businesses operating from a permanent premises.

Advice has also been sought from Environmental Health who state *"whilst a rating of 5 would be desirable we could only really require a 3 rating (broadly compliant) or better. Some food business may be newly registered and may not yet have had their first inspection; therefore, we should also accept businesses that are 'awaiting inspection'."*

It is therefore not recommended to update the policy to include this.

Advice has been sought from Environmental Health on this suggestion, who have stated this is *"not as simple as it sounds. There would probably need to be some sort explanation or decibel description as to what a silent generator actually is and it would be relevant to the area which it is placed i.e. if it was in an area away from roads and other ambient noises then for it to be 'silent' would require it to be a lot quieter than if it was placed in a busy street next to a busy road. I'd therefore suggest that the proposed condition may not be enforceable but could be replaced with a condition that requests the*

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| | <p><i>street trader to take account of their surroundings and employs best practicable means to ensure that the generator does not cause a nuisance or annoyance within the locality. This could include homes, places of work and general amenities in the area (this would account for people who may want to relax in a park without being impacted by a street trader's generator)."</i></p> <p>It has therefore been agreed with the Environmental Health Manager that the below additional condition be added to the standard conditions; this follows on from the general condition relating to generators at condition 9:-</p> <p><i>"10. The Consent Holder must consider the surrounding environment and must employ the best practicable means to ensure that any generator used does not cause nuisance or annoyance to any person within the locality, including residents, businesses, and users of nearby amenities."</i></p> | |
| <p>Flower seller, Penzance:</p> <p>It is not clear from the below exemption whether those operating a business, but using an honesty box are exempt or not?</p> <ul style="list-style-type: none"> • Sales of articles by residential occupiers within the curtilage of their properties or adjacent or adjoining land contiguous with it, e.g. honesty boxes, occasional garage sales etc. (This exemption does not apply to those operating a business of selling articles outside their property.) | <p>It is not intended for those using honesty boxes outside their homes to require Street Trading Consent, and therefore the Policy Exemption on page 8 has been updated to state:</p> <p><i>"Sales of articles by residential occupiers within the curtilage of their properties or adjacent or adjoining land by way of honesty boxes, occasional garage sales etc. NB This exemption does not apply to those operating a business of selling articles outside their property, unless by way of honesty box."</i></p> | |

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| <p>Penzance Council:</p> <p>“... I presented the proposed policy to Penzance Council’s Planning Committee, which holds responsibility for considering such matters, yesterday evening. At the meeting, Members made reference to the proposed changes regarding single-use plastics and the provision of healthier food options and welcomed these proposals. Following on from this, it was RESOLVED that the proposed changes receive the wholehearted support of Penzance Council.”</p> | <p>Noted.</p> | |
| <p>Liskeard Town Council:</p> <p>Thank you for sharing details of the Street Trading Policy review with Liskeard Town Council for comment.</p> <p>New inclusions to the policy are welcomed such as a single use plastics update, clarification on the disposal of business waste, and DBS checks.</p> <p>However, we would be grateful if you could provide further details on the reporting and enforcement process, particularly for trading at events on a weekend, outside of office hours, where traders do not appear to be complying with the policy.</p> <p>The measures to reduce the use of single use plastic and unnecessary waste are very welcome. Are glowsticks considered single use plastic and not to be supplied?</p> | <p>Noted.</p> <p>The Council’s Licensing Compliance Team can be contacted by email: licensingcompliance@cornwall.gov.uk – emails to this inbox are monitored during office hours and investigated accordingly. Urgent matters, outside of office hours, can be reported to the Council by telephoning 0300 1234 222, although this should be used for emergencies only.</p> <p>Although glow sticks are plastic and single use, they are not specifically mentioned in the Single-use plastics bans and restrictions - GOV.UK. The Government’s ban targets specific commonly littered single-use plastic items, such as plastic cutlery, plates, bowls, trays, balloon sticks,</p> | |

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| | <p>and polystyrene food and drink containers.</p> <p>According to the Government, glow sticks are generally not as problematic in terms of litter as items like plates and cutlery.</p> | |
| <p>Portreath Parish Council:</p> <p>Members of Portreath Parish Council considered the policy document and have the following comments:</p> <p>‘The banning of single use plastics stands out as being particularly good – in line with our Climate Action Plan.</p> <p>It would be nice to see this extended to cafes offering takeaway items as well.’</p> | <p>Cafés are also subject to the Government’s Single-use plastics bans and restrictions – the ban targets specific commonly littered single-use plastic items, such as plastic cutlery, plates, bowls, trays, balloon sticks, and polystyrene food and drink containers.</p> | |
| <p>Lostwithel Town Council:</p> <p>The Council considers the introduction of a pre-application advice service is a really great idea.</p> <p>Under the policy exemptions section, the revised draft lists occasional garage sales – would it be possible to define occasional perhaps with a number?</p> <p>Under street trading condition 13 would it be possible to provide clearer definition to ‘appropriate notice’.</p> | <p>It is not intended to define ‘occasional’ in relation to garage sales – this is simply an example where the exemption applies. If frequent garage sales are held, it is more likely to be a business and therefore not exempt.</p> <p>It is considered that a minimal amount of notice is required to temporarily move a stall/vehicle for street cleaning to take place, and therefore it is not intended to expand on this further in the policy.</p> | |

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| <p>Illogan Parish Council:</p> <p>... In view of the various public events it arranges, welcomes the proposed revisions to the Statement of Practices, Procedures and Policies for Street Trading, in particular the clarifications suggested for policy exemptions and the stated involvement for the parish council and the clear definition on page 8, point 7, of 'public highway'.</p> | <p>Noted.</p> | |
| <p>Carn Brea Parish Council:</p> <p>"... received and reviewed the Street Trading Policy at their meeting held on 17th July 2025 and resolved to note the consultation with no comments to make."</p> | <p>Noted.</p> | |
| <p>Falmouth Town Council:</p> <p>Recommended 'to support the minor amendments subject that the sale of animals excluded'.</p> | <p>The Local Government (Miscellaneous Provisions) Act 1982 specifically includes "a living thing" when defining street trading. Licensing Officers are not aware of any previous applications to sell animals in the street. However, if an application were received, selling animals as pets in a street on a commercial basis would require additional licences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (as amended).</p> | |
| <p>BID Camborne:</p> <p>Thank you for the opportunity to comment on this Policy Review. We have the following comments:</p> <p>With regards to the encouragement of offering vegetarian and vegan foods, suggest the inclusion of the word "may" ... to qualify the assertion that these food products have lower carbon emissions, as this is not always the case, especially in Cornwall where much</p> | <p>Noted and agreed. The word 'may' has been added on page 10 of the policy.</p> | |

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| <p>non-vegan/vegetarian food is produced a small number of food miles away, and with the carbon and degradability concerns of much packaging of vegan/vegetarian products ie Tetra Paks.</p> <p>With regards to management of Pedlars, we would strongly recommend and welcome this regulation jointly coming under Police and Council regulation (similar to alcohol). We experienced costly and unpleasant behaviour from a particular Pedlar at our Christmas Lights Switch On in 2024, which was not in the spirit or letter of the legislation and difficult to manage on the day as personnel were all fully deployed managing planned activities.</p> <p>We do not have any further comments on alterations and are supportive of regular reviews and active management of this area.</p> | <p>Pedlars are governed under the Pedlars Act 1871 and there would need to be a change in the law for pedlars to be regulated jointly by the Police and the Council.</p> | |
| <p>Penryn Town Council:</p> <p>Thank-you for contacting Penryn Town Council regarding the Street Trading Policy Review, I can confirm that the Town Council Supports the proposed changes.</p> | <p>Noted.</p> | |
| <p>Newquay Town Council:</p> <p>At their meeting of 05 August 2025, members of Newquay Town Council's Planning & Licensing Committee broadly welcomed the proposed amendments to Cornwall Council's existing Street Trading Statement of Practices, Procedures & Policy.</p> <p>Pages 6-8: The addition of a clearer form of wording around the Exemptions (Legal and Policy) was seen as a strong positive.</p> <p>Page 9: Cllrs strongly support the move away from single use plastics and the inclusion of signposts to further info for traders is welcomed.</p> | <p>Noted.</p> | |

Page 10: Cllrs strongly support additional wording promoting the various Public Health/Low Carbon initiatives that have been adopted by Cornwall Council.

Application Procedure:

Page 11: the requirement that Traders provide a basic DBS disclosure is seen as a positive move. Over the past couple of years it has been well documented that Newquay has unfortunately attracted a number of Traders who push the boundaries of acceptability in their trading practices. It is hoped that the DBS requirement will act as a suitable disincentive to such Traders and will serve to further ensure individuals who are granted a Street Trading Consent are aware of the responsibility that accompanies such a permission.

Page 12: From their ongoing interactions with Traders, Cllrs are aware that there is often a misunderstanding that a Street Trading Consent allows exclusive rights to a trading location. The advisory note clarifying this matter is seen as a strong positive.

Page 13: It is our understanding that the European Union Services Directive 2006/123/EC (EUSD) was, post Brexit, enshrined in British Law. In order to avoid any confusion or uncertainty, Cllrs queries whether it would be possible to reference the UK Law – or to make it clear to applicants that EUSD 2006/123/EC is still relevant in a post Brexit world.

Page13/14: Cllrs welcomed the more regulated approach to Applicant's requests for a departure from the policy/conditions, along with the new power to impose additional conditions.

The below sentence has been added to page 13 of the policy to make this clearer for all:-

"When the UK left the EU in 2020, this EUSD became enshrined in UK law."

Pages 18-20: The more robust wording of conditions 13 & 14 is welcomed. The new conditions (24 & 25) appear a reasonable and practical way of ensuring the Local Authority maintains an up to date knowledge of each Trader and any relevant changes to their situation.

Suggestions:

Cllrs queried the placing of the Licensing Direct information at the very front of the Statement of Practices, Procedures & Policy. It is fully accepted that this is a valid service used by many applicants, but Cllrs felt that placing it at the front of the document acted as something of a distraction from the “Practices, Procedures & Policy” that the Local Authority is seeking to communicate. Could information about this service appear later in the document – perhaps as an appendix that Applicants could be signposted to?

Page 5: Regulation of Street Trading

Cllrs felt this section would benefit from a more user friendly form of words being used to convey the positive purpose and reasons for the Local Authority’s regulation of Street Trading. It is felt that, by communicating the positives that such regulation brings, Applicants (and the wider public) may have a better understanding and acceptance of the need for a Street Trading Consent. Cllrs felt that a stronger form of words could be used to convey the consequences of non-compliance with conditions. It should also be made clear that if you are found to have been wilfully trading without a Consent, then this is likely to have consequences.

Officers believe it is appropriate for this information to remain at the front. Street trading is complex, and many applicants won’t want to read the whole document before realising they can get help with understanding it.

Noted and agree with the points raised – this section has therefore been updated to read:-

Street trading in Cornwall is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, which gives Local Authorities the power to manage where and how street trading takes place.

A Local Authority may by resolution designate any street in their area as a prohibited, licence, or consent street.

Cornwall Council adopted the legislation on 16 February 2010, choosing to regulate street trading through a system of ‘consent’ and ‘prohibited’ streets. This means that anyone wishing to trade must obtain permission from the Licensing Authority (unless an exemption applies).

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| | <p>On 1 July 2016, the Council designated the whole of Cornwall as a 'consent' area. This allows the Licensing Authority to carefully consider each application and ensure trading is safe, fair, and beneficial to both traders and the wider community.</p> <p>Street trading can bring vibrancy and choice to our towns and communities. However, it must be managed responsibly to:</p> <ul style="list-style-type: none"> • Prevent obstructions and overcrowding in busy areas. • Ensure safe access and escape routes for premises and emergency services. • Minimise nuisance from noise, smells, and litter. • Protect the environment and public safety. <p>By regulating street trading, Cornwall Council helps create a welcoming and safe environment for residents, visitors, and traders alike.</p> <p>Street trading without the required consent is illegal and taken seriously by the Licensing Authority. Anyone found trading without consent is likely to face formal enforcement action, which may include prosecution and/or loss of future trading opportunities.</p> <p>Traders are encouraged to engage with the Licensing Authority early to ensure they meet the requirements and avoid unnecessary consequences.</p> <p>To ensure the policy remains relevant and effective, it is reviewed at least every 5 years. This allows the Council to respond to changing needs, community feedback, and emerging trends in street trading.</p> | |
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JG (member of the public):

Given lots of ice cream retailers in the Treyarnon area, I was surprised to see an old diesel ice cream van still operating. Attracting children to a known health hazard can't be acceptable. Either use the local retail outlets or ensure the Ice Cream Vans are electric . It wouldn't be difficult for them to plug in to a source. Electric Ice Creams are far more common these days and should be mandatory.

Having checked with the various Council services, Licensing are not aware of any ice cream vans at Treyarnon operating under any agreement with Cornwall Council.

Cornwall Council have no control over the van in the car park - this would need to be taken up with the landowner directly.

There is nothing in the current Policy that prevents people trading with a diesel vehicle. However, given the health dangers from diesel ice cream vans especially on children, Licensing agree this should be considered further.

Advice has been sought from Public Health and Environmental Health regarding engine/powering of vehicles:

Public Health have responded to state their feedback on applications *"only comments on the food and drink provided. However, it's a good point as air pollution has a big impact on people's health and so we should be supporting anything that improves air quality. So, can we include this in the policy review? Could it include petrol too and what about generators that many mobile units use? Could this come within the Council's carbon neutral goal by 2030?"*

Environmental Health have also responded to the points raised:-

"Whilst an electric vehicle or plug in power source would be preferable there would likely be no further action with a diesel vehicle from a food and health and safety perspective as this is unlikely to contaminate food or cause a H&S issue with the short

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| | <p><i>period of time someone would be near any potential fumes and on the basis that the vehicle would be sited externally and therefore well ventilated.”</i></p> <p>Therefore, Licensing would recommend this is kept under review, as obviously this would need to be properly consulted on with existing traders. The policy is usually reviewed every 5 years, but there is nothing to prevent the policy being reviewed sooner.</p> <p>Public Health have responded to say they agree with the above approach and proposal to consider at a further review, say in 2027/8.</p> | |
| <p>Pentire Residents Association:</p> <p>“... we would ask Cornwall Council to consider the following preferences expressed by our members in their future street trading licensing decisions for Esplanade Road:</p> <ul style="list-style-type: none"> • no more than two licences in total (as in previous years) with each selling different things and not duplicating offerings from nearby businesses (notably Sea Spray and the hotels); we think more than two licences in that area would be excessive given the high demand for parking spaces; • since cooking is expressly prohibited on that stretch of road we do not think licences should be granted there to vendors selling hot food; | <p>It is not possible to impose numerical limits within the Policy as this would contravene the EU Services Directive – applications must be considered on a case-by-case basis.</p> <p>Applications can be refused if there are overriding reasons relating to public interest, such as road safety concerns, lack of space, or nuisance from noise, smell, litter, disturbance etc.</p> <p>Condition 6 on page 19 of the policy has been expanded upon to include byelaws, local restrictions etc and now states:-</p> | |

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| <ul style="list-style-type: none"> • we would welcome a specific licence condition requiring vendors to ensure the operation of their business causes no damage to the adjacent village green; • we would also ask the Council to consider allocating dedicated parking bays for exclusive use by licensed traders during the times specified in the licence.” | <p><i>“The Consent holder shall not contravene any Order made under the Road Traffic Regulations Act or the Town & Country Planning Acts and shall also comply with the provisions of the Highways Acts and any other relevant legislation, byelaw, local legal restriction etc. Consents do not override any other restrictions which may be in place in the trading location, including parking restrictions.”</i></p> <p>As stated above, each application is considered on a case-by-case basis, and additional conditions can be attached if reasonably necessary.</p> <p>Street Trading Consents do not override general permitted parking and for this reason, dedicated bays cannot be allocated.</p> | |
| <p>Licensing Compliance:</p> <p>The draft reads:</p> <ul style="list-style-type: none"> • Trading on Cornwall Council owned Public Open Spaces/ Pop-up sites , Car Parks, and Harbours (however, permission must be obtained from relevant service within Cornwall Council). <p>I think for clarity I’d be tempted to alter it to something like:</p> <p>Trading on Cornwall Council owned Public Open Spaces/Pop-up sites, car parks, and harbours (However permission must be obtained from the relevant service within Cornwall Council; failure to gain permission from the relevant service potentially creates offences under the Local Government</p> | <p>The policy exemption has been amended to state:-</p> <p><i>“Trading on Cornwall Council owned Public Open Spaces/ <u>Pop-up sites</u>, Car Parks, and Harbours (subject to permission from the relevant service within Cornwall Council). Failure to gain permission from the relevant service potentially creates offences under the Local Government (Miscellaneous Provisions) Act 1982 for trading without a Consent.”</i></p> | |

(Miscellaneous Provisions) Act 1982 for trading without a relevant consent)

I hope that's not too wordy but seems to clarify it from my perspective.

There are a few other things I wanted to raise:

In relation to the exposing of vehicles for sale.

Under Clean Neighbourhoods and Environment Act (CNEA) this covers this area and is for 2 or more vehicles in a small space. At present the street trading policy then goes further by including single vehicles for sale on the highway, albeit with an exemption for 'trading# outside a person's own home.

However, in reality this means if a person puts a for sale sign in their car and leaves it there whilst going about their daily life, as they still need to drive their vehicle, every time they are parked anywhere that isn't their home they are technically committing an offence under the policy. This is clearly unreasonable in my view, and I feel the fact that the CNEA stopped with 2 vehicles was deliberate to all individual sales and we are going too far by trying to catch all sales.

I understand that some trouble spots have historically been identified where lots of cars are left but in truth, they are most likely traders that have got wise to the CNEA and use multiple phone numbers to sell multiple vehicles.

The 'harm' being caused by any one individual car should really be dealt with by either parking/abandoned vehicles if there are concerns re the vehicle being in a location illegally or for a long period of time, beyond that I don't feel it would be something that we should/would be using our resources to police and as such I'd like to see this removed from the policy so we

The Policy has been updated on page 11 to state:-

"... the only exemptions are residential occupiers who sell their own private vehicle within the curtilage of their own residential property or adjoining land (provided there is no road safety hazard) or when using the vehicle generally on a day-to-day basis for their own use."

There is separate legislation relating to abandoned vehicles which can be used in addition or instead of any street trading regulation.

It is suggested the amendment above should be made, relating to one vehicle, rather than remove from the Policy, although ultimately it will be

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| <p>cannot be held to account for not upholding it.</p> <p>I'd also point out that if you consider the LA03 specifically denotes that a sale of alcohol takes place where/when the alcohol changes hands, meaning that certain people can trade by way of accepting orders at a location for remote fulfilment without the need for a TEN, if you consider the analogy to the above vehicle situation here is no offer of sale at this location as no sale will take place at the road side, rather a call will be made and the vehicle will be moved/driven away from any 'advertised location.'</p> <p>Lastly in theory there is only a single item being offered for sale and as such from an enforcement policy perspective when considering the activity, it is unlikely to trigger any requirement for enforcement either.</p> <p>'Trouble spots' would be better dealt with in my opinion by way of a PSPO or similar to prevent activity at that location, and this would also have the benefit of checks and balances for the location in question being a genuine concern.</p> <p>In the conditions, condition 13 reads: '...with appropriate notice, the stall/vehicle of other items..' think this should read, 'or'</p> <p>Condition 21: The Consent holder shall only use one mobile stall/vehicle for the purposes of street trading on each site, which must not exceed the size agreed in writing by the Licensing Authority.</p> <p>Is this meant to require towing vehicles to disengage and move away from trailers? As this doesn't always happen and isn't always viable, yet these are technically 2 vehicles (I appreciate that the tow vehicle</p> | <p>for Members to consider and determine. As the consultation did not include removing this part of the policy, Licensing would suggest this is kept under review and re-visited in the future should the need arise.</p> <p>Street Trading legislation is different than Licensing Act 2003 and the legislation specifically defines street trading as "the selling or exposing or offering for sale of any article".</p> <p>Typo has been corrected.</p> <p>This would depend on what has been applied for and the terms and conditions of the Consent which has been issued – the Consent will state the permitted trading unit and size.</p> <p>If a Consent is for a trailer alone, accompanying vehicles can be parked alongside (subject of course to parking restrictions).</p> | |
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| <p>may not be 'trading' but if it is still attached then trading is taking place and there are 2 vehicles.)</p> <p>Should we make it explicit in relation to the intention here?</p> <p>As one additional comment in relation to the street trading, but it applies across the board to most license types these day I think (acknowledging some are legal requirements as opposed to policy); the requirement to have a copy of the license present on display.</p> <p>On inspection of some units recently the response was primarily 'we have a digital copy if you want to see it?' I wonder if we need to consider the necessity of having a (presumably) paper copy on display. Mobile units are generally pretty small, and it is unlikely to be something that is enforced against if a license is in place, given the public interest test associated with this. (Accepting that most will need to display food hygiene ratings somewhere!)</p> | <p>Licensing agree a digital copy of the Consent is sufficient - condition 3 on page 19 has been updated accordingly.</p> | |
| <p>Licensing Team</p> <p>Maybe adding that we don't have a list of suitable areas to trade (we get a lot of queries from people thinking we do)</p> <p>Would adding about electricity/ generators etc just be for application form or could it go in the Policy under Application Procedure?</p> | <p>The following wording has been added to the policy under 'Designations' on page 6:-</p> <p><i>"The Council does not maintain a list of designated areas suitable for street trading. Instead, it is the responsibility of applicants to identify and assess potential trading locations based on the nature of their proposed business. Applicants should ensure that any proposed site is safe, accessible, and appropriate for their trading style."</i></p> <p>The application form has been updated to ask <i>"Are you intending to use a generator or other power supply? If yes, please provide details."</i></p> | |

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| | <p><i>If using a generator, include make, model and technical specifications.”</i></p> <p>The below has also been added to the policy in the ‘Application Procedure’ section on page 12:-</p> <p><i>“Applicants who are intending to use a generator or other power supply will be required to provide details in the application; permission to use a generator must also be obtained from the Council’s Public Protection Team prior to its use. It is a condition that generators must not cause nuisance or annoyance.”</i></p> | |
| Adding that it will be advertised on website in the Application Procedure part | <p>The below has been added on page 12:-</p> <p><i>“A register of applications received, and consents issued will be published on the Council’s website – this will include trading name, site location and articles being sold.”</i></p> <p>The register is also referred to in the GDPR section on page 16.</p> | |
| Include Parking Enforcement as consultee | <p>The Parking Enforcement Team have been notified and are in agreement. The policy and officer procedure has been updated accordingly.</p> | |
| Suggest a simplified process for renewals with no need to re-consult each time if the renewal application is exactly the same as existing Consent. | <p>Agree that it’s not necessary to re-consult on renewals if the application is in exactly the same terms as existing. The officer procedure will be updated accordingly.</p> <p>If relevant concerns or complaints are received, Street Trading Consents can be reviewed at any time by the relevant Committee.</p> | |

