

Date: Tuesday 14 November 2023 at 11.30 am

Venue: Jim Cooke Conference Suite, Stockton Central Library, The Square, Stockton-on-Tees, TS18 1TU

Cllr Eileen Johnson (Chair)
Cllr Mick Moore (Vice-Chair)

Cllr Marc Besford
Cllr Robert Cook
Cllr Clare Gamble
Cllr Mrs Ann McCoy
Cllr Andrew Sherris
Cllr Marilyn Surtees

Cllr Diane Clarke OBE
Cllr Jason French
Cllr Elsi Hampton
Cllr Susan Scott
Cllr Hugo Stratton
Cllr Hilary Vickers

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes**

To approve the minutes of the last meetings held on 8 August and 20 September 2023. (Pages 9 - 20)
- 5 CONSENT STREET TRADING POLICY REVIEW** (Pages 21 - 66)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 8 August 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore, Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr Jason French, Cllr Clare Gamble, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Marilyn Surtees, Cllr Andrew Sherris and Cllr Hilary Vickers.

Officers: Natalie Hodgson, John Devine (Do CS), Elliott Beevers, Polly Edwards, Leanne Maloney-Kelly (Do AH)

Also in attendance: Combined Hackney Carriage and Private Hire Driver - 074134, Combined Hackney Carriage and Private Hire Driver - 066876 and Combined Hackney Carriage and Private Hire Driver - 112026. Driver 066876 & 112026 Legal Representative Mr Schiller, Driver 066876 Legal Representative Mr Wilson. Representatives from the Taxi trade - Muhammad Mubeen, Tahir Ali, Tahir Mahmood.

Apologies: Cllr Susan Scott and Cllr Hugo Stratton.

GLC/8/23 Evacuation Procedure

The evacuation procedure was noted.

GLC/9/23 Declarations of Interest

Cllr Gamble declared an interest as she had family who were Private Hire Taxi drivers and would not take part in the meeting during Agenda Items four and five.

GLC/10/23 Minutes

Consideration was given to the minutes from the General Licensing Committee meeting which was held on 18 April 2023.

AGREED that the minutes be approved and signed as a correct record by the Chair.

GLC/11/23 VARIATION TO HACKNEY CARRIAGE TARIFFS

Members were asked to consider a report which proposed to vary the tariffs levied in respect of Hackney Carriage fares.

The main topics discussed were as follows:

Representatives of the Taxi trade who were present emphasised that the increases to the day and night time tariffs were necessary, due to the increase in cost of fuel and the cost of living.

The impact on the daytime trade user who were most often elderly or disabled was highlighted by another representative of the Taxi Trade opposed to the increase.

Members further discussed how local tariffs compared to those of other Licensing Authorities. Officers explained that tariffs were set by each individual Local Authority and therefore could vary greatly.

Officers explained that following the 14-day consultation should there be any amendments to be considered then an updated report could be brought back to the Committee for consideration; any amendments could still be applied if Members felt it necessary.

RESOLVED that;

1. the proposed tariffs be agreed and be advertised as per of the statutory public consultation requirements.
2. if no objections are received the tariff be agreed and implemented the day after the 14-day public consultation ends.

GLC/12/23 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

Offers presented a report which outlined the private hire and hackney carriage policy consultation which had been carried out at the request of the transport trade. The report outlined the proposed wording change for any applications for new hackney carriage vehicles would need to be wheelchair accessible, while existing hackney carriage vehicles would still be able to be replaced like for like. The current wording is as follows:

Wheelchair Accessible Vehicles (WAV)

WAV's that are currently licensed may be replaced with a like for like vehicle e.g. another WAV that complies with current policy.

Departure from policy in exceptional circumstances e.g. medical grounds will be considered on a case by case basis.

The hackney carriage and private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles

And the proposed wording is as follows:

All new applications for hackney carriage vehicle licences are required to be wheelchair accessible vehicles.

Hackney carriage vehicles which are currently licensed may be replaced with a like for like vehicle e.g.

- WAVs maybe replaced with another WAV which complies with current Policy.
- Saloons (5 seats) may be replaced with another Saloon which complies with current Policy
- MPVs (more than 5 seats) may be replaced with another MPV which complies with current Policy

The private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.

Members heard for the Trade representatives who were present at the meeting who all agreed with the proposal set out in the report.

GLC/13/23 Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

GLC/14/23 Combined Hackney Carriage and Private Hire Driver Application – 074134

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant – 074134.

Applicant - 074134 attended the meeting and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The committee heard that the applicant had previously been a licensed combined Hackneys Carriage and Private Hire Driver with the authority. But had been their license revoked in January 2019 and an application refused in September 2022.

The Applicant gave assurances to the Committee that they are a fit and proper person, and that Members can trust them to be a responsible licensed driver with some examples of having faced some 'real life' situations where the applicant could have lost their temper and attending two courses of anger management sessions.

The Committee took note of the applicant's history of anger outbursts but were satisfied that the applicant was now a fit and proper person to hold a licence. The Committee determined to place their trust in the applicant and grant them a licence.

RESOLVED that that Combined Hackney Carriage and Private Hire Applicant have his Combined Hackney Carriage and Private Hire Drivers Licence granted for the reasons as detailed above.

GLC/15/23 Combined Hackney Carriage and Private Hire Driver Application – 066876

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant- 066876 who had a relevant conviction, meaning he did not meet current Transport Policy.

Applicant - 066876 attended the meeting and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The Committee heard that the applicant had been a licensed combined Hackney Carriage and Private Hire driver with this authority from 25th October 2006, until his license was revoked by the Licensing Committee on 29th May 2018.

The Committee were informed that on 13th November 2017, a complaint was received of alleged inappropriate conduct towards a female passenger. On 29th December 2017, a further complaint of inappropriate conduct towards a female passenger was reported and Applicant 066876 licence was suspended pending a full investigation.

The Committee heard that the applicant continued to deny these allegations to Licensing Officers during the investigations and to the Licensing Committee, and that despite this, the Committee determined on the balance of probabilities that he had taken advantage of lone and vulnerable female passengers. The Committee noted that the 2018 Committee had therefore revoked Applicant 066876 licence with immediate effect.

The Committee noted that in June 2018 the applicant appealed this decision to Teesside Magistrates' Court, where the Committee's decision was upheld and the appeal dismissed.

The Committee heard the applicants background as a licenced driver with the Authority included written warnings for inappropriate behaviour towards a lone female passenger in 2007, and for his attitude and speeding in 2008.

The applicant's legal representative explained to the Committee that the applicant continues to deny the allegations against him and feels that installing CCTV in his vehicle would protect the public and the applicant himself.

The legal representative explained to the Committee that time has elapsed and the driver has behaved himself and is willing to be watched and scrutinised.

In response to questioning from the Committee in relation to concerns that he has never admitted any wrongdoing, despite both the previous Committee and the Court finding on the balance of probabilities that they did not believe the applicant, the applicant reassured the Committee that passengers were safe with him and that CCTV will protect them and him.

Based on everything they had considered, the Committee do not believe, on the balance of probabilities, that the driver is a fit and proper person to hold a combined hackney carriage and private hire vehicle driver's licence. The Committee were unanimously satisfied that Applicant 066876 application for a combined hackney carriage and private hire vehicle driver licence should therefore be refused.

RESOLVED that Applicant – 066876s, application for a Combined Hackney Carriage and Private Hire Drivers Licence be refused for the reasons as detailed above.

GLC/16/23 Combined Hackney Carriage and Private Hire Driver – 112026

Members were asked to consider and determine the continued fitness of a licensed hackney carriage and private hire driver who was arrested and currently suspended from driving licensed vehicles with this authority.

Combined hackney carriage and private hire driver - 112026 attended the meeting and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee were told that a Common Law Disclosure was received from Cleveland Police, dated 10 September 2020 a copy of which was shown in appendix 1 of the report.

26/08/2020 Driver 112026 was arrested for the alleged offences of 'C/Supplying controlled drug class A – Cocaine' and 'Supplying a psychoactive substance'. Driver 112026 is released under investigation whilst enquiries are on-going. The circumstances are that it is alleged that the Driver is involved in the conspiracy to supply class A drugs.

The Committee heard that Driver 112026 driver licence was suspended due to this information on 15th September 2020, following a delegated decision process.

The Committee were told that Driver 112026 notified licensing officers in 2023 that no further action had been taken by the police in relation to this matter. Members heard that licensing officers subsequently obtained a copy of the police file and a factual summary disclosure from the police Northeast Regional Specialist Operations Unit (NERSOU), as part of their investigation, to determine if the driver was a fit and proper person to hold a driver licence with the Authority, as is routine in such circumstances.

The Committee heard that the factual summary disclosure referenced police gaining entry to and searching a blue box storage unit in November 2019, rented by Driver 112026. Members heard that the rental agreement was taken out by Driver 112026 who had supplied his driving licence as proof of identification. The Driver had been observed at the storage unit in his taxi. Police had recovered more than 16,000 nitrous oxide gas cannisters from the container.

The Committee were told that Driver 112026 was interviewed by licensing officers on 16th May 2023, where he denied these allegations and any misuse of nitrous oxide, citing that he had a cream bakery chargers' business, which is a catering supplies business.

The Committee noted the summary transcript of the interview at Appendix 8, including the drivers explanation that he understood that people can misuse the nitrous oxide containers, but that the containers he supplied were used to make the whipped cream for cakes.

The Committee further noted the driver's explanation that when customers placed an order online they were required to complete an online form and provide proof of ID to demonstrate being over 18 years old. The Committee noted that when asked for website details the driver could not evidence this and stated that the website is no longer available.

The Committee heard that in interview, the driver was asked about the contents of his storage container, and stated that it was empty, and stated that it was not his container that was searched by the police, despite Police disclosure confirming that it was the drivers driving licence being provided as proof of ID for the rental of the storage unit. The Committee heard that when asked why he had remained silent during his police interview, Driver 112026 said that this was what his solicitor at the time had advised him to do.

The Committee were told that when asked in interview by licensing officers about the balloons found in his property by Police, they denied that any were found. The Committee heard that the driver explained to officers in interview that to misuse the nitrous oxide cannisters there is a need for balloons, and he maintained there were

none found at his property.

The Committee noted that the driver was reminded when interviewed that the police report stated that there were balloons recovered, however they continued to deny any balloons being found at his property. The Committee heard that during the interview with licensing officers, he clearly described how nitrous oxide cannisters were misused using balloons.

The Committee heard that Companies House checks showed that the cream chargers business was registered on Companies House on 28 January 2020, with Driver 112026 and another individual as named directors of the company. The Committee noted that when asked why the other individual became a director and resigned on the same day, Driver 112026 advised officers that 'just at that time he was, truthfully, he was going to college'.

The Committee were told that Companies House checks revealed that only £100 was recorded on the company's accounts in July 2020, July 2021, July 2022. The Committee noted that when asked to explain this, Driver 112026 explained that this was dealt with by his accountant on his behalf.

The Committee noted that when the driver was asked in interview why he started his cream charger's business in 2020, his explanation was that a friend who owned a restaurant suggested that he do so, and had told him that this was legal unless he sold the items for misuse.

The Committee heard that when asked in interview about him offering deliveries of nitrous oxide cannisters on Facebook until 1:00am, the driver made reference to a social media and marketing person, being responsible for this, but that he did not offer deliveries until this time. The Committee noted that the driver stated that he no longer had access to this information as his website was closed.

The Committee were told that Driver 112026 was licensed by the City of Wolverhampton Council at the time of his arrest and subsequently had his licence revoked by them.

The Committee heard the drivers background as a licenced driver with the Authority; he was originally licensed in December 2008 and it was revoked in 2011 due to concerns over his manner of driving. The Committee noted that since his licence was granted with a warning in July 2014, two separate anonymous safeguarding and drugs complaints had been received in March 2017.

The Committee and Driver 112026 representative were given an opportunity to ask questions of the officer.

Driver 112026 Legal representative explained to the Committee that the police had taken no further action against Driver 112026 following his arrest in August 2020; he therefore submits that he is a fit and proper person to be a licenced driver.

They further explained to the Committee that Driver 112026 states that the storage unit searched by police was not his storage unit; a Subject Access Request confirmed that storage unit 13 was searched on 8th November 2019.

The Committee noted that the legal representative had provided a copy of an invoice from Blue Box Storage, addressed to the driver dated 4th November 2019, for rental of unit 69A for the period of 1st to 30th November 2019. The Committee noted that

Driver 112026 denies that storage unit 13 was his.

The Committee heard from the legal representative that despite Driver 112026 having a business supplying nitrous oxide cannisters, the 16,000 cannisters found were nothing to do with the driver.

Driver 112026 now asserts that the balloons found at his property belonged to his partner, who ran a legitimate balloon business.

With regard to the limited transactions appearing on the company accounts, Driver 112026 legal representative told the Committee that the business only lasted six or seven months and has not traded since.

In response to questioning from the Committee in relation to Driver 112026 being observed by police transporting known criminals around Teesside, the legal representative told the Committee that as a taxi driver it would be unusual if he was not doing this.

Based on everything they had considered the Committee do not believe, on the balance of probabilities, that the driver is a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence. The Committee were unanimously satisfied that Driver 112026 combined hackney carriage and private hire vehicle driver licence should therefore be revoked.

RESOLVED that that Combined Hackney Carriage and Private Hire Driver – 112026s, Combined Hackney Carriage and Private Hire Drivers Licence be revoked for the reasons as detailed above.

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GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Wednesday 20 September 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Hugo Stratton, Cllr Marilyn Surtees and Cllr Hilary Vickers.

Officers: Rachel Harrison, Natalie Hodgson (DoCS), Elliott Beevers and Leanne Maloney-Kelly (DoAH&W).

Also in attendance: Applicant 155375

Apologies: Cllr Clare Gamble and Cllr Susan Scott.

GLC/17/23 Evacuation Procedure

The evacuation procedure was noted.

GLC/18/23 Declarations of Interest

There were no declarations of interest.

GLC/19/23 Minutes of the General Licensing Committee which was held 4 July 2023

Consideration was given to the General Licensing Committee minutes from the meeting which was held on 4 July 2023 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

GLC/20/23 Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

GLC/21/23 Combined Hackney Carriage and Private Hire Driver Application 155375 report

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant- 155375 who had a relevant conviction, meaning he did not meet current Transport Policy.

Applicant - 155375 attended the meeting and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the

meeting.

The report detailed the following:

. a copy of the application containing a DVLA check code, showing no live DVLA endorsements, is attached as Appendix 1

. a copy of a summary transcript of an interview with Applicant 155375 and Licensing Officers

. a copy of two references in support of Applicants 155375's application.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee noted that the application was for the grant of an application for a licence to drive private hire and hackney carriage vehicles.

The Committee heard that Applicant 155375 DBS check confirmed that he had been convicted on 6th September 2016 of:-

- 'Possession with intent to supply a controlled drug' (Class B – Cannabis).

The Committee were informed that Applicant 155375 was sentenced to a six-month imprisonment sentence wholly suspended for 18 months, was ordered to undertake 120 hours of unpaid work, and also ordered to pay a victim surcharge of £80.00. The Committee heard that Applicant 155375 was forced to forfeit all drugs and cash seized for destruction.

The Committee heard that Applicant 155375 was interviewed by officers on Friday 21 July 2023, and was asked about the circumstances of his offending. Applicant 155375 had told officers that he was working as a delivery driver and was leaving the takeaway he worked at, when one of his friends got into his vehicle. The Committee were told that Applicant 155375 said that when he came out of the takeaway, having picked up the next food delivery, he saw his friend was being arrested by police who had found drugs within his vehicle.

The Committee heard that Applicant 155375 advised officers that when the Police searched his vehicle, they found a few grams of cannabis, which Applicant 155375 stated was his 'personal smoke'.

The Committee were also told that Applicant 155375 advised officers in interview that he was given a court date, which he missed, and subsequently handed himself in to the police, and was sent from the Magistrates' Court to the Crown Court where he received his sentence.

The Committee noted that a drugs test was carried out with Applicant 155375 which tests for six illegal substances. Applicant 155375 provided a negative sample.

The Committee heard that Applicant 155375 did not meet the Council's current Policy as 10 years had not elapsed since the completion of the sentence imposed in 2016.

Applicant 155375 explained to the Committee that his motivation for applying to be licenced by Stockton-on-Tees Borough Council was to be able to get a 'proper job' in order to support his family financially.

In response to the Committee's questioning in relation to the likelihood of Applicant 155375 re-offending, considering that he had admitted using cannabis and working as a delivery driver, Applicant 155375 explained that he had begun smoking cannabis a month or two before his arrest, and that he had stopped this after his arrest and subsequent conviction.

The Committee questioned Applicant 155375 about his explanation to officers during interview of the Court process which led to his conviction. The Committee asked if Applicant 155375 had entered a guilty or not guilty plea in the Magistrates' Court, if he had elected to be sentenced at the Crown Court, or if he was convicted following a trial. The Committee heard from Applicant 155375 that he was confused, and that he did not understand why the matter was dealt with in the Crown Court.

The Committee was given an opportunity to ask questions of Applicant 155375, with Applicant 155375 speaking last. In summing up, Applicant 155375 stated that the cash seized by police was money that he had received within his work as a delivery driver, and denied that this was 'drug money', despite his conviction for possession with intent to supply cannabis.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by Applicant 155375 in response to the Committee's questions.

Having carefully considered the written application and documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026 ("the Policy").

Under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a drivers licence unless they are satisfied that the driver is a fit and proper person. When determining this matter, the Committee considered this application on its merits.

The Committee considered Appendix D of the Policy, specifically the provisions that a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed for drugs related offences.

The Committee noted that ten years had not elapsed since Applicant 155375's conviction for drug related offences in 2016. The Committee accepted that the applicant therefore does not meet the Council's Policy.

The Committee considered the two-character references which were provided by family members in support of Applicant 155375's application:-

- Reference 1 (no address provided) – stated that Applicant 155375 was married to his cousin.

- Reference 2 (no address provided) – stated that Applicant 155375 was married to his niece.

The Committee felt that they could not add weight to either of these character references, as they were provided by family members who were unlikely to be objective. The Committee noted that independent references would have been more appropriate.

The Committee members took into consideration that Applicant 155375 appeared to minimise the offending that led to his conviction. The Committee found it hard to accept that Applicant 155375 was convicted of possession with intent to supply cannabis for simply having a small amount of cannabis and cash that he had received within his work as a delivery driver, as per Applicant 155375's submissions to the Committee.

The Committee felt on the balance of probabilities that there was additional information surrounding the circumstances of Applicant 155375 arrest and subsequent conviction that they were not privy to, however unfortunately the Committee had not received any further details from police. The Committee noted that Applicant 155375 had not provided any further details to assist the Committee in this regard, and when questioned on this point, Applicant 155375 was vague in his responses.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with the applicant alone due to their doubts surrounding his previous conviction for supplying drugs.

Ultimately, the Committee did not believe that Applicant 155375 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence owing to his previous conviction for drugs offences, along with his vague responses to the Committee when questioned about the circumstances of his arrest and subsequent conviction. The Committee were unanimously satisfied that the application should therefore be refused.

RESOLVED that Applicant – 155375's, application for a Combined Hackney Carriage and Private Hire Drivers Licence be refused for the reasons as detailed above.

AGENDA ITEM

REPORT TO GENERAL LICENSING COMMITTEE

14 NOVEMBER 2023

REPORT OF ASSISTANT DIRECTOR OF COMMUNITY SAFETY AND REGULATED SERVICES

CONSENT STREET TRADING POLICY REVIEW

SUMMARY

To inform the General Licensing Committee of the statutory public consultation carried out to review the current policy and the proposal to designate the whole Borough as a consent area for the purposes of consent street trading.

RECOMMENDATIONS

1. That Members note the contents of the report.
2. That Members comments are received.

BACKGROUND

1. The General Licensing Committee agreed a draft resolution for public consultation for (minimum 28 days) under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate the whole Borough as a consent area for the purposes of street trading.
2. The Local Government Miscellaneous Provisions Act 1982 Schedule 4 sets out the statutory process for designating a consent area and rescinding the existing street trading resolution. Statutory consultation must take place, statutory consultees are:
 - Public
 - Police
 - Highways

DETAIL

1. The statutory consultation process was followed including an advert in the Evening Gazette dated 11 July 2023.
2. A report containing a summary of the results of the online consultation is attached as **Appendix 1**.
3. Alongside the online consultation in depth discussions have helped to shape the revised policy and the application / determination process. These discussions have included:
 - Existing traders
 - Potential Traders

- Voluntary Sector
 - Charity and non-profit groups
 - Parish Councillors
 - Members
 - Council Departments
4. A copy of the revised draft Consent Street Trading Policy 2024 is attached as **Appendix 2**.
 5. The most significant changes following the consultation have been around:
 - Non for profit and charity fundraising (detailed at pg. 3 of the policy document)
 - DBS and convictions information (detailed at pg. 8 and Appendix 3 of the policy document)
 6. The revised draft Consent Street Trading Policy 2024 has been circulated for comments to all respondents to the consultation who provided contact details and again internally with Council departments. Additional responses to the revised policy are attached as **Appendix 3**.

Next Steps

7. Next Steps – summary of the consultation and any further licensing committee comments will be considered by Cabinet on 18 January 2024 and full Council for the final decision on 24 January 2024.
8. If the resolution is agreed the Council shall publish notice of the final resolution in a local newspaper and on the Council website advertising of the decision. (This should be no later than 28 days before the date of operation of the new scheme).
9. Taking these dates into consideration it is proposed any changes would come in to effect after the 1 February 2024.

Assistant Director Community Safety

and Regulated Services

Contact Officer :

Telephone Number;

Email Address:

Financial Implications

Marc Stephenson

Leanne Maloney-Kelly

01642 526566

leanne.maloney-kelly@stockton.gov.uk

Fee setting is delegated to officers under the Councils constitution. The cost of administering the consent street trading scheme can be recovered through street trading fees, which are set locally and reviewed annually. The fees must be set at a level to recover the cost of the scheme and can take into account the location, the duration of the consent, trading hours, and the articles to be sold. Through the maintenance of a strategic licensing policy there will be opportunities to further improve the environment, to the benefit of all.

Environmental Implications

Legal Implications

The proposal is for Stockton Borough Council to designate the whole of the Borough as a consent area. The proposed street trading policy must be in accordance with the powers granted in Section 3 and Schedule 4 of the LG(MP) Act 1982.

Community Safety Implications

The administration and enforcement of the licensing regime should assist in reducing crime and disorder.

Human Rights Implications

Consideration must be given.

Background Papers

Appendices.

Ward

All wards. Members have been consulted as part of this process.

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Consent Street Trading Policy Review Public Consultation 2023

Summary Overview 49 responses to the consultation

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Do you agree with Proposal?			
	Yes	No	Not sure
Member of the public	13	10	1
Existing Trader	1	3	1
Potential Trader	4	2	
Interested Parties	1	4	1
Other	3	5	

Members of the Public – In Agreement with Proposal - Responses to Consultation

70660

Have you been involved in any street trading in the last 12 months	Do you agree, Tell us why	What should be included/excluded from the current conditions	Officer Comments / Actions
As a visitor to, or customer of street trading	YES - It will make it a fair opportunity for trade for everyone. Provided the fees charged are reasonable.		
None of the above	YES		
None of the above	YES - More opportunity for traders/local businesses to operate in various locations and gives members of the public more variety and choice within their communities.	Not that I can think of at present.	
As a visitor to, or customer of street trading	YES		
None of the above	YES		
As a visitor to, or customer of street trading	YES		
None of the above	YES	Exclude rights to play music/use microphones/voice enhancers.	This could be added to a consent as an additional condition if any complaints / issues after a consent granted.
None of the above	YES		

Have you been involved in any street trading in the last 12 months	Do you agree, Tell us why	What should be included/excluded from the current conditions	Officer Comments / Actions
None of the above	YES - I actually thought this was already the case and I am surprised if its not.	Pedlars should be excluded.	Pedlars are excluded from the CST regime, this is detailed in legislation and policy, email to respondent to advise.
None of the above	YES		
None of the above	YES - I think its a very good idea as traders know what is expected of them. I hope the peddlers are dealt with and turned out of the town centre. They turn up every time they know there will be a crowd, i.e., xmas light switch on, fireworks, SIRF etc. selling their cheap dangerous toys for extortionate amounts which break within10 mins.	Stop the peddlers selling, give the local traders a chance to trade.	Pedlars are excluded from the CST regime. However, the regime will provide increased enforcement tools to deal with those pedlars not 'peddling' and trading from a fixed location.
None of the above	YES		
As a visitor to, or customer of street trading	YES - To prevent over development and extensive spill over onto public paths which can impact on those with disabilities.	No street trading installations to be allowed without consultation with council officers and a code of conduct to ensure clear public passage.	Clarification on accessibility added to draft policy to meet accessibility legislation all trading locations will need an access route of minimum of 1.5m past the location.

Members of the Public – Not in Agreement with Proposal - Responses to Consultation

Have you been involved in any street trading in the last 12 months?	Do you agree with the proposal? Tell us why, and include any improvements or alternative suggestions?	Do you have any suggestions of what should be included/excluded from the current conditions attached to street trading?	Officer Comments / Actions
As a visitor to, or customer of street trading	NO		Has not provided any details why or alternatives to consider.
As a visitor to, or customer of street trading	NO - This will harm many of the small independent traders who provide such an important part of our communities.		No contact details provided.
None of the above	NO - For people that sell honey from the door, they are generally small scale hobbyists. They tend to be retired people who spend a great deal of time both developing associations, teaching people, and doing good for the environment. They tend to sell off excess honey quite cheaply and seldom make any profit given the time taken to produce the honey, required equipment. This is another bureaucratic move from the council to try and collect small money which will result in fewer people taking up the hobby and therefore harm personal webbing of those practicing beekeeping. Better to spend you time and effort in removing the drugs free m our area which is devastating our area.		Selling goods door to door is not within the scope of the consent street trading regime. Email to respondent.
None of the above	NO - Private land/property does not constitute a street so why would a street trading licence be required.		Private land is included in the CST regime, if public have access.
None of the above	NO - Potential impact on people selling their own property from outside their own property, particularly cars. My suggestion would be to exclude residential areas from this change.	No	Selling vehicles from the roadside, is included in the policy, but compliance will be aimed at repeat or commercial sellers.

<p>As a visitor to, or customer of street trading</p>	<p>NO - I enjoy going to local fairs that have local small businesses that would not be able to afford premises, and charity stalls. I have bought many good items over the years and do want to support small local businesses rather than buy things from the internet. I also want to support our charities, and these stalls are an excellent way of doing this. Whilst buying items, it is a chance to donate to the charities in other ways. For small craft businesses for instance, as well as charities, the bureaucracy involved would be quite off-putting. I don't think I have bought anything that I could buy in a shop in the borough. The rules in the proposals would be very restrictive indeed, and I see no need for DBS checks on such stalls that would not need them otherwise if indoors.</p>	<p>I think small businesses and charities/churches/general voluntary sector organisations should be excluded. We surely want to support such in Stockton Borough? I am pleased that a stop could be put to any trader having a stall that impedes pedestrians on a pavement. It would be good if shops could be stopped from putting out advertising material on the pavement causing problems too.</p>	<p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>Advertising such as A boards is not covered in this policy and responsibility for this lies with the Highways, Transport and Design Team.</p>
<p>As a visitor to, or customer of street trading</p>	<p>NO - Will place huge burdens on organisations such as schools, churches and community groups who are trying to both fundraise & create community spirit to complete onerous applications - potential for groups to unwittingly overlook the requirements to do so is also significant. There is no rationale in the policy for the requirement of a DBS and in what ways this offers any protection. Someone giving free food or sweets away does not require a DBS but could be deemed more of a risk in terms of their intent than a trader with signage and overt purpose.</p>	<p>Exclude DBS check Exclude public spaces such as church car parks, school fields, community shared spaces.</p>	<p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>No contact details provided to obtain further details.</p> <p>Reasoning and further information on DBS requirements has been added to the draft policy document</p>
<p>As a visitor to, or customer of street trading</p>	<p>? - clear whether there will be any unintended negative consequences affecting local community / voluntary/ faith groups and schools/ colleges holding fundraising / charity events and activities. - It does not mean it is a good thing because other local authorities have decided to do it. How long has it been operating in those other area, and what evidence is there of how this has made a massive difference in the other places that have already adopted this approach? - It sounds like it could create a lot of and extra expense for the groups mentioned above if they have to apply/pay for consent. If this is so, it could deter people from a lot of positive and much needed fundraising activity/events. - Including the whole Borough is likely to be very hard to consistently enforce. - Including the whole Borough is very likely to create circumstances where people are deemed to</p>	<p>Community /Voluntary/ Faith Groups and Schools / Colleges</p>	<p>Held a hour meeting with respondent, addressing some of these points.</p> <p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>The respondent also refers to a pilot scheme, the full regime will be reviewed within 12-18 months of operation.</p> <p>No contact details provided to obtain further details.</p>

be breaking the law and committing a criminal act because of being in the borough rather than because they are causing a genuine nuisance or problem in the community. - It seems like a potential back door' to raise extra funds by charging fees to local voluntary /community groups, charities, and schools/colleges - that are not traders. - There could be a deluge of reports, complaints about breaches of this, and end up with a massive backlog of 'cases' to be dealt with; or some people face the consequences of failing to comply, whilst others get away with it; - It will be extremely difficult to sure that the public and businesses/organisations know and understand the consent system and process and how it applies to them. - It has not been demonstrated that this is actually seeking to address a genuine and significant problem, or just giving greater control and power to the council that is not needed or necessary? - It has not been demonstrated that this proposal is an effective and proportionate action / response to address the issue being described in the report. - The consultation is described as "critical to ensure any changes to the street trading resolution are clear and transparent for businesses, members, responsible authorities and the public" - yet the consultation process has been very limited and relatively short, and it does NOT make sure that the public and businesses have enough information and understanding about the proposal to properly understand its implications; and then properly participate in it. The words 'clear' and 'transparent' do not appear to apply - It appears to be a 'tick box' exercise rather than genuine attempt to consult and engage with those who will be impacted by its implementation. - It should be piloted and tested in a smaller area to ensure it is appropriate, effective in achieving the aims BEFORE it is rolled out across the whole borough.

<p>As a visitor to, or customer of street trading</p>	<p>NO - Because there will probably be a cost implication to obtain the license. In the current climate so many businesses are struggling. If the cost has then to be transferred to customers there may be a fall in customer numbers if prices rise again to cover this cost. This in turn may lead to the closure of a business on already struggling high streets.</p>	<p>I need to re read the draft policy to check whether this might affect things such as preloved sales in community centres or garage sales such as that developed in Saltburn. I wonder why this policy is being introduced at this stage when business owners are already struggling. The damage this policy may cause and the possible increase in empty premises and loss of local markets.</p>	<p>Selling goods inside a community centre is not within the scope of the consent street trading regime. Email to respondent to advise.</p>
<p>None of the above</p>	<p>NO - I have concerns about the charges for this and the amount of paperwork needed and worry it would put off the smaller traders and community groups/ volunteers. These groups and people are important for the vibrancy of our borough. Smaller traders such as food producers make a positive contribution to food sustainability and the environment. They also showcase key local products that could make our area stand out. How would the costs affect groups such as schools and their fund raising activities- it could take funds away from services already under funding pressures? There should be an expectation that for example food providers have food hygiene training and it would be useful to know what is meant by a sliding scale of costs- would training, and support be part of this cost?</p>	<p>Process needs to very simple.</p>	<p>Non profit / charity trading is covered in detailed in the draft policy document.</p> <p>Application process will online and follow the current pavement licence application process.</p> <p>No contact details provided.</p>
<p>None of the above</p>	<p>NO - I believe this needs to be scalable, if street trading consent comes at a financial burden a small start up or charity may not find it viable to embark on trading or raising funds.</p>		<p>No contact details provided.</p>

Existing Traders - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Do you agree with proposal? Tell us why, and include any improvements or alternative suggestions	What should be included/excluded from the current conditions	Officer Comments
Wood Fired pizza trailer operating from Billingham Beck Valley Country Park	YES - As previously discussed, I believe a street trading licence adds professionalism and also security for members of the public purchasing food or other from street traders. I think it is also important to protect the chosen location for the street trader from others who opt not to carry out operations correctly.	Pitch protection for street traders.	The CST regime will give existing traders protection over pitches not currently available. In addition, any existing trader would form part of a new grant application consultation process and their comments taken into account.
I set up Norton Green Market to bring something new to the residents of Norton	I won't say Yes or No as to be honest without talking through conditions I have confusion I agree with your intention to create a street trading environment which compliments the area of trading, is sensitive to the needs of residents and nearby businesses, and which promotes consumer choice and community values, whilst ensuring the safety of the public and the prevention of nuisance. Norton Green Market was setup with similar ethics. We don't sell on the street; our businesses sell from private land which we understand could be affected.	To support small independent businesses who can not even attempt to rent premises on the over inflated commercial landlord rented premises on the high street. To bring our community together, reduce isolation and help support the local economy. Lots of the businesses in attendance are in the borough and through trading support the High Street. Our event is held on private land. Its community led and as such we also use the market to support community groups at no cost. We are on private land, if you were to charge us a fee to have stall holders then this would be passed onto the stall holders which would cause a greater financial burden at a time where they really don't need it. I cannot charge entry fee as my insurance goes up. Charging an entry fee for a regular market also would affect interest and footfall. I would not consider organising a market if there were increased financial costs to us as an enterprise. I totally agree on the need to protect rate paying businesses but here in Norton most don't, and we are supportive of businesses and bring new things that actually help them with trading. My issue is your	Email exchange with respondent to discuss concerns. Non profit / charity trading is covered in detailed in the updated draft policy document. Arranged a visit to next event 11/11/23

		enforcement on private land and see schools and other events affected.	
As a stallholder / street trader; As a visitor to, or customer of street trading	NO - Many street traders operate as hobby businesses others may be start ups with both of which have can have little income. complicating the process will only make it more difficult for traders and inevitably more expensive to be a trader and lead to less diverse trade.	private land should not be considered public access for street trading purposes. Public access should be taken into account when a market is initially purposed. Many markets are run as community support events, paying to access them is counter to that very idea.	Non profit / charity trading is covered in detailed in the updated draft policy document.
Handmade furniture and homewares using local and sustainable materials. As a stallholder / street trader	NO - This will mean many markets have to discontinue, which in turn would hugely affect the trade of small local businesses and certainly cause some to close completely which would again massively affect the area and the money spent locally.	Stop trying to make money out of already struggling small businesses.	The CST regime will provide greater opportunity for markets in areas previously prohibited.
Bee Farmer producing Honey and Hive products from our home address. We sell both from the Front Door and Farmers Markets on private land. As a stallholder / street trader	NO - Best improvement would be to scrap the whole idea. This will cause the small local Farmers Markets to shutdown and put small traders like myself to go out of business.	I sell at a number of farmers markets on private land in the Stockton Borough forcing them to register as street traders and pay a fee would only deter these popular markets. The market organisers have to recoup the cost of the fee this canp only be done by 2 methods. 1. Charge the stalls a higher fee for the pitch. This additional cost would put vendors off from attending the farmers markets and the additional cost would have to be passed onto the customers by putting prices up. 2. The Market Organisers could charge an entrance fee, but this would have the knock-on effect of reducing footfall and increasing the organisers public liability insurance costs to the organiser. Again, any increase in costs would have to be passed onto the stall holders. Additionally like a lot of other Beekeepers in the area I sell to people who turn up at my front door of my house asking to buy honey this	Door to door or doorstep selling is not covered by the CST regime. The CST regime will provide greater opportunity for markets in areas previously prohibited.

proposal would mean that because they are coming onto private land to buy my Honey I would have to register as a street trader. Which means incurring additional cost. If I decide not to register as a Street Trader, people will still turn up at my door asking to buy Honey and what can I do, turn them away and tell them I can't sell to them because of the rules set by Stockton Council? All the farmers markets attend insist that I have Public Liability Insurance and a 5 star food hygiene rating as part of their insurance, this proposal is just going to add an extra layer of unnecessary bureaucracy. We make very little profit as it is, and the additional cost would probably put me out of business. Farmers Markets on Private Land. People selling goods of their own production from their own front door.

Potential Street Traders - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Tell us why, and include any improvements or alternative suggestions	Officer Comments
Local honey producer, Eaglescliffe Stockton on Tees As a stallholder / street trader	NO - Basically the local council should help and promote local businesses and start ups not give them extra stealth tax to pay shocking I will look at starting my business over the border if this is brought in. Don't bring in this stealth tax!	Need further details on operation, email sent asking for contact number.
Micro business - bakery. Attend farmers markets, community events, fates etc. around Stockton, including Norton, Grange field, Billingham. As a stallholder / street trader; As a visitor to, or customer of street trading	NO - I don't agree as I feel it is just creating more red tape for a micro businesses such as mine. There are already so many hoops to jump through including food hygiene rating, PLI etc. and this is adding yet another thing and I really can't see any benefit for someone like myself who attends community events - it just seems like its to bring in money to the Council with the collection of fees. In addition, I believe it may put off organisers of community events from organising events with stalls - these people are often volunteers and again this is just something else to make putting on an event harder. Surely, we want to encourage these kinds of events that bring communities together and generate spending in the local area. The policy states - The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them - when requiring license applications is an unnecessary burden in itself. I think the Council needs to better explain the reasoning behind this proposal.	Non profit / charity trading is covered in detailed in the updated draft policy document. No contact details provided.
Barista Coffee trailer selling quality coffee from local roasters, hot and cold drinks and locally made produce/snacks. I am based on private land within my own farm, but I am looking for a pitch in the borough.	YES - By having all the information and access to it in one place, I hope it would make it easier to apply and keep everyone equal and the same standards.	Agree with proposal, CST will streamline the current application process as consent to trade on Council land will be including in one application.
Florist on private land	YES	
Coffee van selling gourmet coffee and cake/flapjacks/confectionary/snacks was hoping to take a round around the offices around the Council of Europe Blvd area. As a visitor to, or customer of street trading	YES - I think it makes sense to 'Police' what is being sold on the streets to prevent people being scammed and also to protect homeowners from nuisance. I also think it's important for existing businesses to not be crowded out. I think it sounds like a sensible and considered way forward.	

<p>I would like to look at trading location in Norton and Yam As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>YES - Anything which opens the Borough up to trade and give traders security of locations and access to events is welcome. Access to council events organisers, and preferential treatment given to traders already trading in Borough at events, if we are already contributing to the area economy, we should be given first refusal at events could there be a link to business start ups and grants.</p>	<p>Explore how existing street traders can link into events and be given more opportunity to get involved in events.</p>
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Interested Parties - Responses to Consultation

<p>Have you been involved in any street trading in the last 12 months</p>	<p>Tell us why, and include any improvements or alternative suggestions</p>	<p>Tell us more, and include any improvements alternative suggestions</p>	<p>Officers Comments</p>
<p>Small scale Beekeeper who sells honey locally</p>	<p>NO - It will stop any beekeeper selling products at any farmers markets.</p>	<p>Please exempt small scale beekeepers.</p>	
<p>Parish Councillor</p>	<p>NO - This proposal would cause additional expense, delay and administrative burden on small private enterprises and would be a deterrent to entrepreneurship.</p>		
<p>School Governor, School has fetes etc. which are attended by members of the public with no fee required.</p>	<p>NO - Additional bureaucracy for school staff. Parent.volunteers may not have DBS. The school has safeguards in place regarding parent helpers on the premises. Food e.g., cakes may be sold - is food hygiene certificate required?</p>	<p>The policy should give more specific and adapted regulations for voluntary organisations. School premises should be exempt.</p>	<p>Need further information on events. email sent for contact details 16/10/23.</p>
<p>I am writing as a member of Stockton Fairtrade Borough Partnership. We have stalls that sell Fairtrade goods on a non profit making basis.</p>	<p>NO - Our stalls have been or planned to be at events in Ropner, Preston and John Whitehead Park. Village greens, outside places of worship. It is not clear in the proposal if it would cover marquees erected on such land. Some of these places would not be legally able to charge admission (such as a village green), and some it would be physically impossible because of the number of different access points. Having an admission charge could put people off from looking round stalls, thus not being able to look at what is on offer. There would be a lot of additional bureaucracy for us as a small group. Fees to be fixed by the Council to cover its costs are yet to be fixed. They might be nil if the</p>	<p>It does not cover such as a Fairtrade stall, where any profit is donated to a relevant charity. "Fairtrade" changes lives by changing trade. We transfer wealth back to farmers and workers in developing countries who deserve a decent income and decent work.". The policy needs to exclude organisations like ourselves.</p>	<p>Held a hour meeting with respondent, addressing some of these points. Non profit / charity trading is covered in detailed in the updated draft policy document.</p>

	<p>proceeds are to be for organisations like ourselves, but they might not, and any assurances by the current administration of the council might be changed by any future administration. Giving organisations no right to appeal is heavy handed and extremely undemocratic. The proposal has blanket coverage, and the Council could fix its own criteria for giving or withholding consent.</p> <p>If anyone of us running a stall it would be an extra administrative burden and possible cost to have a DBS check, and a severe barrier to having anyone help at the stall, even if for a very short time. No DBS check would be required for a stall exactly the same that was indoors. The proposal asks that if there will be the provision of food in any form on a stall, applicants must also have a food safety certificate. But the only food being sold is pre-packaged and sealed, not opened by anyone on the stall, so this is yet another barrier to us being able to have a stall. Stockton is a Fairtrade Borough, and these proposals would severely curtail our ability to have a stall at many events.</p>		
<p>Registered charity operating with and on behalf of colleagues in the VCSE sector</p>	<p>? - Would it be possible to extend the consultation period please? Colleagues in the community have commented to me that the consultation period has been short</p>		<p>Hour meeting with respondent discussing concerns.</p>
<p>Cleveland Fire Service</p>	<p>YES - Under the Public Safety header it is stated that the Council would expect a minimum of 1.5m of unobstructed highway/walkway on at least one side of the proposed trading unit/location. Would this be referring to roadway or path as Cleveland Fire Brigade would require 3.1m to pass through?</p>		<p>1.5m is public accessibility not vehicle accessibility. Discuss with fire.</p>

Other - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Tell us why, and include any improvements or alternative suggestions	Do you have any suggestions of what should be included/excluded from the current conditions attached to street trading.	Officer Comments
<p>Small business selling from home address. As a visitor to, or customer of street trading</p>	<p>NO - The costs involved are more than I take in a year selling honey. I keep bees as an environmental positive. I sell honey which helps towards the costs. I have a site that us used by the national bee unit to monitor pest and disease. The cost of a license is more than the money I make selling honey. The money I raise I put back into the beekeeping. This proposal will make it impossible for me to keep bees.</p>	<p>Businesses with small turnover should be excluded.</p>	<p>The CST regime will not cover door to door or doorstep selling of honey. Email to respondent to advise 16/10/23.</p>
<p>Elected Member of Egglecliffe Parish Council, assisting with community events involving it & voluntary bodies. As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>NO - The effect of the proposals, including the bureaucracy & fees, is excessive & oppressive in the light of the perceived harms (which are not quantified) of not introducing these controls to the whole Borough. It is not stated why existing problems cannot be handled under other legislation. The Report to Licensing Committee says, Human Rights Implications Consideration must be given. The restrictions imposed on the owners & occupiers of off-highway open spaces are an interference with their property disproportionate to the needs of a democratic society. Administrative convenience for the Council (e.g., when circumstances require a change in areas controlled) or synergies with other Council policies are insufficient to restrict freedoms. I suggest that the Council revisit the proposals in the light of evidence whether they are necessary. There will be a heavy burden of bureaucracy on the voluntary & community sector organising fundraising events. There is no guarantee yet that application & consent fees will be affordable or nil. While the effects of the Act may be avoided by charging admission, this may discourage attendance. In some places (e.g., village greens) charging admission may be impracticable or not legally possible. It is not stated why a Basic Disclosure Certificate (DBS) would be required.</p>	<p>The following phrases need rewording: CST5 electronic communications apparatus kept in united for the purposes of that network CST16 The Consent Holder shall ensure that a competent person in units all generators The 1st bullet point of SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS should apply only when the 2nd bullet point applies. Under All Traders Supporting Documents a Basic Disclosure Certificate must be not more than 6 month old under Suitability of the Applicant dated within 12 months The certificate must meet the requirements of the application type at the time of submission is nowhere explained. The term assistants appears in several places. As it is in inverted commas I would expect a definition, but there is none.</p>	<p>Held a hour meeting with respondent, addressing some of these points.</p>

	<p>Street traders do not deal with under-18's or vulnerable adults to a greater or lesser extent than other traders, so this requirement would discriminate against street traders. Has the Council checked whether people can apply for a DBS check solely because they want to be a street trader?</p>		
<p>Resident</p>	<p>NO</p>		
<p>Part of a number of voluntary, non profit making, and charity sector who has or helps at stalls on land with public access free of charge. As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>NO - I am writing as a member of a number of organisations in the voluntary sector. Note that the whole of the consultation period is within the school holidays so many organisations have not had meetings to be able to discuss the impact of the proposals. As I understand it street affected include a road, footway, or other area to which the public have access without payment. This would mean such as parks, village greens, open spaces that are both publicly and privately owned, areas around churches, car parks, school playing fields places like Yarm High Street. Some of these would not be legally able to charge admission, and some it would be physically impossible because of the number of different access points. Having an admission charge could put people off from looking round stalls, thus having an impact on fund raising. There would be a lot of additional bureaucracy for small voluntary organisations that are needing to raise funds. Also, fees to be fixed by the Council to cover its costs are yet to be fixed. They might be nil if the proceeds are to be for charity or a non profit making organisation, but they might not, and any assurances by the current administration of the council might be changed by any future administration. Giving organisations no right to appeal is heavy handed and extremely undemocratic. The proposal has blanket coverage, and the Council could fix its own criteria for giving or withholding consent. There may well be different circumstances not covered by the legislation that would</p>	<p>There is no provision at all for the voluntary, community non profit making sector. This needs to be specifically excluded in the policy.</p>	

Page 40	need to be taken into account. If anyone running a stall, including anyone assisting in the stall will have to have a DBS check this is going to cause a huge problem for organisations where stalls and helpers do not need a valid DBS check.		
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	I note that the proposal has 2 different times for a DBS check to be valid, both 6 and 12 months. The proposal asks that if there will be the provision of food in any form on a stall, applicants must also have a food safety certificate. But there are times when the only food being sold is pre-packaged and not touched by anyone on the stall, so this is yet another burden on the voluntary sector.		
Town Council. As an organiser of street trading	NO - On behalf of the Town Council this was discussed at the Services & Engagement Committee meeting on 19th September 2023. Members object to this proposal due to the negative impact on the local voluntary sector, extra costs, and administration time on smaller not for profit organisations.		
Organiser of events in Ropner Park which include traders. As a visitor to, or customer of street trading	YES - Traders will then have to operate using the same guidelines.		
As a visitor to, or customer of street trading	YES - Traders will then have to operate using the same guidelines.		
Councillor	YES – hard copy of comments provided to Licensing		

SBC Consent Street Trading Policy 2023 – DRAFT v4 – Following Consultation

Introduction and Scope

Stockton-on-Tees Borough Council (the Council) recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the Borough, some of whom are unable to travel to centralised shopping centres. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully. The intention is to create a street trading environment which complements areas of trading, is sensitive to the needs of residents and nearby businesses, and which promotes consumer choice and community values, whilst ensuring the safety of the public and the prevention of nuisance.

Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4. This street trading policy is produced in accordance with the powers granted in Section 3 and Schedule 4 of the Act. [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)

Stockton-on-Tees Borough Council has designated the whole borough as a “Consent Street” area. The effect of this designation means if you want to sell goods on a street, you are classed as a street trader and, subject to legal and policy exemptions, and will need to have the appropriate consent.

Conditions can be attached to the consent as are considered ‘reasonably necessary’ and are detailed at Appendix 1. Trading without the required consent is a criminal offence.

This policy will guide the Council when it considers applications for street trading consents, and it will inform applicants of the criteria against which applications will be considered. This policy sets out the Councils framework and approach for the management of street trading in the borough which are:

- To ensure the suitability of applicants to hold a consent
- To ensure the suitability of the structures used for trading
- To control the number and location of street traders and complement existing street and premise-based trading

- To prevent obstruction of the highway by street trading activities
- To ensure that traders operate within the law, act fairly with the public and do not present a risk to public order
- To prevent public nuisance by taking measures to reduce the risk of nuisance from misbehaviour, noise, refuse, vermin, fumes, and smells
- To ensure that the process involves opportunities for consultation with relevant agencies
- To maintain the quality and add value to the townscape
- To encourage inward investment by introducing a stop one application process for businesses

Consultation

In determining this Policy, the Council has consulted with the following:

- Cleveland Police (statutory consultee) and Cleveland Fire Service
- SBC Highways, Transport and Design (statutory consultee)
- Members of the public (statutory consultee)
- Current Street Traders & Local Businesses
- Voluntary, Community and Social Enterprise (VCSE) Sector
- SBC Responsible Authorities inc. Trading Standards, Planning, Environmental Health
- SBC Regeneration and Inclusive Growth
- SBC Community Services, Environment and Culture
- SBC Adults and Health
- SBC Corporate Services
- Elected Members

Review of the Policy

This policy comes into effect on the **DATE** and supersedes any previous policies. The policy will be regularly evaluated and may be changed without full consultation to reflect:

- administrative changes
- legislative changes
- local considerations within the borough

This policy will be fully reviewed including a consultation process within twelve to eighteen months of adoption and then every three years.

Contacting the Licensing Team

If after reading this policy, you require further information please contact the Licensing Team.

Email: licensing@stockton.gov.uk Phone: 01642 524802 Web: www.stockton.gov.uk/licensing

Regulatory and Policy Framework

Street trading means selling, exposing, or offering for sale any article (including a living thing) in a street. This includes a wide range of retail activities e.g., food, beverages, arts and crafts, jewellery, household goods, clothing etc, it could also include the sale of vehicles from the roadside.

A street means any road, footway, beach, service area or other area to which the public have access to without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include open spaces, parks, car parks, trading estates, forecourts, business/retail parks and pedestrianised precincts.

Certain activities are exempted from street trading control by the legislation. These include:

- trading as a pedlar under a pedlar's certificate
- trading at an established market or fair the right to hold which having been obtained by a grant, enactment, or order
- trading as a news vendor
- trading at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop
- trading as a roundsman (i.e., delivering pre-ordered goods to customers)
- trading from a licensed highway area (pavement licence)
- trading under a street collection permit for charitable purposes

The Council recognise the valuable work the charity, community and voluntary sectors contribute to the borough, which includes trading as part of fundraising activities. Organisers of these events make no commercial gain from trading and all profits made are put back into the purpose of the registered charity / association. These activities are exempted from street trading control by this policy and include:

- Trading by a registered charity or recognised association or other non-profit making organisation
- Non-profit / fundraising trading taking place within a church or educational grounds e.g., church events, school festivals and PTA events

There are no prohibited streets within the Borough. The A19 and A66 are designated as major roads, roadside sales are controlled by section 23 of the Local Government (Miscellaneous

Provisions) Act 1982 and Section 147a of the Highways Act 1980 prohibits roadside sales where it is likely to cause a danger to road users.

The Licensing and Determination Process

Each application will be dealt with on its own merits, this policy gives prospective applicants an indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be granted.

Applications can only be made by persons over 17 years of age, who have the right to reside and work in the UK. Some of the information provided on the application form is published on a 'Public Register' which members of the public can view. Application forms can be found on the Council website.

Stockton-on-Tees Borough Council has different types of street trading consent:

Consent Type	Notes	Examples
Annual Fixed Site Consent	An individual trader at a fixed annual site	Food vans at fixed locations
Annual Roaming Consent	An individual trader with Borough wide consent when a schedule of stop/locations is included with the application. Stops are for no more than 20 minutes at a time, and no location is revisited within a 4 hour period	Roaming ice cream / food vans with short stops at multiple locations
Annual Mobile Multi Site Consent	An individual trader with site specific consent when a schedule of locations is included with the application. Stops are longer than 20 minutes at a time	Coffee / food vans with longer stops at multiple locations
Single Use Consent (fixed site only)	An individual trader at a fixed site for a period not exceeding 72 hours (or 3 consecutive days)	Commercial seasonal trader, annual consent not needed
Temporary Event Consent (fixed site only)	Multiple traders at a temporary fixed site location for a period not exceeding 72 hours (or 3 consecutive days). The number of traders covered is as follows: Category 1 – Up to 20 traders Category 2 – Between 21 and 49 traders Category 3 – Between 50 and 75 traders Category 4 – Between 76 and 99 traders Category 5 – over 100 traders	Commercial and for profit markets and events

Application Process

Each application form must be accompanied by the following supporting documentation:

All Traders Supporting Documents (except temporary event consent)

- Details of any assistants to be included on the consent
- A Basic Disclosure Certificate (DBS) for the applicant and any assistants to be included on the consent (not more than six months old)
- Three colour photographs of the unit / vehicle that will be used for the street trading activity (Front, Back and Side views)
- A passport sized photograph of the applicant and each assistant
- FSA Food Hygiene Rating Score for food traders
- Evidence that the applicant and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.

Fixed Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A site map clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of the proposed site
- Permission from the landowner (private land only)

Roaming Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A route of proposed stops/locations

Mobile Multi Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A complete list of proposed site locations
- A site map of each location, clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of each of the proposed sites
- Permission from the landowner (private land only)

Temporary Event Consent Additional Supporting Documents

- A complete list of traders attending the event following the standard format published on the council website

- A site map clearly identifying the proposed site position by marking the site boundary with a red line.
- A photograph of the proposed site
- Permission from the landowner (private land only)
- FSA Food Hygiene Rating Score for food traders

Sites can remain with the same person for several years on successful renewal. In the event of the Consent being revoked, surrendered or if it lapses without being renewed, the Council will accept new applications for the vacant site. This might be at any time of the year.

Fees

Fees will be made on application, renewal, transfer, variation or to issue a replacement consent. The Council can recover the full costs associated with the consent scheme and fees are reviewed annually and published on the Council website.

In arriving at fees, the Council may charge a lesser amount for temporary event consent applications to promote and support such activities. Fees are broken down into 2 elements, an application fee, and a consent fee.

The level of fees applicable to the street trading function takes into account the administrative costs associated with the consideration of application, the issue and administration of the consent, and the costs associated with compliance checks carried out by the licensing authority to ensure that traders operate in accordance with the conditions of their consent.

No application will be deemed valid until payment of the appropriate fee. Where trading ceases during the term of the consent refunds will not be issued for any outstanding period of less than three months. Where a temporary event consent has been granted, no refund will be issued should a trader not attend the event, or the event is cancelled.

Equality and Diversity

The Council is committed to promoting equal opportunities, valuing diversity, and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination. Policy guidance and application forms relating to consent street trading will be made available in

English which is the most common language of customers and stakeholders. On request the Council will signpost applicants to providers of guidance and information relating to translation services.

Consultation

Upon receiving a full application, all supporting documentation and the correct fee the Licensing Service will begin the consultation process with interested parties.

There are no statutory consultees on street trading applications however the police, highways authority, fire service and other responsible authorities will be consulted and a minimum of 14 day consultation period will be required. This consultation period may be extended if representations are received, or further information is required. Local Ward Councillors will also be notified of an application. Public notification will be achieved through the Council webpage.

Once the Council has accepted a valid application the applicant shall also put up a notice of the application at the proposed street trading location, advising the public how to comment on the application. (This requirement will not apply to roaming consents). Photographic evidence of the notice in place shall be submitted on request. The applicant shall remove the notice at the end of the consultation period. A draft copy of a notice is available on the website.

Applications for street trading consents are delegated to officers for determination in line with the Councils constitution. Officers will take all information into consideration including relevant representation made in writing to the Licensing Service.

A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. The objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. The applicant will be provided with a copy of any representation received including contact details, to promote mediation and the applicant will be given an opportunity to comment before a final decision is taken. Officers will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

Following the determination of an application, the Council will notify the applicant of the decision in writing. No street trading may take place until a consent has been issued. To trade without a consent is an offence.

If more than one application is received for any new or vacant site, applications will be considered in consultation with the Chair or Vice Chair of the Licensing Committee.

If the applicant has any relevant convictions, it is likely that the application will be considered in consultation with the Chair or Vice Chair of the Licensing Committee. All applications will be assessed against the Assessment Criteria.

Assessment Criteria

Each case will be dealt with on its own merits, failure to meet conditions which would be attached to a consent are grounds for refusal. In considering applications the following factors will also be considered:

- Suitability of the applicant
- Suitability of the location
- Appearance of the Unit or Vehicle
- Public Nuisance
- Public Safety
- Environmental Credentials

Suitability of the Applicant

All applicants and assistants (excluding temporary event consents) are required to submit a Basic Disclosure Certificate dated within six months at application and renewal of a consent. The purpose of considering an applicant's previous convictions is to enable the Council to assess whether:-

- an applicant for the grant or renewal of a street trading consent is a suitable person to hold, or to continue to hold, a street trading consent;
- a person who wishes to be registered as an assistant to a street trading consent holder, or to continue to be registered as an assistant to a street trading consent holder, is a suitable person to be registered as an assistant to a street trading consent holder

Each case will be decided on its own merits and follow policy guidance and in making its decision the Council will consider the following:-

- whether the conviction is relevant;
- the seriousness of the offence;
- the length of time since the offence occurred;
- whether there is a pattern of offending behaviour;
- whether that person's circumstances have changed since the offence occurred;

- the circumstances surrounding the offence and the explanation offered by that person;

Applicants and assistants should refer to Appendix 3 for details of the general approach that will be taken to certain categories of offences.

Suitability of Locations and Needs of the Area

Consent will not be given in any location which infringes parking or traffic requirements, causes obstruction of the highway, or presents a danger to other road users or pedestrians. Any street trading which negatively impacts public access by walking, cycling or public transport will generally be refused.

The Council would expect a minimum of (1.5m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location without causing undue interference or inconvenience to persons using the street. Any proposal to use additional signage such as an A-board will need to be included with the application, as the location and size will need to be considered as part of the determination process.

The retail offer of each individual unit will be considered, the goods should complement and not conflict with the goods sold by other established business and traders within the location. The Council does however recognise that the surrounding retail offer is subject to change. The application shall clearly indicate the locations of other existing businesses and traders, trading in similar commodities in an 800m radius to those proposed location and deliver notices to similar traders and premises identified giving details of the application.

The applicant must also deliver notices to the nearest six premises (being residential, commercial, or otherwise) to the proposed site giving details of the application. Evidence of notices delivered to traders and premises should be produced on request. A draft notice can be found on the council website.

Where any proposed trading is within 50 metres of a school perimeter, the Council will seek the views of the school.

Appearance of the Unit or Vehicle

Full details of the unit or vehicle which the applicant intends to use must be supplied to the Council at the time of making the application, including 3 colour photographs. Arrangements maybe made for the Unit or Vehicle to be inspected by a duly authorised officer prior to the application being considered.

Trading units should not significantly detract from the visual appearance of a particular location and may even enhance the setting and be constructed in a suitable scale, style and using appropriate materials. The unit should also be designed to be accessible for all customers and advertising material must be limited e.g., the name of the unit, the type of product sold, and a simple price list suitably designed and printed.

The Council will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established traders in the location.

Public Nuisance

The street trading activity must not cause nuisance to the public, or properties in the location, from obstruction, misbehaviour, noise, refuse, vermin, fumes, and smells etc. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be made to the character of the neighbourhood.

Applicants will need to demonstrate steps to be taken to reduce litter and waste in locations, throughout the day and at close of business.

Public Safety

The street trading activity must not present a substantial 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.

Overcrowding of the site/area includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Applicants will need to demonstrate steps to be taken to reduce the risk to public order in respect of applicants wishing to trade at later hours should be included in an application. This should include management of potential flash points and dispersal of customers.

Environmental Credentials

Steps taken to promote environmental sustainability should be included in an application. The application shall outline the impact of the proposed operation on the local environment, including power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers. Noise and pollution levels caused by generator will also be a consideration as will the anticipated impact on wildlife or the public enjoyment of a particular setting (e.g. Lighting and noise may impact on wildlife and disturb the tranquillity of some green spaces).

The Council will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether to approve applications.

Renewals

Renewal forms and fees are available on the Council website. Consents are issued for a set date or dates or for a period of up to one year. Consent holders should reapply for a consent if they wish to continue to trade at least one month before the expiry of their current Consent. As a matter of convenience, the Council will send renewal reminders to Consent holders via electronic contact details given at the time of application.

However, the Council is clear that it remains the consent holder's responsibility to ensure that their consent is renewed in time. If, without reasonable excuse, a renewal application is not made before the expiry of the current consent it will expire and the site will become available, and a new application must be submitted in accordance with the new application procedure.

At renewal, the Council may consult further to determine if the street trading is a cause for concern or has been the subject of complaints. Where a renewal application has been made and if:

- there have been no significant complaints, compliance, or enforcement issues;
- all fees have been paid on time; and
- there has been no significant change to the retail environment in the location of trading the consent will normally be renewed.

If the applicant has without reasonable excuse failed to use the consent to a reasonable extent a renewal application could be refused.

Transfers

The sub-letting of a consent to another party is not permitted. Consents can be transferred from one holder to another, if the holder of the consent is the only change being made. Forms and fees are available on the Council website.

Variations

A request to vary the location of the consent will be treated as a new application for the new location. Holders of a consent may apply to vary it, for example by requesting a change of trading hours or goods. Forms and fees are available on the Council website.

Decision to Refuse or Revoke a Consent

The power to grant a street trading consent is discretionary; and the Council may refuse to grant a street trading consent if they deem it appropriate to do so. Such decisions will be made in accordance with the Council's scheme of delegation.

If an application is refused the applicant will be informed of the reason for the refusal within 21 days of the decision being made.

Failure to comply with the conditions of the consent may result in the revocation or refusal to renew, a consent. In certain circumstances, formal action such as prosecution may be the most appropriate course of action. If a consent is revoked the holder will be informed of the reason for the revocation within 21 days of the decision being made.

Appeals

There is no statutory right of appeal in respect of refusal or revocation of street trading consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

If more than one application is received for any new or vacant site, or a high number of objections against an application are received, these applications will be considered in consultation with the Chair or Vice Chair of the General Licensing Committee. All applications will be assessed against the assessment criteria and to ensure the process is open, fair and transparent, if an application is refused full and clear written reasons will be given.

Applicants also have recourse to the Council's complaints procedure if the applicant considers that a Council service has not been properly delivered.

Compliance and Enforcement

The Council has a responsibility to regulate street trading in the borough and is therefore committed to enforcing the provisions contained within the relevant legislation and this policy and to work in partnership with all enforcement agencies. Where street trading activities are conducted without appropriate consents the Council will look to gather evidence and take appropriate enforcement decisions in accordance with the Councils adopted enforcement policy.

Obtaining a consent does not confer the holder immunity regarding other legislation that may apply, e.g., Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning Controls, and consent holders should ensure all such permissions are in place.

In undertaking compliance and enforcement action the Council may call for assistance from Cleveland Police and will make use of CCTV recordings as evidence.

Conditions Attached to Street Trading Consents

Consents will carry standard conditions in all cases in addition the Council can impose additional conditions including operating hours and goods offered, where it is deemed appropriate and will be relevant to the category of consent issued and the nature of the local environment.

Failure on the part of the consent holder (or any other person employed to assist in trading) to comply with any of the conditions imposed may lead to the revocation of the consent or to the Council refusing to renew the consent.

APPENDIX 1

STANDARD CONDITIONS (TO BE USED ON ALL CONSENTS ISSUED)

The Site

CSTS1	The Site cannot be used for any purpose other than the operation of the Unit as described and agreed within the consent and plan attached to the consent.
CSTS2	Only Trading in accordance with the times and days stated on consent is permitted.
CSTS3	Facilities for the collection of all waste, refuse or litter arising due to the activity must be provided. The refuse storage must be of a substantial construction, suitable covered containers. All must be removed from the site at the end of each day of trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
CSTS4	Clear routes of access to the site will be maintained, taking into account the needs of disabled people and the recommended 1.5m minimum footway widths and distances required for access by mobility impaired and visually impaired people. Trading cannot operate in such a way as to cause danger or annoyance to persons using the street.
CSTS5	Activities will not: <ul style="list-style-type: none"> a. prevents traffic, other than vehicular traffic, from— <ul style="list-style-type: none"> i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway), ii. passing along the relevant highway, or iii. having normal access to premises adjoining the relevant highway b. prevents any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order, c. prevents statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or d. prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
CSTS6	Statutory and Emergency services will be permitted 24hr emergency access – without notice. The Council may temporarily revoke the consent where an alternative use for the highway is required for example emergency highway maintenance, emergency scaffold access or use of the highway during events that are supported by the local authority. The local authority will not be liable for any loss of earnings arising from the suspension of the consent.

The Unit

CSTU1	The dimensions and appearance of the Unit shall at all times follow the details described and agreed within the consent and plan attached to the consent.
CSTU2	At all times while trading the consent issued by the Council must be displayed in a conspicuous position on the Unit. For temporary event consents the consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last units.
CSTU3	The Unit shall be clean and tidy and securely erected. The Unit is of such material and design, and so constructed and maintained that it is not liable to cause injury to any person present on the site or otherwise.
CSTU4	Liquefied petroleum gas is not used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
CSTU5	The use and storage of liquefied petroleum gas complies with any relevant codes of practice.
CSTU6	Goods will not be inflammable, corrosive or otherwise dangerous nature.
CSTU7	No mobile generators are used without the express permission of the Council. Where permission is granted, generators shall be so positioned that they do not present a danger to the public, do not present a fire or similar hazard to the unit, goods displayed thereon, or adjoining premises and do not cause any contamination, noise, or fume nuisance.
CSTU8	Documentation must be provided to show that the generators have been maintained in accordance with the manufacturer’s instructions.
CSTU9	No combustible materials are to be stored in the vicinity of a generator and suitable first aid, firefighting appliance(s) must be immediately available.
CSTU10	All equipment is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
CSTU11	All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
CSTU12	All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported. All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them must be fitted with rubber cable protecting mats/covers, have demarcation or warning signage to make them easily visible to the public and not pose a tripping hazard.

CSTU13	Authorised vehicles must be roadworthy and valid Road Tax, MOT and vehicle insurance which includes cover for the purpose of street trading.
CSTU14	No unit or vehicle shall remain situated in the location for longer than one hour after the authorised trading time(s).
CSTU15	The holder of the consent shall take adequate precautions to prevent the risk of fire at the stall / vehicle / unit. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
CSTU16	The holder of the consent shall ensure that where the stall / vehicle / unit has a 240 volt electrical system that an up to date annual electrical safety certificate is in force.
CSTU17	The holder of the consent shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
CSTU18	The holder of the consent shall ensure that a first aid kit is maintained on the stall / vehicle / unit and made available to any customers injured by the activities of the business operation.

The Consent Holder

CSTH1	Public Liability insurance cover for the unit and site shall be maintained and shall indemnify the local authority against all claims in respect of injury, damage or loss arising out of the granting of permission, (e.g., damage to the highway or highway furniture) to a minimum value of £5,000,000 unless such claims arise out of the local authorities' own negligence. Insurance applies to individual applicants and event organisers.
CSTH2	The consent holder must adequately manage the street trading activity so as not to cause a statutory or public nuisance e.g., from noise, fumes, and odour to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site.
CSTH3	The consent holder must pay the Council the cost of carrying out any works, including cleansing of the highway or making good any damage, that is required due to the consent holders use of the Unit and Site. The permanent surface reinstatement shall be carried out to the satisfaction of the local authority.
CSTH4	The consent holder will observe all statutory and other provisions and regulations for the time being in force which relate to the consent holders use of the site.
CSTH5	The consent holder will be required to take responsibility for and supervise their licensed areas and so far, as is reasonable to ensure that patrons or customers of the site conduct themselves in an orderly manner.

CSTH6	Where authorised by a consent issued under the Licensing Act 2003, alcohol must only be served in polycarbonate or plastic containers.
CSTH7	The consent holder will inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of named assistants) or the sale or transfer of the business to another party.
CSTH8	The consent holder shall notify the Council in writing within 72 hours if they or an assistant is under investigation for or convicted of any offences, including formal cautions and fixed penalty notices.
CSTH9	The Council may at any time vary the conditions of a street trading consent or revoke / suspend this consent in the event of: <ul style="list-style-type: none"> • The breach by the consent holder or named assistants of any of the conditions attached to the consent; • Work being carried out in, under or over the highway on which the Unit is located; • Change in Council Policy which necessitates termination of this consent; • Circumstances outside the Councils control which necessitate termination of this consent.
CSTH10	No furniture or equipment other than as permitted by the consent can be used. If furniture or equipment have been approved, they remain in a clean and tidy condition and not obstruct the entrance or exit from any premises.
CSTH11	No consent holder shall trade at the authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
CSTH12	The consent holder is encouraged to use sustainable packaging and adopt an environmentally friendly approach throughout the operation of the business to minimise the impact on the environment

ADDITIONAL CONDITIONS FOR ROAMING CONSENT TRADERS

CSTR1	Any proposed trading within 50 metres of a school perimeter, is not permitted without prior agreement. The Council will seek the views of the schools in these cases.
CSTR2	Trading is limited in any one location for 20 minutes at any one time and the trader shall not return to that particular location within 4 hours of leaving it.
CSTR3	The consent holder shall comply with all traffic regulations, rules, orders, and directions which apply to the public highways on which the holder trades.

	<p>The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.</p> <p>www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes</p>
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EXAMPLE ADDITIONAL CONDITIONS (THIS LIST IS NOT EXHAUSTIVE)

	<p>The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords, and crossbows.</p>
	<p>The Consent holder must not sell a knife to anyone under 18.</p>
	<p>The trader shall not exhibit on the site any advertising signs, stands, posters or such except as may be approved by the Council.</p>
	<p>No animal shall be present on any unit or vehicle save assistance dogs in accordance with the Equality Act 2010.</p>
	<p>The trader is not permitted to hold any auction or like sale.</p>
	<p>There shall be no discharge of wastewater or other liquid waste onto the Consent site or surrounding areas.</p>
	<p>No form of amplified music shall be permitted.</p>

APPENDIX 2

CONVICTIONS POLICY – SPECIFIC OFFENCES

The following details the Council's general approach when dealing with to certain categories of offences for street trading purposes.

Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and assistant to be honest and trustworthy.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from a custodial sentence

Similarly, a person wishing to be registered as an assistant to a street trading consent holder is unlikely be to be registered where registration is sought within 3 to 5 years from the date of conviction or the date of release from a custodial sentence.

Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commission of an offence involves loss of life, an applicant or assistant of a street trading consent will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a street trading consent or to be maned as an assistant will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant or named assistant is a suitable person to hold a street trading consent.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

Sexual and Indecency Offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent.

Where an applicant has a conviction for a sexual offence, they will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

After a period of 5 years from conviction or the date of release from a custodial sentence consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a

period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant or assistant of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicant for a street trading consent or to be named as an assistant would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

Other Convictions

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 - The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. An applicant will normally be refused a licence if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

APPENDIX 3**GLOSSARY**

The Act	Schedule 4: Local Government (Miscellaneous Provisions) Act 1982
The Council	Stockton-on-Tees Borough Council
Applicant	The individual who has submitted an application for a Street Trading Consent.
Consent Holder	An individual who holds a street trading consent and responsible for meeting the conditions attached to a consent.
Assistant	An individual named on the consent as assisting the consent holder in trading and meeting the conditions attached to the consent.
A Street	Local Government (Miscellaneous Provisions) Act 1982 Paragraph .1(1), Schedule 3 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
A Street Trading Consent	Permission given by the Council to trade subject to conditions and payment of a fee.
Site	Area identified in the Consent.
Unit	Unit described in the Consent.
A Roundsman	An individual who visits a "round" of customers and delivers the pre-orders of those customers, i.e., a milkman. Trading from an ice-cream van or mobile food van is not classed as a roundsman.
A Pedlar	A Pedlar must hold a valid Pedlar's Certificate issued by a Chief Constable of Police. Keep moving, stopping only to service customers at their request. Move from place to place, and not circulate within the same area. Carry all goods for sale and not set up a "stall".
News Vendor	The only articles sold or exposed or offered for sale are newspapers or periodicals; and they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:- exceed 1m in length or width or 2m in height; occupy a ground area exceeding 0.25 sq./m; stand on the carriageway of a street.
Mobile Trader	A Mobile Trader is one that visits more than one location within the Borough and: Continually moves from location to location.

	<p>Does not wait in one location for more than 20 minutes.</p> <p>Moves at least 50 metres from the last trading location.</p> <p>Does not return to the same trading location within 4 hours.</p>
Licensing Officer	<p>An Authorised Officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (the legislation regulating Street Trading).</p>

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Appendix 3

Friday 27/10/23 12:22

Hi Leanne

I think the exception for non profit charities and community groups is very welcomed. On the basis they are exempt this also takes away the issue with volunteers helping needing the DBS checks. It would be good in the policy to list CIC alongside charities as this is a recognised way of being a not for profit.

With this policy change and a change to our market ownership essentially to formalise as a community group we could continue Norton Green Market without incurring the charges.

Thanks so much for taking on board the VCSE sector and I welcome the policy changes and hope cabinet agree.

Thanks

Helen

Friday 27/10/23 15:30

Leanne

Thank you v. much for this & for taking on board our concerns about the voluntary sector. Your amendments seem to cover my concerns about church grounds, PTA fairs in school grounds etc. I'm consulting my fellow Members & Clerk of my par. council about the effect of our annual village fair on Egglecliffe Village Green.

John

From: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>

Sent: Friday, October 27, 2023 10:43 AM

To: Licensing Admin (ES) <Licensing@stockton.gov.uk>

Subject: SBC Consent Street Trading Policy Review

Hello,

Thank you for responding to the recent consultation on Consent Street Trading, and for providing your contact details, to receive updates on the progress of the policy. Responses to the consultation have been considered and changes made to the draft policy, the most significant changes are around:

Pg3. Activities are exempted from street trading control by this policy and include:

- **Trading by a registered charity or recognised association or other non-profit making organisation**
- **Non-profit / fundraising trading taking place within a church or educational grounds e.g., church fates, school festivals and PTA events**

Pg 8 and Pg 19 DBS requirements and a convictions policy to explain the reasoning around DBS check

Fees are still to be determined, the draft policy is going before the general licensing committee in November, Cabinet in December and Council in January.

The statutory consultation has closed, but I would welcome any additional comments on the updated draft document, including any comments if you did not agree with the proposal, but the changes to policy now mean your concerns have been addressed and if you now support the proposal

I would be grateful for any comments by 3 November 2023

Regards

Leanne Maloney-Kelly