

Agenda



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Date: 24 January 2025

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A MEETING OF THE

General Licensing Committee

WILL BE HELD ON THURSDAY 6 FEBRUARY 2025 AT 6.00 PM

MEETING ROOM 1, ABBEY HOUSE, ABBEY CLOSE, ABINGDON, OX14 3JE

You can watch this meeting on the council's [YouTube channel](#)

Members of the Committee:

Jo Robb (Chair)

Pieter-Paul Barker

Peter Dragonetti

Mike Giles

Ali Gordon-Creed

Kellie Hinton

Sam James-Lawrie

Katharine Keats-Rohan

Axel Macdonald

Zia Mohammed

Leigh Rawlins

Anne-Marie Simpson

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Nick Bennett,
Head of Legal and Democratic

1 Chair's announcements

To receive any announcements from the chair and general housekeeping matters.

2 Apologies for absence

To record apologies for absence.

3 Minutes (Pages 3 - 6)

To adopt and sign as a correct record the General Licensing Committee minutes of the meeting held on 18 December 2024.

4 Declarations of interest

To receive any declarations of disclosable pecuniary interests and any conflicts of interest in respect of items on the agenda for this meeting.

5 Urgent business

To receive any announcements from the chair and general housekeeping matters.

6 Public participation

To receive any questions or statements from members of the public that have registered to speak.

7 Review of the Street Trading Policy (Pages 7 - 76)

To consider the report of the Head of Communities in respect of the revised street trading policy and to consider adoption of the new policy.



Minutes

of a meeting of the

General Licensing Committee

held on Wednesday, 18 December 2024 at 6.00 pm in Meeting Room 1, Abbey House, Abbey Close, Abingdon, OX14 3JE

Open to the public, including the press

Present in the meeting room:

Councillors: Peter Dragonetti, Katharine Keats-Rohan and Anne-Marie Simpson
Officers: Simon Hill (Team Leader, Environmental Protection), Luci Ashbourne (Democratic Services Officer)

Remote attendance:

Councillors: Sam James-Lawrie
Officers: Bertram Smith (Broadcasting Officer), Darren Detheridge (Environment Protection Officer), Scott Williams (Environmental Services Manager), Carmen Cubillas Martinez (Environmental Protection Officer)

16 Election of Chair

In the absence of the chair and vice chair of the General Licensing Committee the democratic services officer called for nominations for a chair for the meeting.

A motion, moved and seconded, to elect Councillor Peter Dragonetti as the chair for the meeting was carried on being put to the vote.

RESOLVED: That Cllr Peter Dragonetti be Chair of the meeting.

17 Chair's announcements

The chair welcomed everyone to the meeting, outlined the procedure to be followed and advised on emergency evacuation arrangements.

18 Apologies for absence

Apologies for absence were received from Councillors Mike Giles, Ali Gordon-Creed, Kellie Hinton and Jo Robb

19 Minutes

RESOLVED: to approve the minutes of the meeting held on 30 September 2024 as a correct record and agree that the Chair sign them as such.

20 Declarations of interest

There were no declarations of interest.

21 Urgent business

There was no urgent business.

22 Public participation

There were no registered speakers.

23 Update to the Joint Contaminated Land Strategy

Scott Williams, the Environmental Services Manager presented the report. The Council has a legal duty to publish a contaminated land strategy. The primary purpose of the report was to seek approval for the adoption of the updated strategy and to propose that future minor changes, such as legislative updates, be managed through an Individual Cabinet Member Decision (ICMD).

The officer outlined that The Council had a legal duty to periodically review this strategy to ensure it remained current. Since its original publication in 2002, there had been significant changes in legislation and statutory guidance. The report aimed to present an updated version of the contaminated land strategy, now simplified to align with current legislative requirements.

The updated strategy ensured compliance with statutory guidance and reflected the Council's current approach to addressing contaminated land primarily through the planning regime. Land contamination was a material planning consideration and had to be considered when determining planning applications. Planning decisions needed to ensure that a site was suitable for its proposed use, taking into account ground conditions and any risks from land contamination. After remediation, as a minimum, land should not be capable of being classified as contaminated under Part 2A of the Environmental Protection Act 1990, which provided a means of identifying and remediating land posing significant risks to health or the environment when no alternative solutions existed.

The production of the Council's updated contaminated land strategy had been completed and was being presented to the Licensing Committee for approval. The Environmental Services Manager was joined by officers from the Environmental

Protection team, who were happy to answer any questions the committee had about the newly proposed strategy.

Members enquired as to why it has taken until now for the strategy to be updated. Council officers noted that with the updated guidance, it was the appropriate time to proceed with the necessary updates. Members thank the officers for their time and expertise on completing the work.

RESOLVED: That the Committee:

(a) Adopt the updated Joint Contaminated Land Strategy Policy 2024

(b) Agreed that any future minor changes (such as legislation updates) to the Strategy are dealt with under an Individual Cabinet Member Decision (ICMD)

24 Revocation of the Wallingford Air Quality Management Area (AQMA)

Scott Williams, the Environmental Services Manager presented the report. The primary purpose of the report was to inform the committee of the requirement to formally revoke the Wallingford AQMA, in line with the council's Joint Air Quality Action Plan (AQAP) adopted on 8 February 2024.

The Council has a legal duty to assess and manage air quality in the district, declaring Air Quality Management Areas (AQMAs) when national objectives are not being met and revoking them when compliance is achieved. This report seeks formal approval to revoke the Wallingford Air Quality Management Area, which has met national air quality objectives since 2017. The Council is obligated to revoke AQMAs, and by approving this revocation, it will comply with DEFRA's guidance, reflecting the sustained improvements achieved in Wallingford.

Members enquired about the main reasons for the recent improvements in air quality. Officers explained that the increased use of electric cars and cleaner vehicles, particularly the reduction in diesel vehicles, played a significant role. Additionally, changes in work patterns since COVID-19, such as more people working from home, have also contributed to the improvement.

Members raised concerns about other types of pollutants that are not currently measured, emphasising that this means they cannot become complacent about air quality. Officers acknowledged this point and noted that while particulate matter is not measured directly, air quality monitoring would continue in Wallingford to ensure compliance with the air quality objective.

The members thanked the officers, highlighting that this is a positive development. They expressed satisfaction with the continued monitoring efforts and noted that the other two areas are also showing improvement. If this trend continues, these areas will be in line for revocation as well.

RESOLVED: That the Committee formally revoke the Wallingford Air Quality Management Area.

The meeting closed at 6.13 pm

General Licensing Committee



Report of Head of Communities

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To: General Licensing Committee

DATE: 6 February 2025

Review of Joint Street Trading Policy

Recommendation

- (a) The Committee considers the results of the consultation at Appendix C, and
- (b) subject to any further amendments approves the revised street trading policy at Appendix D

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	Yes	Yes	No
Signing off officer	James Ticehurst	Sarah Commins	Heather Saunders	Lorne Grove

Purpose of Report

1. To provide the General Licensing Committee with an opportunity to review the results of the consultation in respect of the revised street trading policy and to consider adoption of the new policy.

Strategic Objectives

2. The relevant strategic objectives are ‘Openness and accountability’ and ‘Improved Economic and Community Wellbeing’. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The council's current street trading policy came into effect in October 2014. Since that date, the only changes made are to update reference to changes to the Head of Service and office address, minor typographical corrections, and updates to other legislation referred to within the document.
4. The council currently has 28 issued street trading consents. Of these, 16 consents cover multiple sites, eight cover a fixed single site, and four are mobile traders (e.g. ice cream vans).

Consultation

5. At the General Licensing Committee meeting on 30 September 2024, the committee approved a consultation exercise to seek the views of the trade and relevant stakeholders on a revised policy which can be found at **Appendix A**. The changes that had been made to the previous policy are summarised in a document which can be found at **Appendix B**.
6. The consultation ran for six weeks from 15 October to 26 November. It was a public consultation and was also sent to:
 - all existing traders and trade representatives including the British Amusement & Catering Trades Association
 - relevant council teams such as Environmental Health, Planning, Economic Development and Community Safety
 - External agencies such as OCC Highways, Fire and Rescue and Thames Valley Police
 - all those registered on the council's corporate consultation database (including residents, businesses and organisations)
 - ward councillors and town and parish councils.
7. The report on the result of the consultation can be found at **Appendix C**. A total of 49 responses were received, with the majority (88%) received from individuals/members of the public, whilst 2% were received from a street trader/business. The remaining 10% were made up of other respondents including district, county or town/parish councils, councillors or officers, as detailed on page 23 of the consultation report.
8. The consultation highlighted that there is overall agreement for the proposed changes. The **Key findings** section of the consultation report details the specific breakdown of these against each group of changes. The report also provides officer responses to any comments made by respondents.
9. The changes made to the proposed new policy at **Appendix D** as a result of feedback from the consultation are as follows:

Delegation of functions

5.4 b) amended to include public health in the list of reasons why the conditions of a consent may be amended.

Special temporary events

8.4 amended to state that traders should retain a summary of the type of items being offered for sale and details of the trader's liability insurance and food business registration information (where applicable).

Application process and criteria

11.2 added to clarify the requirements and procedure for public notices which closely reflect those for new premises licences under the Licensing Act 2003.

11.3 e) wording added to explain that this requirement is with a view to the promotion of public health.

11.3 j) wording added to advise traders to consider reusable containers/cups and recycling of customer waste wherever possible.

Implementation

10. The new policy will be published on the council's website and will take effect from 1 April 2025. This is to allow time to amend forms and produce guidance for applicants and consent holders. The conditions on individual consents will not change until the consent is next issued following 1 April 2025.

11. We will write to existing consent holders to inform them of any new requirements as a result of the adoption of this policy to give them sufficient time to make any required changes. We will work with any traders whose consents are due imminently to allow them to transition to the new conditions as appropriate.

Financial Implications

12. There are no anticipated financial implications arising from the adoption of the proposed policy. The council has a set fee for street trading consents which seeks to recover the costs of processing an application. No comments were received in response to the consultation that indicated the proposed policy would have a detrimental impact on traders.

Legal Implications

13. The council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, ("The Act") for the whole of its area. The council has previously resolved to designate all streets in the council area as 'Consent Streets' The powers set out in Paragraph 7 of Schedule 4 of the Act provides for the council to have a broad discretion as to whether to grant a consent and if so on what terms.

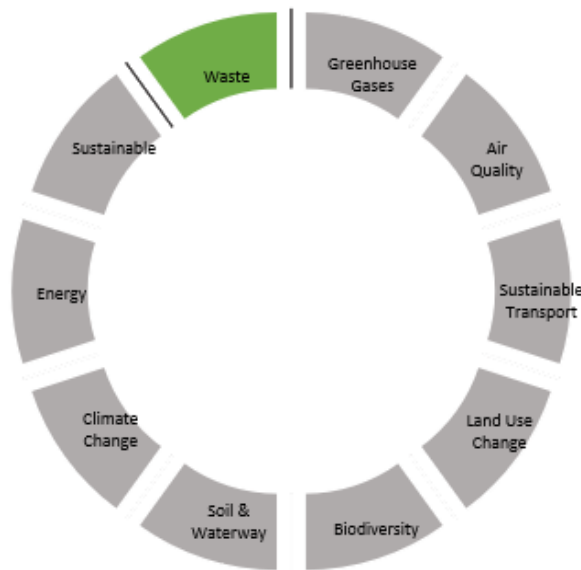
14. The draft policy has been written to reflect current legislative requirements. Schedule 4 of the Act sets out the powers available to the council including the designation of streets as prohibited, consent, or licence, exemptions, setting of fees, applying conditions and offences and all consents have to be made and determined in accordance with the council's street trading policy. The council should have an up-to-date policy that informs the decision making process and gives clarity to applicants, consultees, and decisionmakers.

15. While there is no statutory requirement to consult upon and or adopt a street trading policy it is considered best practice to adopt such a policy and where the council consults on such matters it must do so properly in accordance with the principles in the case of R v London Borough of Brent ex parte Gunning [1985] LGR 168. The principles are a) consultation must be carried out when proposals are in a formative stage, b) sufficient information is provided for intelligent consideration, c) adequate time must be given for a response and d) the product of the consultation must be conscientiously taken into account in making the decision.

Climate and ecological impact implications

16. When granting street trading consents, we will take into account measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers’ rubbish and recycling is dealt with.

17. Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.



KEY	
	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	No net change/not applicable
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

Equalities implications

18. An Equality Impact Assessment has been completed and there are no implications identified.

Risks

19. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

Other Implications

20. None

Conclusion

21. The committee is recommended to consider the results of the consultation at Appendix C, and subject to any further amendments approves the revised street trading policy at Appendix D.

Background Papers

- Appendix A – Consultation version of policy
- Appendix B – Summary of changes made to previous policy
- Appendix C – Report on results of consultation
- Appendix D – Proposed new Joint Street Trading Policy



Joint Street Trading Policy

This policy was adopted by the Vale of White Horse District Council at the meeting of General Licensing Committee on **** and South Oxfordshire District Council at the meeting of General Licensing Committee on **** and comes into force on **** and will be reviewed five years from that date unless previously amended.

Version control		
Version	Date	Revisions
v1	TBC	Policy came into force

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Glossary

Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • at an established market or fair • as a news vendor • at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) • under a street collection permit for charitable purposes
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Consent street	A street in which street trading is prohibited without the consent of the council
Councils	South Oxfordshire District Council and Vale of White Horse District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • carry all goods for sale and not use a trolley or stall • hold a valid pedlar's certificate, issued by a Chief Constable of Police
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does not return to that location within four hours • does not wait in one location for more than 20 minutes • does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.
Single-use plastic	<p>This includes single-use plastic plates, cutlery, expanded and extruded polystyrene food and drink containers.</p> <p>Supply of the following single-use plastic items is banned:</p> <ul style="list-style-type: none"> • polystyrene food and drink containers • drinks stirrers • cutlery <p>Supply of the following single-use plastic items have restrictions:</p> <ul style="list-style-type: none"> • plates, bowls and trays (a plate filled at the trading van would be acceptable) – NB this does not include polystyrene which is banned, as above

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	<ul style="list-style-type: none">• straws (must be kept where customers cannot see them or help themselves to them, only give straws to customers that request them and not offer them to customers either verbally or in writing) <p>More information can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions</p>
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

1 Purpose of the policy

- 1.1 This policy sets out the framework for the management of street trading in the area of South Oxfordshire District Council and Vale of White Horse District Council.
- 1.2 The powers to control street trading within the councils' areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the councils. Under Schedule 4 of the Act the councils can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 1.3 The councils recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.
- 1.4 The councils are 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 guidance and advice to enable them to operate safely and successfully.
- 1.5 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity.
- 1.6 This document sets out the criteria the councils will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.
- 1.7 The policy supports both of the councils' commitment to work in partnership with other agencies and avoiding duplication with other statutory controls.

2 Consultation

- 2.1 In determining this policy, the councils have consulted the following:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current street traders
 - Local business organisations
 - Residents
- 2.2 In addition the following teams within the councils have been consulted:
 - Planning
 - Environmental health
 - Economic development
 - Parks and leisure
 - Car parks

3 Duration of policy

- 3.1 We aim to review this policy every five years. When required, periodic reviews and updates may be undertaken.

4 Legislation and current provision

4.1 The Act sets out a number of definitions and provisions:

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable purposes.

4.2 Schedule 4 defines a street as 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.

4.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

4.4 All streets within the councils’ areas are designated as consent streets.

4.5 Prohibited streets are streets where no street trading may take place.

4.6 There are no prohibited streets within the councils’ areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.

4.7 A licence street is a street that requires a formal licence before any form of street trading can take place.

4.8 There are no licence streets within the councils’ areas.

4.9 Street traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.

4.10 All applications for street trading consents must include written permission from the land owner for the business to operate from that location.

- 4.11 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.

5 Delegation of functions

- 5.1 The councils aim to provide a clear, consistent licensing service for applicants and consent holders.
- 5.2 The General Licensing Committee of the relevant council:
- reviews and adopts the street trading policy
 - determines applications for and reviews consents
- 5.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities.
- 5.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982
 - b) vary the conditions attached to an existing street trading consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
 - c) refuse any application for a consent that:
 - (i) in the opinion of the Head of Communities does not comply with the council's policy or consent conditions,
 - (ii) has been subject to objections from Thames Valley Police, Oxfordshire Fire and Rescue Service or Oxfordshire County Council highways on the grounds of public or highway safety.
 - d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaint about the trader or the trader has breached the conditions of his/her street trading consent.
 - e) refer any applications for street trading consents to the street trading panel when valid objections have been received or complaints are substantiated.
 - f) revoke a consent if a site is no longer viable or the consent holder is no longer able to comply with conditions.

6 Markets

- 6.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

7 Community and charity events

- 7.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the requirement to obtain a street trading consent for that location, subject to the following restrictions:

- traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- traders must be invited to trade at the event by the organisers
- hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003.

8 Special temporary events

- 8.1 For special temporary events, such as a Christmas fayre, the councils may issue special temporary event consents at a reduced fee. It is not expected that such events would last longer than 72 hours, or occur more frequently than once in any four week period.
- 8.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 8.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 8.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.
- 8.5 Special temporary events consents do not provide exclusive control over trading in the designated area.

9 Multiple site traders

- 9.1 Street trading on private land such as pub and social club car parks, and village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 9.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add to or change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 9.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 9.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 9.5 Each trader must pay a consent fee before the consent is issued.

10 Mobile street trading

- 10.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.

10.2 Mobile traders must:

- move from location to location
- move at least 50 metres from the last trading location and not return to that location within four hours
- not wait in one location for more than 20 minutes
- not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)

10.3 Due to the nature of their trade over a wide geographical area and their limited impact upon a single location, mobile street traders will generally not be subject to the consultation process.

11 Application process and criteria

11.1 All new street trading consent applications will be subject to a 28 day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 10.3. The consultation will seek the views of local residents and businesses that may be directly affected and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Planning and Environmental Health. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

11.2 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a yellow A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition.

j) Environmental sustainability

Measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers' rubbish is dealt with. Traders should also be aware of the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. See the glossary under 'single-use plastic' for more information. Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.

Contents of a Street Trading Consent Application

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

- a) completed application form downloaded from the relevant council website
- b) consultation fee (non-refundable)
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK
- e) written consent of the landowner (unless the site is public highway)

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- f) written confirmation of the existence of, or no requirement for planning permission
 - g) a copy of a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map shall be to a scale of 1:2500 and clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
 - h) current photographs of the vehicle/stall showing external condition and signage
 - i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
 - j) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - k) food hygiene certificates (for food businesses only)
 - l) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.
- 11.4 The consultation period will start when sufficient documents from the above list are provided in order for the consultees to consider the proposal. As a minimum, it is expected that items (a) to (h) will be provided, but further guidance can be sought from officers if the applicant has any difficulty in providing any of the items listed.
- 11.5 In addition to the application requirements above, the street trading consent fee will be required prior to a consent being issued.

Contents of a Mobile Street Trading Consent Application

- 11.6 All applications for the grant of a new mobile street trading consent shall include:
- a) a completed application form downloaded from the relevant council website
 - b) street trading consent fee
 - c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar months old)
 - d) proof of right to work in the UK
 - e) a copy of a map showing the proposed area of trading
 - f) current photographs of the vehicle/stall showing external condition and signage
 - g) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
 - h) a valid insurance certificate for £5,000,000 public liability cover
 - i) food hygiene certificates (for food businesses only)
 - j) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Duration of Street Trading Consents

- 11.7 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

Renewals - Street Trading Consents/Mobile Street Trading Consents

- 11.8 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued, any street trading beyond the expiry date is an offence and may lead to refusal of further applications.
- 11.9 All applications for the renewal of a street trading consent shall include:
- a) a completed application form downloaded from the relevant council website
 - b) street trading consent fee
 - c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
 - d) proof of right to work in the UK (unless provided previously)
 - e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - f) current photographs of the vehicle/stall showing external condition and signage
 - g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
 - h) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Transfers

- 11.10 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process detailed in this policy.
- 11.11 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ other person(s) to assist in operating the stall/vehicle.

Determination of Applications

- 11.12 Each application will be determined on its own merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.
- 11.13 Following the determination of an application, the Head of Communities will notify the applicant of the decision in writing within ten working days of the decision.
- 11.14 A street trading consent will be automatically granted if the application meets the criteria and there are no valid objections.
- 11.15 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 11.16 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.

- 11.17 Where the council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the council may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

12 Fees

- 12.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team.
- 12.2 Refunds will not be given where a consent is surrendered during the term.

13 Conditions

- 13.1 The councils will generally apply standard conditions to all street trading consents.
- 13.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Annex 1. The standard conditions applied to mobile street trading consents are attached to this policy as Annex 2. These lists are not exhaustive and other conditions may be added to individual consents as required.
- 13.3 Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The council must approve any changes to or replacement of the stall or vehicle.

14 Enforcement

- 14.1 The councils are committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 14.2 The licensing team aims to work closely with other enforcement authorities when dealing with issues related to street trading.
- 14.3 Where licensable activities are conducted without the benefit of a street trading consent or where conditions are breached, the council will gather evidence and take enforcement action as required in accordance with the relevant enforcement policy.

Annex 1 Standard Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays

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are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.

13. The consent holder's vehicle or stall shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
14. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
16. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
17. A street trading consent cannot be transferred or sold to another person.
18. The sub-letting of a street trading consent location is prohibited.
19. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
20. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
21. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
22. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
23. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
24. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
25. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the

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consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.

15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 3 Guidelines on the suitability of applicants

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.

Street Trading Policy Review – Summary of Proposed Changes

Section	Policy Change	Notes
Glossary	Activities not requiring consent	Additional reference to the Highways Act 1980 added for clarity
Glossary	Single-use plastic	Provide definition and brief explanation in connection with new legislation prohibiting and restricting supply of single-use plastic along with link to guidance.
Glossary	Street	Additional reference to privately owned land as per relevant case law
3.1	Amended review period	There is no statutory review period for this type of policy
4.12	Removed grandfather rights section	Not relevant to this policy as relates to a transitional arrangement in 2014
5.4 (e) and (f)	Delegation of functions	Clarify that any applications can be referred to the panel in case of objections or substantiated complaints, not just new applications and not just public objections. Also add the ability for the Head of Service to revoke consents if the site is no longer viable or the consent holder is no longer able to comply with conditions
6.1	Markets	Wording change to provide clarity on the exemption in the legislation
7.1	Community and charity events	Added in a requirement for such events to be notified to the council and clarified that a temporary event notice need only be submitted if required under the Licensing Act 2003
8	Special temporary events	New section - to provide more flexibility for applicants who wish to provide street trading only for a short period of time
9	Multiple site traders	New section - to provide more flexibility to traders who trade at a number of different locations throughout the district
10	Mobile street trading	Clarified that mobile street traders will not generally be subject to the consultation process

Street Trading Policy Review – Summary of Proposed Changes

11.1	Consultees	Added in examples of the bodies consulted, which may vary depending on the location and type of trader.
11.2 (b)	Crime and disorder and safeguarding	New section to replace previous section on public order with wider range to ensure protection of the public
11.2 (e)	Written objections or support from local residents or their representatives	Require applicant to display the notice and provide evidence to the Licensing Authority, for greater consistency with other legislation
11.2 (j) 11.3 (l) 11.6 (j) 11.9 (h)	Environmental sustainability	New section given the increasing importance of ensuring minimal impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, sustainable sourcing of food and drink and confirming the single-use plastic ban/restrictions.
11.3(b)	Consultation fee	Change wording from application fee to consultation fee – to clarify the work this fee covers [consent fee which is payable by all applicants is detailed in 11.5]
11.3 (c) 11.6 (c) 11.9 (c)	Requirement to provide a basic DBS certificate	Added to ensure applicants are safe and suitable to be as they could come into contact with lone children and vulnerable adults
11.3 (d) 11.6 (d) 11.9 (d)	Requirement to provide proof of right to work	Added to ensure applicants are permitted to work in the UK before a consent is issued.
11.3 (e) 11.6 (f)	Landowner permission	Amended to confirm that applications for pitches on highway and mobile street trading consents do not require landowner permission.
11.3 (i) 11.6 (h) 11.9 (g)	Electrical/gas safety certificates	No valid reason to insist certificates should be no older than 28 days as long as within the recommendation from the professional body/competent person.
11.8	Renewal applications	To ensure we have sufficient time to process the application before the consent expires

Street Trading Policy Review – Summary of Proposed Changes

11.10	Transfer	Removed information on the transfer of consents as there is no legal provision to do this (mention in Fees section also removed, and conditions in Annexes 1 and 2).
11.11	Sub-letting of trading vehicle/pitch	Added clarification which refers to the condition of the consent that would be breached by sub-letting.
11.12	Determination of applications	Confirm that all decisions are made on the merits of the individual case having regard to the application, relevant policy and guidance, and any objections or concerns received. Some duplication also removed from this section in general.
11.16	Mediation	Clarify that if changes to the application and or/conditions can be agreed with all parties which address any concerns, then a consent may be issued with those amendments.
12.1 and 12.2	Fees	Clarification in respect of what fees cover and that refunds are not payable where consents are surrendered (latter also amended in conditions in Annexes 1 and 2).
13.2	Conditions	Confirm that Annex 1 conditions would apply to multiple site traders and special temporary consents
Annex 1 (6) and Annex 2 (10)	Added single use plastic ban/restriction legislation and updated food hygiene regulations	Added the law and a link to the guidance – also detailed in glossary under single use plastic and 11.2 (j)
Annex 3	Guidelines on the suitability of applicants	New section – To provide clarity on whether an applicant is suitable to hold a consent which may be informed by the contents of their DBS disclosure or comments received from other sources.

NB Where sections have simply moved or there have been minor changes to wording for clarity, this is not included in the above table as a change. References to the Head of Service have been updated also.



Review of Joint Street Trading Policy

SUMMARY REPORT

A review of the feedback received to the review of Joint Street Trading Policy survey.

DECEMBER 2024

If you require this report in an alternative format (for example large print, Braille, audio, Easy Read and alternative languages) please email jointheconversation@southandvale.gov.uk or call 01235 422425.

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The appendices are available to view in a separate document on our [consultation portal](#):

APPENDIX A – SURVEY BACKGROUND TO THE ENGAGEMENT

APPENDIX B – ENGAGEMENT COMMUNICATION

APPENDIX C - MINOR AMENDMENTS/ADDITIONS TO THE STREET TRADING POLICY

APPENDIX D – EQUALITIES DATA

Note: When stating percentages in the analysis, we are referring to the percentage of respondents that answered the specific question, rather than the total number of responses to the overall survey. Response percentages may not add up to 100% due to rounding up over .5 and rounding down under .5. Words that appear in italics are quotes taken from comments received

EXECUTIVE SUMMARY

This report has been produced by council officers to analyse the comments received to the Review of the Joint Street Trading Policy survey 2024.

Background

The Joint Street Trading Policy was last reviewed in 2011, since then street trading in the districts has become more popular which in turn has identified gaps within the policy. The councils have reviewed the policy and proposed amendments to help resolve the issues and provide more clarity on street trading in the area.

Council officers put together a survey aimed at street traders/businesses, district, county and/or town/parish councils, councillors and officers, and individuals/members of the public to collect views on the proposed amends over a 6-week period running from Tuesday 15 October until 11.59pm on Tuesday 26 November 2024.

The amendments included updates to community and charity events, markets, single-use plastic, supporting document requirements, and lots more. We also proposed to include advice we currently give to applicants who wish to trade from multiple sites.

Once the survey closed, we reviewed the comments received and have provided the key findings from the survey below. An officer response next to the comments received can also be found in this report. The results within this report will be presented to the councils' General Licensing Committees who will consider these when they make the final decision on the policy.

A total of 49 responses were received to the survey, with the majority (88%) received from individuals/members of the public, whilst 2% were received from a street trader/business.

Key findings:

Decision Making

71% of respondents expressed agreement with the proposed changes to the decision-making section of the policy.

Special Temporary Events

A new section related to special temporary events was proposed, with overall agreement to the inclusion of policies 8.1 – 8.5.

82% agree with policy 8.1 in relation to the councils granting special temporary events (e.g. Christmas fayres) reduced fees.

69% agree with policy 8.2 in relation to applications for special temporary events needing to be submitted at least 28 days in advance to allow for processing, following the standard application process. 14% disagree with this proposal.

75% agree with policy 8.3 in relation to the duration given to special temporary events.

79% agree with policy 8.4 in relation to the consent holders keeping records of all traders that operate under their consent.

75% agree with policy 8.5 in relation to special temporary events not providing exclusive control over trading in the designated area.

Multiple Site Traders

The councils proposed a new section to be added to the policy in relation to multiple site traders. Overall agreement was expressed towards the inclusion of policies 9.1 – 9.5.

63% agree with policy 9.1 in relation to the definition of street trading, whilst 6% disagree.

69% agree with policy 9.2 in relation to consultation fees for multiple site traders and 6% disagree.

73% agree with policy 9.3 in relation to a named contact or agent for the application process.

71% agree with policy 9.4 in relation to applicants needing to follow the remainder of the application process as set out in this policy.

61% agree with policy 9.5 in relation traders needing to pay a consent fee before the consent is issued, whilst 10% disagree.

Public Notices for Applications

63% of respondents expressed agreement with putting the onus on applicants to display the notices and provide evidence of this to the councils. 14% disagreed with this proposal.

Environmental Sustainability

The councils proposed a new section to be added to the policy in relation to environmental sustainability (for example single use plastic) which resulted in 69% agreeing to the proposed changes, and 14% disagreeing.

Other key findings – minor amendments/additions to the Street Trading Policy

The changes made to the proposed new policy as a result of feedback from the consultation are as follows (section references are for the final version of the policy to be considered by the Committees:

Delegation of functions

Section 5.4 b) has been amended to include public health in the list of reasons why the conditions of a consent may be amended.

Special temporary events

Section 8.4 has been amended to state that traders should retain a summary of the type of items being offered for sale and details of the trader's liability insurance and food business registration information (where applicable).

Application process and criteria

A new section 11.2 has been added to clarify the requirements and procedure for public notices, which closely reflect those for new premises licences under the Licensing Act 2003.

Wording has been added to section 11.3 e) to explain that this requirement is with a view to the promotion of public health.

Wording has been added to section 11.3 j) to advise traders to consider recycling of customer waste wherever possible.

ENGAGEMENT METHODOLOGY

The Joint Street Trading Policy survey was shared with **2,299** residents and stakeholders which included 281 street traders/businesses, town and parish councils and district councillors across the districts, as well as 1,739 consultees registered on the council's general consultation database, and 279 consultees that wish to receive information via post.

A reminder email was sent to street traders only on 12 November as we identified a low response rate from this group, and this resulted in 65% opening the email and 19% clicking through to the survey.

An article was sent to the Economic Development team who shared the engagement with local businesses via their newsletter.

A press release and social media messages were shared via the councils' social media accounts (e.g. Facebook, X (Twitter), Instagram) and Nextdoor application.

Reporting methodology

The following postcode 'HP20' was excluded from the postcode map as it is outside of South Oxfordshire and Vale of White Horse. The total number of postcodes plotted are 47 out of 48.

A summary of the comments to the consultation is included in this report. Any personal information supplied to us within the comments that could identify anyone has been redacted and will not be shared or published in the report. Further information on data protection is available in our general consultation's privacy statement on our [South](#) or [Vale](#) website.

Some spelling, grammatical and punctuation errors in the original comments raised were corrected in the main body of this report.

SUMMARY RESULTS – PROPOSED AMENDS/ADDITIONS

The Street Trading Policy survey gave respondents the opportunity to comment on the **key proposed amendments and additions** to the policy, which are listed below:

- Decision Making
- Special Temporary Events
- Multiple Site Traders
- Public Notices for Applications
- Environmental Sustainability (single-use plastic)

Minor amendments and additions were also proposed to add clarity and update legislation where required.

DECISION MAKING

In the review of the Joint Street Trading Policy, we proposed to amend the policy to clarify that **any** applications can be referred to the Licensing Panel if there are any objections or substantiated complaints, not just new applications and public objections. We also proposed to give the relevant Head of Service at the councils the ability to revoke consents if the site is no longer viable or the consent holder is no longer able to comply with conditions.

The amendments to the policy are to address the current issue that renewal or variation applications with objections do not have a clear route of determination, and also to give council officers the ability to react quickly in cases where there are serious issues with an existing trader.

Respondents were asked to show their level of agreement with the proposed changes. 98% of respondents answered this question, with 71% agreeing with the proposed amends, whilst 10% expressed disagreement.

How far do you agree or disagree with this proposed change to the decision making section of the policy?	Total	Percent
Agree	35	71%
Neither agree nor disagree	8	16%
Disagree	5	10%

If the respondents had qualitative comments, a free text box was provided. 7 comments were received and are provided below alongside an officer response. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UX9-H	<i>Is section c (1) going to be open to challenge? The word 'Opinion' suggests that it is that individuals opinion rather than a better defined circumstance.</i>	Any such decision will be made on the basis of a report with comments from the applicant and with referral to Legal and/or other officers or agencies as appropriate. There is also a legal right of appeal against refusal to grant a consent.
ANON-QCN4-5UXJ-2	<i>Not sure that one month (or less) DBS checks is realistic. Surely within the last 12 months should be sufficient</i>	A DBS dated within the last month is suggested as appropriate to ensure it is as up to date as possible.
ANON-QCN4-5UXK-3	<i>Abraham Lincoln is quoted as writing a letter basically apologising that he does not have time to write a short letter. I find all this detail open to lawyers to make money, finding ways around evading the detail. This is exactly like how our tax laws have been beaten. Surely the time and money you are wasting putting this all together, can actually achieve this? A person should have access to no more than one side of A4 that lays out all the guidance that is needed to know if they meet the criteria to Trade. If someone approaches the Council querying what is presented, will probably have difficulty finding someone in the Council able to give a definitive answer to any question put against this document. Trying to make the information easier to understand and control in this way, just makes it more difficult. An honest person wanting to Trade in this way will know if they are eligible or not. The Council are basically trying to stop Criminals from taking advantage of whatever they can. So there is no need to have all these words, define a spade as a spade and clear this all up.</i>	Officers would suggest it is not possible to put all the required information for every potential type of street trading on one side of A4. If an applicant has any questions, they are able to seek site or trader-specific advice from us using the contact information on the front cover of the policy.
ANON-QCN4-5U41-5	<i>Either you trust the Licensing Panel and have robust decision making process in place or you don't. The Head of Service overrule makes no sense and adds additional layer, if it requires sign off do it prior to one</i>	It is not intended that the Head of Service would overrule a Licensing Panel so it is not an additional level - the decision maker would either be the Head of Service or the Panel. The ability for the Head of Service to make a decision on an application would be in the main used where there are

	<i>body making decision rather than after ad your wording suggests</i>	significant objections from a number of parties which would indicate the site is wholly unsuitable.
ANON-QCN4-5U4A-N	<i>The complaint part is an issue. It is obvious that some residents would not want this and could complain constantly. I agree with reviews after breaching conditions and the ability to act quickly.</i>	The policy is clear that a complaint would have to be substantiated (e.g. proven or witnessed by officers) in order to take this route.
ANON-QCN4-5U1H-S	<i>I am simply concerned with access to school children of fast food outlets near schools and think that public health should be included in point b above if possible.</i>	5.4(b) amended to include public health, and 11.3 (e) also amended to clarify this is with a view to promotion of public health
ANON-QCN4-5U1W-8	<i>These are important and appropriate safeguards.</i>	This comment is noted

SPECIAL TEMPORARY EVENTS

We proposed to include a **new section** to the Street Trading Policy in relation to special temporary events such as a Christmas fayre, with the aim to provide more flexibility for applicants who wish to provide street trading only for a short period of time.

Respondents were asked to indicate their level of agreement with sections 8.1 to 8.5 of the special temporary events policy. If the respondents had additional comments to make in relation to this proposal, a free text box was provided.

How far do you agree or disagree with this proposed section:

Section 8.1: *For special temporary events, such as a Christmas fayre, the councils may issue special temporary event consents at a reduced fee. It is not expected that such events would last longer than 72 hours, or occur more frequently than once in any four week period.*

98% of respondents answered this question, with 82% agreeing with the proposed new section: 8.1, whilst 8% expressed disagreement.

	Total	Percent
Agree	40	82%
Neither agree nor disagree	4	8%
Disagree	4	8%

How far do you agree or disagree with this proposed section:

Section 8.2: *All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.*

98% of respondents answered this question, with 69% agreeing with the proposed new section: 8.2, whilst 14% expressed disagreement.

	Total	Percent
Agree	34	69%
Neither agree nor disagree	7	14%
Disagree	7	14%

How far do you agree or disagree with this proposed section:

Section 8.3: *The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.*

96% of respondents answered this question, with 75% agreeing with the proposed new section: 8.3, whilst 8% expressed disagreement.

	Total	Percent
Agree	37	75%
Neither agree nor disagree	6	12%
Disagree	4	8%

How far do you agree or disagree with this proposed section:

Section 8.4: *The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.*

98% of respondents answered this question, with 79% agreeing with the proposed new section: 8.4, whilst 10% expressed disagreement.

	Total	Percent
Agree	39	79%
Neither agree nor disagree	4	8%
Disagree	5	10%

How far do you agree or disagree with this proposed section:

Section 8.5: *Special temporary events consents do not provide exclusive control over trading in the designated area.*

98% of respondents answered this question, with 75% agreeing with the proposed new section: 8.5, whilst 8% expressed disagreement.

	Total	Percent
Agree	37	75%
Neither agree nor disagree	7	14%
Disagree	4	8%

If the respondents had qualitative comments, a free text box was provided. 9 comments were received and are provided below alongside an officer response. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UXC-U	<p><i>"8.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale."</i></p> <p><i>I do not agree with "Items being offered for sale" in its current form as this has the scope for being taken too far. For example:</i></p> <p><i>Trader's items for sale: Cakes & Biscuits (OK)</i> <i>Trader's items for sale: require the trader to provide an inventory or stock list (NOT OK)</i></p> <p><i>Also why are we collecting data such as vehicle registration? GDPR clearly states that information gathering is to be used only when necessary but this seems like information gathering for information gathering's sake, a sad path most "authorities" such as councils have embarked on just because it gives them power and creates jobs for yet more busybody middle-management.</i></p>	<p>Officers would agree that type of goods sold would be sufficient and will clarify this in the proposed policy.</p> <p>The requirement to collect registration numbers is with a view to identification of a trader in case of complaint if the trading name is not taken.</p>
ANON-QCN4-5UX9-H	<p><i>8.2 would be better served if the notice period was at least one calendar month before the event.</i></p>	<p>28 days is suggested as consistent with other legislation consultation periods.</p>
ANON-QCN4-5UXK-3	<p><i>This covers all sections.</i></p> <p><i>Temporary means by the time it has finished it will be too late for the Council to take action. Especially if it is an event like Didcot Street Fair.</i></p> <p><i>There are probably people, stalls and vehicles operating under the guise of charity at events like this.</i></p> <p><i>Criminals do not operate within the Law, they will not read any information that spells out the facts. The only way to possibly control it is to have Police visit every spot to test whether they are honest or not.</i></p> <p><i>Other than that, you will be putting far too much onus on the organisers to actually police the event in a much more detailed way, this will probably not actually want to proceed. Much like how the council</i></p>	<p>Officers do work outside of office hours to inspect street traders and will be happy to advise organisers as required. Event organisers do maintain a responsibility for ensuring the safety of persons attending their event.</p>

	<i>in all its guises, across the board, pass the problem on to others.</i>	
ANON-QCN4-5U7R-9	<i>Can provisional permission be given a bit quicker than 28 days??</i>	Officers would suggest that events are not normally arranged in under 28 days, but there is always scope to depart from the policy in exceptional circumstances.
ANON-QCN4-5U41-5	<i>Please use less ambiguous, nuanced wording be clear. Think of who will apply always</i>	This comment has been noted but as it is not specific, we are unable to provide any further officer response.
ANON-QCN4-5U4Z-E	<i>8.4 some record of insurance cover and/or legally compliance should be kept by the consent holder</i>	Officers agree this information should be held by the event organiser and will add this to the proposed policy.
ANON-QCN4-5U4A-N	<i>Section 8.2 You need to clarify 28 days. Is this working days or actual days. 7/14 actual days should be long enough, as that is what is required for a temporary event notice in licensed premises</i>	28 days is 28 calendar days, rather than 28 working days. Officers would suggest that events are not normally arranged in under 28 days, but there is always scope to depart from the policy in exceptional circumstances.
ANON-QCN4-5UYW-G	<i>8.2 it would be good to have the option to apply nearer the time, with the understanding that it might not be agreed, or for an additional small fee.</i>	Officers would suggest that events are not normally arranged in under 28 days, but there is always scope to depart from the policy in exceptional circumstances.
ANON-QCN4-5U1H-S	<i>Wasnt sure of the meaning of point 5</i>	8.5 means that any consent issued for a special temporary event will not preclude any existing consent holder with permission from trading in that area from trading at the same time.

MULTIPLE SITE TRADERS

We proposed to include a **new section** to the Street Trading Policy in relation to multiple site traders. This section aimed to provide clarity for traders who provide a service at several locations throughout the district.

The survey asked respondents to indicate their level of agreement with sections 9.1 to 9.5 of the policy. If the respondents had qualitative comments, a free text box was provided. 10 comments were received overall and are provided below.

How far do you agree or disagree with this proposed section:

Section 9.1: *Street trading on private land such as pub and social club car parks, and village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.*

98% of respondents answered this question, with 63% agreeing with the proposed new section of the policy, whilst 6% expressed disagreement.

	Total	Percent
Agree	31	63%
Neither agree nor disagree	14	28%
Disagree	3	6%

How far do you agree or disagree with this proposed section:

Section 9.2: *Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add to or change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.*

98% of respondents answered this question, with 69% agreeing with the proposed new section of the policy, whilst 6% expressed disagreement.

	Total	Percent
Agree	34	69%
Neither agree nor disagree	11	22%
Disagree	3	6%

How far do you agree or disagree with this proposed section:

Section 9.3: *An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.*

98% of respondents answered this question, with 73% agreeing with the proposed new section of the policy, whilst 4% expressed disagreement.

	Total	Percent
Agree	36	73%
Neither agree nor disagree	10	20%
Disagree	2	4%

How far do you agree or disagree with this proposed section:

Section 9.4: *Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.*

98% of respondents answered this question, with 71% agreeing with the proposed new section of the policy, whilst 4% expressed disagreement.

	Total	Percent
Agree	35	71%
Neither agree nor disagree	11	22%
Disagree	2	4%

How far do you agree or disagree with this proposed section:

Section 9.5: *Each trader must pay a consent fee before the consent is issued.*

96% of respondents answered this question, with 61% agreeing with the proposed new section of the policy, whilst 10% expressed disagreement.

	Total	Percent
Agree	30	61%
Neither agree nor disagree	12	24%
Disagree	5	10%

If the respondents had qualitative comments, a free text box was provided. 10 comments were received and are provided below alongside an officer response. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UXN-6	<i>Need to stop traders using private land and blocking public footpaths</i>	Street trading on private land falls within the scope of this policy, and any potential issues of footpath obstruction would be considered as part of the consultation on the suitability of the site. Any complaints received about issues relating to individual traders will be investigated by the licensing team.
ANON-QCN4-5UX9-H	<i>9.2 I believe that each site should pay a fee. This would ensure that less honest traders could slip the net.</i>	The traders pay a fee for their consent and/or consultation as required. The site has no specific responsibility although we would suggest they check the trader on their land has the relevant consent.
ANON-QCN4-5UXJ-2	<i>Why not just request one fee from the main applicant and let them then collect whatever is due from the individual traders. Much less paperwork!!</i>	The applicant is the trader. If an agent wishes to act for the applicant or a number of applicants, that is acceptable. This is covered in 9.3
ANON-QCN4-5UXK-3	<i>I think my previous comments probably gives you an idea to what my reply would be.</i>	This comment has been noted but as it is not specific, we are unable to provide any further officer response.
ANON-QCN4-5U7M-4	<i>It shouldn't matter on private land</i>	The law is clear that street trading where a consent is required includes private land that is accessible to the public without payment
ANON-QCN4-5U41-5	<i>Your wording is open to nuance and misinterpretation, be clear.</i>	This comment has been noted but as it is not specific, we are unable to provide any further officer response.
ANON-QCN4-5UY1-A	<i>9.2 - how will traders be aware of any pre-existing applications and how will they be informed of this?</i> <i>9.5 - Does a trader pay one single consent fee to cover and operate from different sites? Or does a trader pay a consent fee for each site that they want to operate from?</i>	A list of traders is available on request, and we would hope to be able to have an online register in due course. One consent can cover multiple sites.
ANON-QCN4-5U4A-N	<i>Section 9.1 - Makes no sense if mobile traders are not impacting on publicly owned land or customers are standing on publicly owned land when ordering food</i> <i>Section 9.5 - The fees must be combined for a minimum of the Vale of White Horse and SODC. It should be one fee to cover national trading. As I understand</i>	The law is clear that street trading where a consent is required includes private land that is accessible to the public without payment. South Oxfordshire and Vale of White Horse are two different legal entities so fees cannot be combined, nor can a joint consent be issued.

	<i>this is not trying to raise money just cover costs from a council point of view.</i>	
ANON-QCN4-5U1H-S	<i>I am not sure whether we will have the chance to comment on proximity to schools in this survey. Perhaps this is one for planning but I would really like to see restriction of new outlets to within 200m of schools and not to open between 8 and 5 rather than 4.</i>	The Committee can amend the policy further to include this proposal, but if they choose not to do so at this stage, officers will note it for consideration for a future consultation/review.
ANON-QCN4-5U1W-8	<i>The problem with Section 9 is that it suggests the intent is to make it easy for several different business to collaborate on licensing applications where they all intend to be based on a single site, eg a car park. Fair enough, but the Summary of Proposed Changes describes the street traders in Section 9 quite differently, thus: 'New section - to provide more flexibility to traders who trade at a number of different locations throughout the district' There are two different things here, the second of which is not reflected in the main policy document. A rationalisation policy for them would be sensible, provided that multiple licenses are sought in different villages or small towns throughout the District, and not in more than one site in one or few villages/small towns. Overall, the changes are fine in their own terms. I am not in favour of the proliferation of street food traders, since much of it, eg kebabs, is far from the goal of 'healthy food'.</i>	The proposal is not just to make it easier for multiple businesses applying at the same time, although that would be part of the benefit. Using an example, Bob's Burgers may wish to trade from the Red Horse pub in one village on one night, and the Blue Lion pub in another village on another night. This proposal would mean just one application with one consultation rather than two. And should Bob's Burgers wish to trade from a site where there are already existing traders with consents to cover the same days and times, no consultation would be required at all; they would simply have to coordinate with that other trader to avoid clashes. The suggestion of a rationalisation policy is not clear as we have to treat each application on its own merits, all this seeks to do is reduce the burden wherever possible, whilst recognising the rights of local persons to comment on applications affecting their area.

PUBLIC NOTICES FOR APPLICATIONS

Historically, the councils are responsible for displaying street trading notices for new sites in consent locations across the districts. We proposed to ask applicants to display the notice and provide evidence of this to us, for greater consistency with other legislation. The proposed wording is as follows:

Residents will be alerted to street trading applications via a yellow A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

Respondents were asked how far they agreed or disagreed with this proposal. 98% of respondents answered this question, with 63% agreeing with the proposed new section of the policy, whilst 14% expressed disagreement.

	Total	Percent
Agree	31	63%
Neither agree nor disagree	10	20%
Disagree	7	14%

If the respondents had qualitative comments, a free text box was provided. 7 comments were received and are provided below alongside an officer response. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UXN-6	<i>Traders aren't going to do this or will put signs in places that block views from people crossing roads as is often the case now</i>	Applicants will be required to provide photographic evidence of the notice being placed by the end of the following working day from the date of application. Failure to do so will render the process invalid and place the application on hold. Officers will also aim to check the notice at least once during the consultation period.
ANON-QCN4-5UXB-T	<i>Suggest the A4 notice is laminated to protect it from the elements.</i>	Officers would agree and will add this to the proposed policy.
ANON-QCN4-5UXK-3	<i>I cannot believe that the new annex was not covered originally. Surely this is enough proof that the whole thing needs to be short and concise. It does reflect how inadequate, how poorly things have been worded in the past, why do not the councils fine themselves for not getting the correct wording in the first place? How much money has been wasted getting to this point, why have the councils not admitted and apologised to Council Tax Payers for this poor behaviour.</i>	This comment has been noted but as it is not specific, we are unable to provide any further officer response.

ANON-QCN4-5U7R-9	<i>If they are any properties within, say 100 feet, of the proposed site of the trader would it be possible to post a copy of the notice to them???</i>	Officers would have concerns about this process as it could be seen as encouraging objections and officers have to take a neutral role. Officers will look at where the notice is placed to ensure it is visible to those passing.
ANON-QCN4-5U7J-1	<i>It is doubtful that you may save council time and effort by leaving it to the applicant to display the notice. For example, planning applicants may say that they have displayed a notice but local residents may say that they have never seen one. Do you have a means of adjudicating whether or not an applicant has adequately displayed a notice?</i>	Applicants will be required to provide photographic evidence of the notice being placed by the end of the following working day from the date of application. Officers will look at where the notice is placed to ensure it is visible to those passing.
ANON-QCN4-5U41-5	<i>re you the governing body, how will you ensure they are in place. If left to our council it will go up maybe during or after event. Need to understand how you will monitor.</i>	Applicants will be required to provide photographic evidence of the notice being placed by the end of the following working day from the date of application. Officers will look at where the notice is placed to ensure it is visible to those passing and will also aim to check the notice at least once during the application period.
ANON-QCN4-5U1W-8	<i>People notoriously fail to take in such notices as they go about their daily life. Since any street trading is likely to impact residents, notification should be much more pro-active. Both Council and applicant should display a notice. The applicant should also be required to leaflet each door in the consultation area. The recent fiasco in Wallingford highlights the inadequacies of the current system for addressing resident inertia.</i>	I would suggest this approach would be challenging as there is no clear definition of a consultation area. This could also lead to significant additional cost for an applicant. The existing provision is for the public notice and the local ward councillors and parish/town council to be notified, so officers could work with those elected members to see if they have channels to publicise the information if they can foresee potential concerns in an area, without it appearing as if we are seeking to encourage objections. I am also unclear of the benefit of two notices at the same site.

ENVIRONMENTAL SUSTAINABILITY (SINGLE-USE PLASTIC)

In the survey we proposed to add a **new section** to the Street Trading Policy in relation to environmental sustainability as follows:

Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.

This section was included in the policy to emphasise the importance of ensuring street trading has minimal impact on the local and global environment, including packaging, waste minimisation, recycling and waste disposal, sustainable sourcing of food and drink and confirming the single-use plastic ban/restrictions.

In addition, the Street Trading Policy included a definition of single-use plastics and a brief explanation in connection with new legislation.

Respondents were asked to express their level of agreement with this proposed inclusion. 98% of respondents answered this question, with 69% agreeing with the proposed new section of the policy, whilst 14% expressed disagreement.

	Total	Percent
Agree	34	69%
Neither agree nor disagree	7	14%
Disagree	7	14%

If the respondents had qualitative comments, a free text box was provided. 13 comments were received. The comments received alongside an officer response in provided below. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UXN-6	<i>Waste of time</i>	This comment has been noted but as it is not directly related to the policy, we are unable to provide any further officer response.
ANON-QCN4-5UXC-U	<i>"climate change" doesn't exist. It is a lie and a communist agenda. How about, rather than banning things, you reduce our council tax by getting rid of your embedded World Economic Forum consultants and serve the people rather than the enemy of growth and prosperity.</i>	This comment has been noted but as it is not directly related to the policy, we are unable to provide any further officer response.
ANON-QCN4-5UX9-H	<i>May also be appropriate to include a reference to provision of suitable waste disposal facility to be made available</i>	Officers have added advice to 11.3 j) to consider how their customers' recycling is dealt with.
ANON-QCN4-5UX4-C	<i>Note that the section titled "Supply of the following single-use plastic items is banned:" is repeated.</i>	This was a comment on the survey itself and has been resolved.

ANON-QCN4-5UXK-3	<i>Another example where the councils are saying so much and doing so little on behalf of the public they claim to be protecting?</i>	This comment has been noted but as it is not directly related to the policy, we are unable to provide any further officer response.
ANON-QCN4-5U7J-1	<i>It is not just single use plastics which can cause a nuisance. For example, aluminium food containers can be found in hedgerows many years after the contents were sold. I therefore question whether singling out certain types of plastics is a sound idea.</i>	This proposal has been included due to the difficulties in recycling plastic; aluminium is easily recyclable.
ANON-QCN4-5U41-5	<i>Cost, agree they can, provide guidance but please understand that it's not your budget and whilst it's a nice to have, stop imposing.. small business is incredibly hard , guide, encourage but don't impose.</i>	This proposal has been included to assist with the council's climate objectives.
ANON-QCN4-5U4Z-E	<i>Also include some restrictions on waste i.e provision of waste or recycling bins, clean up etc</i>	Officers have added advice to 11.3 j) to consider how their customers' recycling is dealt with.
ANON-QCN4-5U49-D	<i>Further clarification required to ensure that biodegradable materials do not degrade to leave micro plastic residues. There should also be a requirement to encourage use of reusable items where possible, for example customers providing their own cups or cutlery. The philosophy should be waste elimination, not recycling or biodegradable options</i>	Additional guidance will be published in conjunction with our Waste and Recycling team, and officers will be happy to ask that these points are covered.
ANON-QCN4-5UY1-A	<i>Biodegradable packaging and utensils should only be used.</i> <i>Consent for single use plastics should not be offered regardless of a justified reason. Traders will always find a justified reason in order to reduce costs.</i>	Any reason provided would have to evidence that it would be not feasible for the trader to use an alternative.
ANON-QCN4-5U4A-N	<i>It should be the same legislation that covers Supermarkets or at least other food take away businesses e.g. Mcdonalds</i>	The link provided within the document explains how the regulations apply to those businesses, which are beyond the remit of street trading. The legislation is enforced by Trading Standards at Oxfordshire County Council, but we will review any consents where breaches of legislation or consent conditions are found.
ANON-QCN4-5U1H-S	<i>Completely supportive!</i>	This comment has been noted.
ANON-QCN4-5U1W-8	<i>But it needs consistent enforcement. All too easy to imagine this being ignored in whole or part fairly quickly.</i>	Assessment of the measures proposed as part of an application would be checked on inspection of any trader, along with compliance with any conditions.

MINOR AMENDMENTS/ADDITIONS TO THE STREET TRADING POLICY

The survey included a section called **minor amendments and additions** which were being proposed to the Street Trading Policy to provide more clarity on street trading in the area and update legislation where required.

A list of the proposed minor amendments/additions were available in the survey – a copy is available to view in the appendix. Any feedback on this section could be detailed in a free textbox provided.

9 comments were received. The comments received alongside an officer response in provided below. Where possible, the comments have been grouped for ease of reading.

Response ID	Comment	Officer response
ANON-QCN4-5UXS-B	<i>I support all of these minor changes.</i>	This comment has been noted.
ANON-QCN4-5UXK-3	<i>This is farcical, are people being paid to add the same proposals across the board? All the people involved with this information should be disgusted with themselves, are you using an EU method of trying to make it look like you are actually doing something.</i>	This comment has been noted but as it is not directly related to the policy, we are unable to provide any further officer response.
ANON-QCN4-5U7J-1	<i>I have no comments on these sections.</i>	This comment has been noted.
ANON-QCN4-5U41-5	<i>Be flexible, be clear, understand business is hard and competition fierce. Not everyone has funding without having to sell, compete like public sector.. Most of all lose the ambiguous nature of wording, don't allow nuance in these areas , step into applicants shoes .</i>	The policy has been developed with business in mind and we have endeavoured to ensure it is clear and relevant for the sector.
ANON-QCN4-5U4Z-E	<i>Reiterate my previous comments around insurance and legal compliance</i>	This comment has been noted.
ANON-QCN4-5U4A-N	<i>Section 4.12 - As the only multiple pub business with anything close to this legislation in the Vale of White Horse or SODC we (REDACTED) would expect Grandfather rights. Annexe 3 - Shops, supermarkets, QSR outlet's staff do not need to provide this.</i>	<p>This policy will apply for all applications going forward but each application will be considered on its own merits. We will write to existing consent holders to inform them of any new requirements as a result of the adoption of this policy to give them sufficient time to make any required changes. We will work with any traders whose consents are due imminently to allow them to transition to the new conditions as appropriate.</p> <p>The first paragraph of Annex 3 details the reasons for its inclusion, to ensure the protection of the public given the</p>

		minimal levels of supervision of street traders.
BHLF-QCN4-5U1N-Y	<i>Noise and disturbance caused by alcohol fuelled (mis) behaviour must be addressed. This has been a massive problem in the past in Abingdon but better now (since the night club above Coxeters closed).</i>	Street traders do not sell alcohol and are therefore not primarily responsible for any such behaviour. This may however be a relevant factor for applications and objections could be made in respect of crime, disorder or nuisance which may be centred around the proposed trading location. Officers would suggest no changes are required to the proposed policy to facilitate this.
ANON-QCN4-5U1H-S	<i>No comment</i>	This comment has been noted.
ANON-QCN4-5U1W-8	<p><i>As noted above, there is a major inconsistency here.</i></p> <p><i>The problem with Section 9 is that it suggests the intent is to make it easy for several different business to collaborate on licensing applications where they all intend to be based on a single site, eg a car park.</i></p> <p><i>Fair enough, but the Summary of Proposed Changes describes the street traders in Section 9 quite differently, thus:</i></p> <p><i>'New section - to provide more flexibility to traders who trade at a number of different locations throughout the district'</i></p> <p><i>There are two different things here, the second of which is not reflected in the main policy document. A rationalisation policy for them would be sensible, provided that multiple licenses are sought in different villages or small towns throughout the District, and not in more than one site in one or few villages/small towns.</i></p>	<p>This is a repeat of the comment received in section 9.</p> <p>The proposal is not just to make it easier for multiple businesses applying at the same time, although that would be part of the benefit. Using an example, Bob's Burgers may wish to trade from the Red Horse pub in one village on one night, and the Blue Lion pub in another village on another night. This proposal would mean just one application with one consultation rather than two. And should Bob's Burgers wish to trade from a site where there are already existing traders with consents to cover the same days and times, no consultation would be required at all; they would simply have to coordinate with that other trader to avoid clashes. The suggestion of a rationalisation policy is not clear as we have to treat each application on its own merits, all this seeks to do is reduce the burden wherever possible, whilst recognising the rights of local persons to comment on applications affecting their area.</p>

ABOUT THE RESPONDENTS

Q1. Are you responding as:

A majority (88%), responded as an individual/member of the public, whilst 2% are on behalf of a street trader/business.

	Total	Percent
A street trader/business	1	2%
A district, county or town/parish council	2	4%
A district, county or town/parish councillor	1	2%
A district, county or town/parish officer	1	2%
An individual/member of the public	43	88%
Other (please specify below):	1	2%

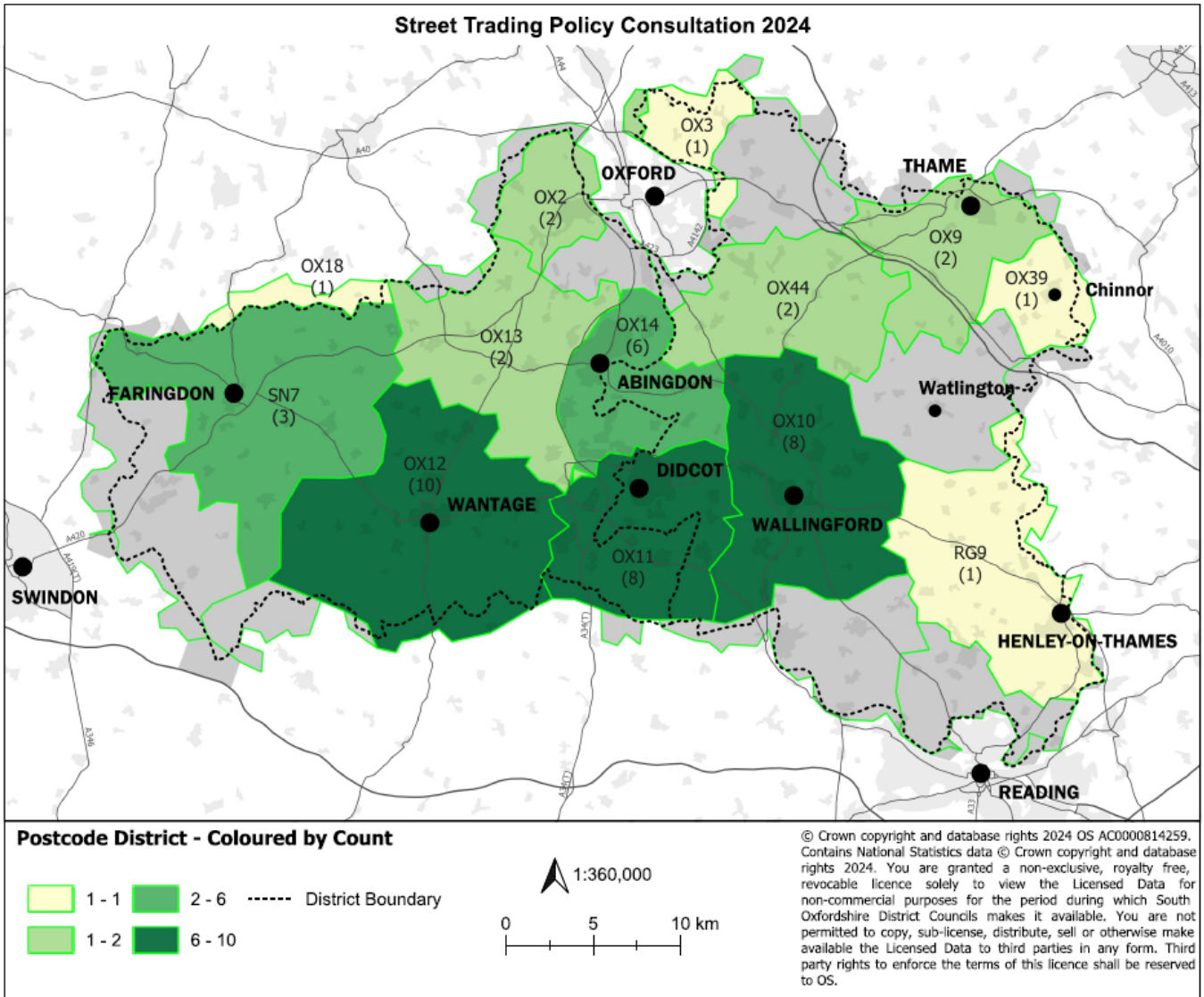
Q2. So we can understand if we've reached everyone we need to, please tell us the first part of your postcode in the box below, e.g. OX11 7

This question was included in the survey to allow us to assess the geographical spread of the responses across the district.

47 postcodes were received. The most frequently mentioned are provided below. 51% of postcodes were received from the following locations:

- Wantage (OX10) – 10 postcodes (21%)
- Didcot (OX11) – 8 postcodes (17%)
- Abingdon (OX14) – 6 postcodes (13%)

The remaining 49% of postcodes can be viewed on the map below.



Q3. Which district(s) do you trade in?

This question was asked of the trade only, 2% of which said they trade in Vale of White Horse and 2% said both districts.

	Total	Percent
Vale of White Horse	1	2%
Both	1	2%
Not Answered	47	96%

Q4. What is the name of the business or council you are responding on behalf of?

The list of businesses that responded to the survey is provided below.

- *Turning Peel Pizza*
- *Test*
- *South and Vale DCs*
- *Wellssmokehouse*
- *St Helens Without Parish Council*
- *Vale of Whitehorse*

FURTHER INFORMATION

If you would like more information about this consultation and the results presented in this report, or you require this report in an alternative format (for example large print, Braille, audio, email, Easy Read and alternative languages) please contact:

Consultation and Community Engagement Team

South Oxfordshire and Vale of White Horse District Councils

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To enquire about the council's work on the Street Trading Policy, please contact:

Licensing Team

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Joint Street Trading Policy

This policy was adopted by the Vale of White Horse District Council at the meeting of General Licensing Committee on **** and South Oxfordshire District Council at the meeting of General Licensing Committee on **** and comes into force on **** and will be reviewed five years from that date unless previously amended.

Version control		
Version	Date	Revisions
v1	TBC	Policy came into force

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Glossary

Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • at an established market or fair • as a news vendor • at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) • under a street collection permit for charitable purposes
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Consent street	A street in which street trading is prohibited without the consent of the council
Councils	South Oxfordshire District Council and Vale of White Horse District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • carry all goods for sale and not use a trolley or stall • hold a valid pedlar's certificate, issued by a Chief Constable of Police
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does not return to that location within four hours • does not wait in one location for more than 20 minutes • does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.
Single-use plastic	<p>This includes single-use plastic plates, cutlery, expanded and extruded polystyrene food and drink containers.</p> <p>Supply of the following single-use plastic items is banned:</p> <ul style="list-style-type: none"> • polystyrene food and drink containers • drinks stirrers • cutlery <p>Supply of the following single-use plastic items have restrictions:</p> <ul style="list-style-type: none"> • plates, bowls and trays (a plate filled at the trading van would be acceptable) – NB this does not include polystyrene which is banned, as above

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	<ul style="list-style-type: none">• straws (must be kept where customers cannot see them or help themselves to them, only give straws to customers that request them and not offer them to customers either verbally or in writing) <p>More information can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions</p>
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

1 Purpose of the policy

- 1.1 This policy sets out the framework for the management of street trading in the area of South Oxfordshire District Council and Vale of White Horse District Council.
- 1.2 The powers to control street trading within the councils' areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the councils. Under Schedule 4 of the Act the councils can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 1.3 The councils recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.
- 1.4 The councils are 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 guidance and advice to enable them to operate safely and successfully.
- 1.5 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity.
- 1.6 This document sets out the criteria the councils will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.
- 1.7 The policy supports both of the councils' commitment to work in partnership with other agencies and avoiding duplication with other statutory controls.

2 Consultation

- 2.1 In determining this policy, the councils have consulted the following:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current street traders
 - Local business organisations
 - Residents
- 2.2 In addition the following teams within the councils have been consulted:
 - Planning
 - Environmental health
 - Economic development
 - Parks and leisure
 - Car parks

3 Duration of policy

- 3.1 We aim to review this policy every five years. When required, periodic reviews and updates may be undertaken.

4 Legislation and current provision

4.1 The Act sets out a number of definitions and provisions:

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable purposes.

4.2 Schedule 4 defines a street as 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.

4.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

4.4 All streets within the councils’ areas are designated as consent streets.

4.5 Prohibited streets are streets where no street trading may take place.

4.6 There are no prohibited streets within the councils’ areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.

4.7 A licence street is a street that requires a formal licence before any form of street trading can take place.

4.8 There are no licence streets within the councils’ areas.

4.9 Street traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.

4.10 All applications for street trading consents must include written permission from the land owner for the business to operate from that location.

- 4.11 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.

5 Delegation of functions

- 5.1 The councils aim to provide a clear, consistent licensing service for applicants and consent holders.
- 5.2 The General Licensing Committee of the relevant council:
- reviews and adopts the street trading policy
 - determines applications for and reviews consents
- 5.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities.
- 5.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982
 - b) vary the conditions attached to an existing street trading consent when necessary to promote public safety, public health and/or prevent nuisance or annoyance to affected parties.
 - c) refuse any application for a consent that:
 - (i) in the opinion of the Head of Communities does not comply with the council's policy or consent conditions,
 - (ii) has been subject to objections from Thames Valley Police, Oxfordshire Fire and Rescue Service or Oxfordshire County Council highways on the grounds of public or highway safety.
 - d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaint about the trader or the trader has breached the conditions of his/her street trading consent.
 - e) refer any applications for street trading consents to the street trading panel when valid objections have been received or complaints are substantiated.
 - f) revoke a consent if a site is no longer viable or the consent holder is no longer able to comply with conditions.

6 Markets

- 6.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

7 Community and charity events

- 7.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the

requirement to obtain a street trading consent for that location, subject to the following restrictions:

- traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- traders must be invited to trade at the event by the organisers
- hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003.

8 Special temporary events

- 8.1 For special temporary events, such as a Christmas fayre, the councils may issue special temporary event consents at a reduced fee. It is not expected that such events would last longer than 72 hours, or occur more frequently than once in any four week period.
- 8.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 8.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 8.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and a summary of the type of items being offered for sale. The consent holder should also note details of the trader's liability insurance and check that any food businesses are registered with their local authority.
- 8.5 Special temporary events consents do not provide exclusive control over trading in the designated area.

9 Multiple site traders

- 9.1 Street trading on private land such as pub and social club car parks, and village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 9.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add to or change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 9.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 9.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 9.5 Each trader must pay a consent fee before the consent is issued.

10 Mobile street trading

- 10.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.
- 10.2 Mobile traders must:
- move from location to location
 - move at least 50 metres from the last trading location and not return to that location within four hours
 - not wait in one location for more than 20 minutes
 - not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
- 10.3 Due to the nature of their trade over a wide geographical area and their limited impact upon a single location, mobile street traders will generally not be subject to the consultation process.

11 Application process and criteria

- 11.1 All new street trading consent applications will be subject to a 28 day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 10.3. The consultation will seek the views of local residents and businesses that may be directly affected and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Planning and Environmental Health. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.
- 11.2 Applicants (other than mobile street traders) will be required to place a public notice at the proposed consent location using the template available on the councils' websites. The notice must be displayed prominently at the proposed consent location where it can be conveniently read by anyone passing for a period of no less than 28 consecutive days starting on the day following the day the application was served on the licensing authority. The notice shall be: (a) of a size equal or larger than A4; (b) yellow in colour; (c) printed legibly in black ink or typed in black in font size 16 or bigger; and (d) laminated to protect it from the elements.

Applicants will be required to send the Licensing team photographs of the notice in situ within two working days of submission of the application. The photographs must clearly show the location of the notice and a close up of the wording used on the notice. Applicants are responsible for ensuring the notice remains in place and are advised to carry out regular checks. Any failure to properly advertise the application may result in the consultation period being extended accordingly.

- 11.3 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a yellow A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college, with a view to promotion of public health.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, the Royal Institute of Public Health and Hygiene, or any other organisation approved by Environmental Health. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition.

j) Environmental sustainability

Measures taken by the trader to minimise the impact of the proposed operation on the local and global environment including packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink and considering how their customers' rubbish and recycling is dealt with. Traders should also be aware of the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England)

Regulations 2023. See the glossary under 'single-use plastic' for more information. Food traders will be expected to use biodegradable materials for packaging of food served wherever possible and all single-use plastics should be avoided. Reusable containers/cups provided as part of a deposit and return scheme are also welcome. Consents for traders utilising any single-use plastics will only be granted where the applicant can demonstrate there is a justified reason for their use.

Contents of a Street Trading Consent Application

- 11.4 All applications for the grant of a new street trading consent site shall include:
- a) completed application form downloaded from the relevant council website
 - b) consultation fee (non-refundable)
 - c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
 - d) proof of right to work in the UK
 - e) written consent of the landowner (unless the site is public highway)
 - f) written confirmation or the existence of, or no requirement for planning permission
 - g) a copy of a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map shall be to a scale of 1:2500 and clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
 - h) current photographs of the vehicle/stall showing external condition and signage
 - i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
 - j) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - k) food hygiene certificates (for food businesses only)
 - l) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.
- 11.5 The consultation period will start when sufficient documents from the above list are provided in order for the consultees to consider the proposal. As a minimum, it is expected that items (a) to (h) will be provided, but further guidance can be sought from officers if the applicant has any difficulty in providing any of the items listed.
- 11.6 In addition to the application requirements above, the street trading consent fee will be required prior to a consent being issued.

Contents of a Mobile Street Trading Consent Application

- 11.7 All applications for the grant of a new mobile street trading consent shall include:
- a) a completed application form downloaded from the relevant council website
 - b) street trading consent fee
 - c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar months old)

- d) proof of right to work in the UK
- e) a copy of a map showing the proposed area of trading
- f) current photographs of the vehicle/stall showing external condition and signage
- g) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- h) a valid insurance certificate for £5,000,000 public liability cover
- i) food hygiene certificates (for food businesses only)
- j) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Duration of Street Trading Consents

11.8 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

Renewals - Street Trading Consents/Mobile Street Trading Consents

11.9 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued, any street trading beyond the expiry date is an offence and may lead to refusal of further applications.

11.10 All applications for the renewal of a street trading consent shall include:

- a) a completed application form downloaded from the relevant council website
- b) street trading consent fee
- c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK (unless provided previously)
- e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- f) current photographs of the vehicle/stall showing external condition and signage
- g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
- h) written evidence that the applicant has considered environmental sustainability in their operations and what steps they are taking to reduce impact on the environment. This includes, but is not limited to: packaging, waste minimisation, disposal of waste and recycling, energy use.

Transfers

11.11 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process detailed in this policy.

11.12 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ other person(s) to assist in operating the stall/vehicle.

Determination of Applications

- 11.13 Each application will be determined on its own merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.
- 11.14 Following the determination of an application, the Head of Communities will notify the applicant of the decision in writing within ten working days of the decision.
- 11.15 A street trading consent will be automatically granted if the application meets the criteria and there are no valid objections.
- 11.16 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 11.17 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.
- 11.18 Where the council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the council may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

12 Fees

- 12.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team.
- 12.2 Refunds will not be given where a consent is surrendered during the term.

13 Conditions

- 13.1 The councils will generally apply standard conditions to all street trading consents.
- 13.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Annex 1. The standard conditions applied to mobile street trading consents are attached to this policy as Annex 2. These lists are not exhaustive and other conditions may be added to individual consents as required.
- 13.3 Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The council must approve any changes to or replacement of the stall or vehicle.

14 Enforcement

- 14.1 The councils are committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 14.2 The licensing team aims to work closely with other enforcement authorities when dealing with issues related to street trading.
- 14.3 Where licensable activities are conducted without the benefit of a street trading consent or where conditions are breached, the council will gather evidence and take enforcement action as required in accordance with the relevant enforcement policy.

Annex 1 Standard Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays

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are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.

13. The consent holder's vehicle or stall shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
14. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
16. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, the Royal Institute of Public Health and Hygiene or any other organisation approved by Environmental Health.
17. A street trading consent cannot be transferred or sold to another person.
18. The sub-letting of a street trading consent location is prohibited.
19. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
20. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
21. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
22. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
23. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
24. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
25. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk. Information on the ban and restrictions on single use plastic can be found at www.gov.uk/guidance/single-use-plastics-bans-and-restrictions.
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the

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consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.

15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, the Royal Institute of Public Health and Hygiene or any other organisation approved by Environmental Health.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 3 Guidelines on the suitability of applicants

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.