

Agenda for Overview Committee

Tuesday, 29 November 2016; 6.00pm



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 [Public speaking](#)
- 2 To confirm the minutes of the meeting held on 27 September 2016 (pages 2 - 5)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Matters for Debate

- 7 **Street Markets and Trading consultation** (pages 6 - 43)
- 8 **Overview forward plan** (page 44)

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[Decision making and equalities](#)

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Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive

**Minutes of a Meeting of the Overview Committee held
at Knowle, Sidmouth on 27 September 2016**

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.25pm.

***9 Public speaking**

There were no public speakers at this point of the meeting.

***10 Minute confirmation**

The minutes of the Overview Committee held on the 28 June 2016, were confirmed as a true record.

***11 Declarations of interest**

Councillor Ian Hall

Minute 13

Personal Interest – Chairman of Cloakham Lawns Sports Centre

***12 Housing Delivery – discussion paper**

The Committee received a joint report from John Golding, Strategic Lead – Housing, Health & Environment and Ed Freeman,- Service Lead Planning & Strategy & Development, which set out the challenges faced in maintaining housing delivery in the district to meet housing needs, and in particular the need for affordable housing.

It recognised the success that had been achieved in recent years and considered ways in which the Council could continue to deliver the homes required in a new national housing policy context and changing housing market conditions. The discussion could influence housing and future planning policies and guidance documents, the current operating environment, and opportunities in the East Devon housing market.

Members noted that the housing market had complex interactions with many factors that the Council was unable to control. The Council's policies had to be based on sound evidence of local market conditions and housing need, in order to use the National Planning Policy Framework and discretionary housing policies to best effect for our residents.

It was noted that in exploring the subject the Committee may wish to adopt an ad hoc Select Committee approach and gather evidence from expert witnesses to help in formulating recommendations. John Golding, Strategic Lead – Housing, Health & Environment, reported that the Council started from a position of strength as it had been successful in delivering opportunities for EDDC residents to secure suitable housing at an affordable price. The District was currently delivering 250 affordable homes per year, but it was expected that this total would reduce in the next few years, due to reductions in delivery of affordable homes at Cranbrook.

The Chairman introduced a presentation prepared by Andy Wood, East of Exeter Projects Director, which raised a number of important issues regarding housing delivery in East Devon, including: a) control of land; b) freedoms arising from the Housing & Planning Act; c) supply chain of labour – particularly the affect of Hinkley Point C on the labour force; d) direct delivery of housing by the Council and e) raising the standards for delivery of housing development in the district.

During discussions, the following further points and questions were also raised:

- How can we use current planning and housing policies to deliver what we want?
- What actions could be undertaken in the district to encourage development, such as canvassing the Government to develop sites ourselves and alter Government policy;
- It was suggested that some local authorities had found a way around the Government thresholds of 6 dwellings in rural areas and 10 in urban areas below which affordable housing could not be sought and that this should be investigated to see if a similar case could be made in East Devon;
- What evidence was there that the affordable homes provided in East Devon were accessible and adaptable dwellings that were 'lifetime homes'?
- Importance of developers providing affordable homes and not a monetary replacement;
- Interference of land values in affordability of Affordable Housing;
- Investigate cheaper non standard forms of construction;
- Changing the mindset of young people who often feel the need to have home ownership straight away. Other countries had a higher percentage of rented housing occupation compared with the UK;
- The average price of a house in East Devon was £265K meaning a joint income of £60K was needed to afford to buy a house in the district.
- Need to look at achieving better paid employment for local people;
- Importance of affordable houses to provide employees for local businesses;
- EDDC no longer has a land bank, the last was used at Stowford Rise;
- Need to overcome the viability clause inserted into developments, which was used to reduce affordable home requirements.

RESOLVED

1. that a politically balanced Housing Delivery Taff be established, comprising a minimum of 7 members to be drawn predominantly from the membership of the Overview Committee but wider if necessary;
2. that the Taff have a minimum of three meetings to hear and consider evidence based on the following themes which needed to be scoped:
 - a) Local Plan/ Government Policy 9to possibly cover areas such as appraisal of land values, types of housing being delivered and service provision impact on rural areas)
 - b) EDDC and other Initiatives (to possibly cover areas such as options for purchasing and and/or building, impact of the welfare regimes and improving affordability
 - c) Alternative structures & options (to possibly cover areas such as looking at partnerships, alternative delivery models and the impact of devolution
3. that the first meeting to be held in the evening at a date to be decided in early October at which the specific themes be fully scoped..
4. that at the conclusion of the Taff a report with recommended actions be forwarded to Cabinet.

13 Quality of house building in East Devon

(Councillor Graham Godbeer took the Chair for this item)

Members received a report from Ed Freeman, - Service Lead Planning & Strategy & Development. This followed a Strategic Developments and Partnerships Think Tank that

had been held on the 24th August 2016 to consider the poor quality of finish of house building in the district and what if anything can be done to address these issues, quality had given rise to the concern of residents of a number of modern developments in the district. The report summarised the discussion highlighting the limitations on the council's powers to influence the quality of the cosmetic finish and internal fit out of houses as these areas were not covered by building Regulations or Planning. The report also recommended a response to a report prepared by the Government's All Party Parliamentary group for Excellence in the Built Environment.

Councillor Douglas Hull requested that a report be sent to all Councillors regarding the powers available to the Council's Building Control Officers to properly check new homes. There had been a number of problems with the quality of new homes built in Axminster and the response of the NHBC had been felt to be less than satisfactory. He stated that EDDC should be encouraged to take its own stance on what was expected of developers and there should be independent surveys and legal advice available for purchasers. The Strategic Lead – Legal Licensing & Democratic Services questioned whether EDDC should be issuing leaflets giving advice on things for which it was not responsible.

RECOMMENDED

1. that the response to the All Parliamentary Group for Excellence in the Built Environment report entitled "More Homes, Fewer Complaints" attached as Appendix 1 to the report be sent to encourage the Government to take action on the issues raised in the report and the additional concerns expressed at the Member's Think Tank.
2. that the Officers consider the resource and financial implications for EDDC on the production of a leaflet giving advice to purchasers of new homes on options available to them if issues arise regarding the quality of the build. .

*13 Overview forward plan

The Committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

RESOLVED

That the forward plan include:

29 November 2016 – Economy and Street Trading (designation of streets).

11 January 2017 – Draft budgets and service plans 2017/18.

28 March 2017 – Tourism economy and cultural enhancement of natural environment.

Attendance list

Councillors Present:

Peter Bowden (Chairman)

Graham Godbeer (Vice Chairman)

Mike Allen

Peter Faithfull

Maria Hale

Ian Hall

Rob Longhurst

Councillors Also Present:

David Barratt

Jill Elson
Douglas Hull
Geoff Jung
Andrew Moulding
Pauline Stott

Officers

John Golding, Strategic Lead – Housing, Health & Environment
Ed Freeman,- Service Lead Planning & Strategy & Development
Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services
Chris Lane, Democratic Services Officer

Councillor Apologies:

Pat Graham
Christopher Pepper

Officer Apologies:

Mark Williams, Chief Executive
Andy Wood, East of Exeter Projects Director

Chairman Date.....

Report to: **Overview Committee**

Date of Meeting: 29th November 2016

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 7

Subject: **Report on Street Markets and Street Trading in East Devon**

Purpose of report: For the Committee to consider the findings of the street markets and street trading (SM/ST) consultation exercise, emerging options for the way forward and recommend to Cabinet and Licensing and Enforcement Committee accordingly.

Recommendation: **That Committee considers the outcomes of the initial consultation on Street Markets and Street Trading, the content of this report and the proposed draft report to Licensing and Enforcement Committee (Appendix 3) and endorses the recommendations set out therein**

Reason for recommendation: The results of the consultation on SM/ST have been analysed and, with some caveats and areas of concern to reflect, there is a response to the consultation exercise that expresses a desire to extend street trading opportunities in East Devon. The clear exceptions to that view come from Sidmouth which responded overwhelmingly against any relaxation of the existing prohibition arrangement and from businesses with fixed premises within East Devon who were concerned about it taking away their trade.

Officer: Richard Cohen, Deputy Chief Executive

Financial implications: As part of further option analysis on SM/ST management, officers will need to consider the cost of managing any new arrangements including costs to licensing, environmental health, Streetscene, Estates and other service areas that are likely to have a role to play. From this it is assumed the charging regime will at least recover these costs incurred.

Legal implications: There are no direct legal implications arising from the content of this report. The legal position is reflected in the draft report to the Licensing and Enforcement Committee which is appended to this report.

Equalities impact: Low

Risk: Low Risk



- Appendices:**
- Appendix 1 – Consultation Response Summary
 - Appendix 2 – List of Consent and Prohibited Streets
 - Appendix 3 – Proposed draft report to Licensing and Enforcement Committee (February 2017)

- Background Papers**
- [Street Trading Report, Overview Committee, 30 Jun 2015](#)
 - [Street Trading Report Minutes, Overview Committee, 30 Jun 2015](#)
 - [Street Trading Report, Licensing Committee, 26 Aug 2015](#)
 - [Street Trading Report Minutes, Licensing Committee, 26 Aug 2015](#)
 - [Current Street Trading Policy](#)

- Link to Council Plan:**
- Encouraging communities to be outstanding
 - Developing an outstanding local economy
 - Delivering and promoting our outstanding environment

Report in full

1. Background

- 1.1. The Local Government Act 1982 provides for an ability of Councils to control street trading. Trading covers the 'selling or exposing or offering for sale of any article (including any living thing) in a street', and a street covers roads, footways, beaches or other area to which the public have access without payment. Thus a street can include lay-bys or privately owned car parks used by the public. Streets can be designated as a consent street (which means trading can only occur if a licence has first been obtained from the Council), prohibited street (which means no trading can occur at all even if either district or town/parish councils considers that it would be appropriate and beneficial) or if a street is not designated as either then it is unregulated.
- 1.2. This is a power that EDDC did adopt and determined that street trading should be prohibited in most streets across the district. Most of these designations were made in 1983/84, although there were further revisions in 1998. A list of the District's consent and prohibited streets is contained at Appendix 2.
- 1.3. The licensing team currently oversees the existing Street Trading Policy (see background papers) along with receiving applications and issuing the relatively low number of street trading consents annually. The application process occurs sporadically under the current policy due to the recent and differing impacts in each of the towns with consent streets across the district. The majority of street trading consents are issued for one week in Sidmouth during the folk week with the promenade reverting to a prohibited location at all other times. In Exmouth there is no longer a viable trading space in the consent street of Bath Road since the arrival of a newly built hotel which prevented trading consents being issued in 2016. Although street markets occur elsewhere, they are managed locally with less involvement from the licensing team although charitable street trading consents are issued on occasions in Seaton.

- 1.4. Meanwhile the number of street trading enquiries has been on the rise and the increasing popularity of Farmers, Continental, Christmas and Street Food markets has shown how popular such additions to local economies and town centres have become. We are also experiencing some confusion and frustration with the current regime. In Exmouth for example, there is a desire to see a concession provided at Orcombe Point but this is prohibited. There have also been a variety of street markets held on the Strand in Exmouth but this practice has now been the subject of an objection and it is not properly clarified to what extent if any street trading should be able to be conducted on the Strand.
- 1.5. Honiton and Axminster are exceptional in that they have established historic charter rights to hold specific markets.
- 1.6. To change individual streets from 'Prohibited' to 'Consent' is time consuming and expensive. For example three different public notices need to be advertised and the whole process of change takes months to complete.
- 1.7. The above is a summary of the rationale for a report being prepared which sought to rescind all previous decisions on designated streets and to turn the whole of the District into a consent street. This report was taken to both Overview Committee (30th June 2015) and Licensing and Enforcement Committee (26th August 2015). The former required an initial consultation exercise with the Town and Parish Councils to be carried out to determine their views before progressing any proposals. The former, endorsed the recommendation of progressing to the whole of the District being a consent street. To satisfy the recommendation from Overview (which was also endorsed by Cabinet) a consultation exercise was carried out as detailed in the next section.

2. Consultation Process

- 2.1. At the time of the resolutions of the aforementioned committees, officers were already working on a consultation document that would engage both with town and parish councils and also with the wider interest groups of residents, businesses including shop keepers and street traders, market organisers, Chambers of Commerce.
- 2.2. As a precursor to the full consultation exercise officers sent the draft questionnaire to three town and parish councils, Sidmouth, Exmouth and Broadclyst to ask their view of the format of the document and the questions being asked. Adjustments were made to the questionnaire and the supplementary information prior to full circulation.
- 2.3. To reflect the heightened interest in SM/ST and the longstanding nature of the existing prohibition arrangement, EDDC carried out a fuller consultation exercise on SM/ST than initially required by Overview. The questionnaire was also distributed directly and advertised through press releases and our electronic media outlets and websites. All towns and parishes were sent a direct link to the consultation, as were elected Members, SM/ST management organisations, other relevant organisations, Chambers of Commerce and Folk Festival traders. SM/ST organisations and other relevant organisations such as the National Farmers Union were also asked to publicise the consultation to their members, traders and customers. We also e-mailed and posted the consultation to 400 local businesses.
- 2.4. 198 postal and on-line responses came back and the analysis of responses to the consultation is attached at Appendix 1.

3. Consultation Outcomes

3.1. The responses have been analysed in detail as per the attached Appendix 1. The key outcomes of the consultation study are:

- Opinion varies and there is a not unexpected divide between shop owners and street traders with residents overall divided 50:50;
- If Sidmouth is taken out of the equation then the overall level of support for an East Devon-wide consent arrangement rises to nearly two thirds;
- Most businesses with fixed premises in East Devon are against to the proposal.
- Sidmouth's respondents are overwhelmingly opposed to any relaxation of prohibition and this includes shop keepers, residents and the Town Council itself;
- All the other local Councils that responded, Seaton, Clyst Honiton, Budleigh and Cranbrook support making the whole district a consent area and Exmouth and Seaton emphasised their expectation that they would want to be a consultee in a consent regime.

3.2. Some of the recurring comments included:

- Will have a positive effect on customer numbers, footfall, resident choice, visitor economy and spend but should not undercut existing shops and food/drink businesses;
- Will take too much trade away from permanent shops selling similar things ;
- The locations for stalls and markets need to be the right ones to avoid congestion and blocking/deterring access to shops;
- Choice is important and street trading means different products and could extend or offer different trading hours to the ones that shops currently operate within;
- Quality is very important especially in the use of local produce;
- Local Councils would like a say in the decision making process;
- It is a way to try out a business idea and get into business. Different places to trade at different times in the district would help to trade more regularly and grow a business;
- Food hygiene, rubbish, parking and street blocking are all problems that come with street stalls;
- Cheap, scruffy and badly laid out markets undermine existing traders who pay their rent and rates. It's not a level playing field;
- Street traders could pick and choose the high seasons and good locations;
- The administration will be expensive and bureaucratic and ratepayers will have to meet the cost.

3.3. Despite the information and explanation that went with the consultation and publicity, there is a continuing misunderstanding for some that lifting the current prohibition means a 'free for all' for SM/ST with no control rather than what is proposed which is the introduction of a consent regime whereby all SM/ST would require a licence to be obtained from the District Council and all applications would therefore be subject to scrutiny and a decision to approve or reject based on an adopted policy position. It is clear that to alleviate some of the concerns there would need to be further reassurance and explanation if a district wide consent arrangement is to be implemented.

4. Further thoughts and comparable practice

4.1. Much of the rationale for progressing a district wide consent regime is explained in the earlier report to Overview and Licensing and Enforcement Committees, as now updated in the attached report intended to be taken to Licensing and Enforcement in the New Year.

4.2. It is worth adding here that East Devon is unusual in the almost blanket extent of its prohibition of streets for SM/ST and is increasingly anachronistic in retaining this arrangement. By comparison, other authorities (North and South Somerset, Taunton Deane for example) have in recent years adopted a 'Consent' approach whereby they control street trading through consideration of applications and conditioning of permissions rather than a blanket prohibition. Exeter is also increasing opportunities for street trading especially street food events. To enjoy East Devon produce in a market environment is very difficult to do so within our own boundaries but increasingly easy to do so in neighbouring authority areas.

4.3. In addition;

- There is an increased awareness of the benefits of markets as economic drivers. They help to diversify and promote the 'offer' and visitor appeal of our town centres which often struggle to combat internet and out-of-town shopping;
- The wider retail appeal they bring not only helps to encourage increased levels of footfall, but also attracts new visitors to existing trading centres and increases the capacity for linked trips and distributed spend;
- Local markets also present Local Authorities with the opportunity to promote new start up businesses since market stalls are where so many existing high street retailers began their enterprises – testing the market and refining their business in a low cost, low risk way;
- [The Portas Review: An independent review into the future of our high streets](#) (Dec, 2011) advocates that Local Authorities "Make it easier for people to become market traders by removing unnecessary regulations so that anyone can trade on the high street unless there is a valid reason why not";
- There is a significant and growing amount of evidence that markets and street trading can have a profoundly positive impact on local areas and their economies. [A recent study by The Institute of Place Management](#) (April, 2015) has demonstrated that, with the right considered approach, local markets and street trading complement and support existing convenience and comparison retail businesses – increasing footfall by up to 25%. The review concluded that markets are crucial to the distinct identity of a town. In the sale of locally sourced products, local markets also promote sustainability and are places of innovation, experiment and education. The key economic findings of this detailed review provide evidence that markets:
 - are excellent business incubators and support business formation
 - attract tourists and positively impact on town centres
 - have a significant turnover and notable multiplier effect
 - provide employment and self-employment opportunities that are open to all
 - create multi-use and multi-scale economic environments, promoting commerce and competition
 - contribute to making other businesses viable
 - increase town centre resilience
 - provide access to affordable goods

4.4. Consents can be established for any time from a few hours to years and for specific time and duration within a period of time (eg a set time and date weekly or monthly).

4.5. Should there be a revision to the current regime to make more areas consent streets, the Council can decide how proactive it wishes to be in the promotion, development and management of SM/ST in East Devon. There is a potential income stream (in that where the Council is the landowner it can charge a fee for the use of its land) and the opportunity to generate new economic activity and business development. Options include:

- Active marketing of events and regular market times and locations to enable traders to operate in different parts of the district on different days;
- Market management or joint working with third part markets organisers;
- Renting pitches alone or with stalls and services (electric points, water supply etc.);
- Tie ins to local and larger festival events, car parking promotions, street closures;
- Joint working with towns and parishes to optimise and jointly approve/manage SM/ST activities.

4.6. Other points to consider:

- Potential to fund investment in infrastructure of markets such as consistent and high quality stalls should the Council wish to take a direct role in markets and stalls provision;
- The setting of charges that cover the administrative costs of the administering the regime, yet which promote quality trading and fair competition and which are not unduly burdensome compared to neighbouring authorities and which encourage regular trading and one off festival and events.

4.7. Officers will separately report on the above in relation to its landowner functions in the coming months.

5. Going Forward

5.1. From the comments received there are a wide variety of views ranging from enthusiastic support for a new regime to implacable opposition to change. An immediate and clear direction is probably to leave Sidmouth alone with its current arrangement.

5.2. The consultation asked what consultees thought about making the whole of the district a consent area and, with the exception of Sidmouth, the local Council responses were in favour (albeit caveated in some cases) and the overall majority view of non-Sidmothian respondents was clearly in favour of a consent arrangement.

5.3. Taking this finding forward and reflecting on the consultation responses and subsequent discussion among the officers of various services involved, the following arrangements and further work are proposed:

- A district wide consent regime, excluding Sidmouth which shall retain its current prohibition arrangements and limited consent around Folk Week, be formally consulted upon in accordance with the resolutions of the draft report for the February Licensing and Enforcement Committee report (Appendix 3).
- The consultation shall highlight and / or provide a link to the revised draft policy and application guidance (see Appendix C to the draft report contained at Appendix 3 to this report) and briefly explain the additional controls imposed to hopefully alleviate some of the concerns that have been identified.
- Note that a further report will be brought back following the above consultation detailing the outcomes of the consultation exercise and making final recommendations in respect of progressing (or not) revised SM/ST arrangements including the detail of the policy and application guidance. This report will need to consider:
 - Honiton and Axminster already have long established charter market arrangements. A better understanding will be needed of what influence or constraint these have over any new SM/ST activity considered for those towns;

- Detailing the full resource impact of the prohibition being lifted entirely across the district (save for Sidmouth) and the need to administer a new consent regime. In respect of the current regime, and with the exception of Sidmouth Folk Week, there has been little other demand on officer time. Licensing, environmental health and streetscene in particular are likely to find that a consent regime will have resourcing implications. The expectation will be that, as a minimum, the Council's costs of administering the licensing of street trading will be met through the application fees. Consideration will need to be given to wider issues over the licence fee and setting it at the right level;
- The detail of the draft policy and application guidance and whether this is sufficient to ensure that any revised SM/ST arrangements can be appropriately controlled.

Street Trading Consultation

East Devon District Council

June / July 2016

Methodology

The consultation was publicised and sent out in a variety of ways:

- Press releases were sent out to the local media.
- It was publicised on the council's social media accounts and website.

It was also set out to:

- 400 local businesses by e-mail and in the post.
- Town and parish councils and elected members. They were asked to complete it themselves and then publicise it within their town or ward.
- All the local large organisations that organise street trading. They were asked to complete it themselves and send it onto traders.
- All East Devon Chambers of Commerce. They were asked to complete it themselves and send it onto local businesses.
- All the street traders from the Sidmouth Folk Festival.

We received 198 completed questionnaires back both online and in the post.

Summary of results –

If you would like a copy of the full results please contact Jamie Buckley, Community Engagement and Funding Officer jbuckley@eastdevon.gov.uk or call 01395 517569.

Benefits

Percentages of respondents that feel if we were to make the whole of East Devon a consent area, it would have any benefit to them or their organisation:

- All respondents – 42%
- All business owners with fixed premises within East Devon – 15%
- All street traders – 82%
- All residents – 50%

There is a difference between the views of people within and those outside of Sidmouth that feel it would have a benefit to them:

- All respondents from Sidmouth – 14%, all respondents from outside of Sidmouth – 63%
- Residents of Sidmouth – 22%, residents outside of Sidmouth but within East Devon – 71%
- Business owners with fixed premises within Sidmouth – 0%, business owners with fixed premises within East Devon but outside of Sidmouth – 29%

The main reasons people gave for it having a positive benefit were:

- Increased opportunities for and revenue from street trading and so allow small businesses to grow
- Will increase tourism and footfall near static businesses / to the local area

- More diversity on the high street / more choice of products

When asked how they would improve it to make the proposal have a more positive benefit, the most common comments were:

- Ensure street trading does not happen near shops that are selling the same thing
- Prioritise consents to local street traders selling local products
- Keep the current system
- Make sure a variety of goods and services are sold at street trading events, not all the same thing

Problems

Percentages of respondents that feel if we were to make the whole of East Devon a consent area, it would cause any problems for them or their organisation:

- All respondents – 48%
- All business owners with fixed premises within East Devon – 71%
- All street traders – 10%
- All residents – 43%

There is a difference between the views of people within and those outside of Sidmouth that feel it would cause any problems for them:

- All respondents from Sidmouth – 81%, all respondents from outside of Sidmouth – 24%
- Residents of Sidmouth – 79%, residents outside of Sidmouth but within East Devon – 12%
- Business owners with fixed premises within Sidmouth – 88%, business owners with fixed premises within East Devon but outside of Sidmouth – 52%

The main reasons people gave for it causing a problem were:

- It will take too much trade away from permanent shops selling similar things
- Street traders have to pay out a lot less in terms of business rates etc so permanent businesses can't compete
- It will harm the look and feel of the town
- The streets are too narrow and roads will become too congested

When asked how the proposal could be improved to cause less problems the most common suggestions were:

- Don't do it
- Allow the town or parish council to manage street trading
- Set a maximum frequency for markets and street trading
- Regulate where street trading happens in relation to businesses selling similar products and services

APPENDIX 2

List of Designated Streets in East Devon at the 1 November 2016

Within the East Devon District the following are designated as Consent Streets

Exmouth

- Bath Road

Honiton

- Northcote Lane (part only – see plan)

Axminster

- Trinity Square

Seaton

Esplanade from Fisherman's Gap to Beach Road
The Square

Sidmouth

- Esplanade & Promenade

Within the East Devon District the following are designated as Prohibited Streets

A **Prohibited Street** is a street where street trading is at all times forbidden by law.

Within East Devon District the following streets are currently designated as prohibited streets,

Exmouth

- Albert Place
- Albion Place
- Albion Street
- Alexandra Terrace
- Alston Terrace
- Ann Street (this is probably now under London Hotel car park)
- Beacon Place
- The Beacon
- Bicton Place
- Bicton Street – from its junction with Rolle Street to its junction with South Street
- Carlton Hill
- Chapel Hill
- Chapel Street

Exmouth Continued

- ❑ Charles Street
- ❑ Church Road
- ❑ Church Street
- ❑ Churchill Road
- ❑ Clarence Road
- ❑ Clinton Square
- ❑ Cranford Avenue – from its junction with Littleham Rd, to its junction with Barnfield Ave.
- ❑ Crudge's Lane
- ❑ Dagmar Road
- ❑ Dinan Way
- ❑ Elm Grove
- ❑ Esplanade and Queens Drive – from its junction with Victoria Rd to Orcombe Point.
- ❑ Exeter Road – from its junction with the Parade to its junction with Lyndhurst Road
- ❑ Fore Street – from its junction with King Street to its junction with Church Street.
- ❑ George Street
- ❑ Henrietta Road
- ❑ High Street
- ❑ Imperial Road
- ❑ King Street
- ❑ Littleham Road – from its junction with Salterton Road to the Broadway
- ❑ Louisa Place
- ❑ Louisa Terrace
- ❑ Little Bicton Place
- ❑ Lower Fore Street
- ❑ Maer Road – from its junction with Queen's Drive to its junction with Douglas Avenue.
- ❑ Manchester Road
- ❑ Manchester Street
- ❑ Margaret Street
- ❑ Magnolia Centre
- ❑ Marine Way
- ❑ Market Street
- ❑ Meadow Street
- ❑ Meeting Street
- ❑ Morton Crescent
- ❑ Morton Road
- ❑ New North road
- ❑ New Street
- ❑ North Street
- ❑ Palace Cottages
- ❑ Parade, The
- ❑ Pound Street
- ❑ Prince of Wales Drive
- ❑ Queen's Drive
- ❑ Queen Street
- ❑ Rolle Road

Exmouth Continued

- ❑ Rolle Street
- ❑ Rolle Villas
- ❑ Sheppards Row
- ❑ St Andrew's Road
- ❑ South Street
- ❑ Staples Mews (formerly Buildings)
- ❑ Strand, The
- ❑ Tower Street
- ❑ Union Street
- ❑ Victoria Road
- ❑ Windsor Square

Honiton

- ❑ George Street
- ❑ King Street
- ❑ New Street
- ❑ Northcote Lane (part of – see plan))
- ❑ Queen Street
- ❑ School Lane
- ❑ Silver Street

Seaton

- ❑ Beer Road, - extending from Queen Street to Westcliff Terrace.
- ❑ Castle Hill
- ❑ Colyford Road, - as far as the cemetery
- ❑ Court Lane
- ❑ Cross Street
- ❑ Esplanade (except for that part of the Esplanade from Fisherman's Gap to Beach Road)
- ❑ Eyrecourt Road
- ❑ Fore Street - extending from Marine Place to its junction with Court Lane
- ❑ Harbour Road
- ❑ Harbour Road Car Park
- ❑ Harepath Road - extending from Queen Street to its junction with Homer Lane and including the triangle of grass contained within Harepath Road, Homer Lane and Barnards Hill Lane.
- ❑ Harepath Road as far as Harepath Hill
- ❑ Highwell Road
- ❑ Manor Road
- ❑ Marine Crescent
- ❑ Marine Place
- ❑ Meadow Road
- ❑ Orchard Car Park
- ❑ Queen Street
- ❑ Seafield Road
- ❑ Seahill
- ❑ Seaton Town Hall – Marsh Road Car Park
- ❑ Seaton Town Hall Reserved Car Park
- ❑ Seaton Down Road - extending from Harepath Road to Cherry Drive.
- ❑ Stock Lane

Seaton Continued

- ❑ The Burrow
- ❑ The Underfleet, - together with the roundabout which forms the junction with Underfleet Way and all its surrounding highway (up to and including its junction with Harbour Road Car Park).
- ❑ Trevelyan Road
- ❑ Underfleet Way
- ❑ Unnamed Road - extending from CRS (Pioneer) Supermarket to Seaton Town Hall Reserved Car Park
- ❑ York Road

Sidmouth

- ❑ All Saints Road
- ❑ Bedford Square and including the un-named street leading from Bedford Square to the Esplanade
- ❑ Blackmore View
- ❑ Chapel Road
- ❑ Chapel Street
- ❑ Church Street
- ❑ Coburg Road - between Coburg Terrace and Church Street
- ❑ Dove Lane - and the lane between Dove Lane & New Street
- ❑ Fore Street
- ❑ Fortfield Place
- ❑ Fortfield Terrace
- ❑ Glen Road, - south of Manor Road
- ❑ Ham Lane and East Street - from the Esplanade to Fore Street
- ❑ Ham Playing Field
- ❑ High Street
- ❑ King Street
- ❑ Manor Road
- ❑ Market Place
- ❑ Mill Street, - west of its junction with Russell Street
- ❑ Millford Road, - north of the ford
- ❑ New Street
- ❑ Old Fore Street
- ❑ Peak Hill Road – east from its junction with Cotmaton Road.
- ❑ Prospect Place
- ❑ Radway, - south of the Post Office
- ❑ Salcombe Road
- ❑ Sid Road, - south of Redwood Road
- ❑ Station Road - between Knowle Drive and The Esplanade
- ❑ Streets adjoining the Three Cornered Plot (Known as The Triangle)
- ❑ The Beach – from the mouth of the River Sid westwards to a point opposite Clifton Cottage.
- ❑ The un-named street between Elizabeth Hotel and Marlborough Hotel (now Dukes)
- ❑ Vicarage Road, - south of Connaught Road
- ❑ York Street
- ❑ Vicarage Road, - south of Connaught Road



Report to: **Licensing and Enforcement Committee**

Date of Meeting: 15 February 2017

Public Document: Yes

Exemption: None

Agenda item:

Subject: **Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982**

Purpose of report: The report sets out the background to and the request for authority for public consultation to be undertaken on changing the current Street Trading arrangements within East Devon so as to provide for more flexibility whilst allowing the Council to retain its control on the issue of Street Trading Consents.

Recommendation:

(1) **That the Committee authorise public consultation (in accordance with the legislative requirements) on a proposal to:**

(a) **Rescind all the Council’s previous resolutions to designate streets as ‘Prohibited Streets’ and ‘Consent Streets’ within the District, and**

(b) **Resolve to designate all ‘streets’ in East Devon as ‘Consent Streets’ as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (listed in Appendix D) which shall be ‘Prohibited Streets’ except during Folk Week.**

(2) **That the Committee receive a further report which considers the representations made during the public consultation exercise and which makes further recommendations as to the approach to be adopted by the Council to street trading. Should this approach be to resolve to make additional consent streets then the report shall also detail for the Committee to consider; the likely resource implications, fees to be charged for consent, the Street Trading policy proposed to be adopted and standard conditions to be imposed on any consent granted.**

Reason for recommendation: To allow public consultation to be undertaken to ascertain the level of support to designate all streets in East Devon as ‘Consent Streets’ save for specified streets in Sidmouth.

Officer: Steve Saunders, Licensing Manager: ssaunders@eastdevon.gov.uk

Financial implications: *To be confirmed*

Legal implications: *To be confirmed*

Equalities impact: Low Impact

Risk: Low Risk

Appendices:

Appendix A - Current list of Designated Streets in East Devon

Appendix B - The District Council's current Street Trading Policy

Appendix C - Proposed replacement Street Trading Policy

Appendix D - Sidmouth Prohibited Streets

(Note that only Appendix C is attached to this report)

Background Papers:

- Street Trading Report, Overview Committee, 30 Jun 2015
- Street Trading Report Minutes, Overview Committee, 30 Jun 2015
- Street Trading Report, Licensing Committee, 26 Aug 2015
- Street Trading Report Minutes, Licensing Committee, 26 Aug 2015
- Street Trading Report to Overview Committee, 29 November 2016

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Background

- 1.1 The Licensing and Enforcement Committee is the Council committee with responsibility for Street Trading within the District. Street Trading is defined as "the selling or exposing or offering for sale of any article (including any living thing) in a street". "Street" is defined as "including:
- (a) any road, footway, beach or other area to which the public have access without payment; and
 - (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street".
- 1.2 Legislation (being section 3 and schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982) permits local authorities to adopt provisions to control street trading. This is by way of a regime that permits streets to be designated as prohibited, licensed or consent streets. Streets designated as 'prohibited' are not permitted to have any street trading occurring on them. 'Consent' and 'Licence' streets are permitted to have trading occurring on them provided the Council's consent or a licence from the Council is obtained first. Controls in respect of the trading can be imposed on any consent granted or licence issued by way of conditions. The ability to issue a consent (as opposed to a licence) is at the discretion of the Council, as is the ability to revoke a consent. It is a criminal offence to trade from a prohibited street or from a consent or licence street without a consent or licence. It should be noted that there are some exemptions which permit certain activities (e.g. such as roundsmen, charitable street collections, news vendors and pedlars) which are not precluded from prohibited streets nor require any consent or licence under this regime.

- 1.3 The Council adopted these provisions with effect from 1 December 1982 (by virtue of the decision of the Policy Committee of 6th October 1982) and has since designated a number of streets in the District as either ‘Prohibited’ or ‘Consent’ streets. The current list of Prohibited and Consent Streets are listed at **Appendix A** to this report. The majority of the streets appearing in the appendix were designated in 1983/84 with further changes being made in 1998. Sidmouth Esplanade and Promenade and parts of Seaton’s Esplanade and Square were re-designated as ‘Consent Streets’ previously being ‘Prohibited Streets’. In order to ensure fairness in dealing with applications, the Council adopted policy for considering any applications for street trading consent – this was adopted in February 2009 and can be found at **Appendix B**.
- 1.4 Councils are permitted under the relevant legislation to change any designations at any time provided a statutory process, including publication of notices inviting comments and consideration of those comments, occurs prior to any changes being made. The process of changing the designation of a street is time consuming and expensive with a legal requirement to place three different public newspaper notices for each designated change.

2 Proposed changes to the street trading regime

- 2.1 The popularity and need for street trade has increased since the designation of streets over thirty years ago with outdoor Farmers and Christmas Markets more evident than before. Many councils have reduced the number of ‘Prohibited Streets’ and control street trading by ensuring that all streets are designated ‘Consent Streets’. The changes for councils in Somerset, Gloucestershire and Taunton Deane reported excellent results where all streets are now controlled by way of consent.
- 2.2 The intention of this report is to seek the Committees approval to undertake public consultation on changes to the current regime so that the whole of the District, with the exception of some streets within Sidmouth, become ‘Consent Streets’. This is an issue that has been considered for some time by the Council having been reported to this Committee and Overview previously (see background papers). Overview Committee required some initial consultation to be carried out, which was done, and which, having been reported to Overview at its November meeting, informs the basis of the recommendations above. The officer report to the [Overview Committee – *hyperlink*] (see also background papers) sets out the economic arguments for why this change would be positive for the District. Ultimately, the aim is to create a street trading environment which complements premises based trading, is sensitive to the needs of residents, provides diversity of consumer choice, and seeks to enhance the character and ambience of local environments and provide overall economic benefits.
- 2.3 Before any changes to the street designation can be done the legislation requires a notice to be placed in a local newspaper explaining the Council’s intention and inviting residents’ comments. If the Committee agree with the recommendations, then full consultation will be undertaken with all town and parish councils within the District and the business community and other bodies on the basis of the proposals set out above. Public comment will also be invited.
- 2.4 As noted above, a designation as a consent street will not allow blanket approval for street trading and all applicants would need to apply to the Council with each case being considered on its own merits and on the basis of a Policy that will be adopted at the same time as the resolution to make the changes is made. A rough draft of the Policy is attached at **Appendix C** and this will be further worked upon once the consultation responses are received and to take into account, as far as possible, any issues raised that it would be sensible to address. Standard conditions will be attached to every consent which detail the holder’s responsibilities to maintain public safety, avoid nuisance and to preserve the amenity of the locality. Additional conditions can be imposed where necessary.

- 2.5 Failure to comply with conditions allows a 'consent' to be revoked and any person trading without a consent and not being exempt would be committing a criminal offence and subject to enforcement action.
- 2.6 The effect of this proposed designation would be that, save for certain legal exemptions and those parts of Sidmouth where there could be no street trading other than during Folk Week, street trading in any street will only be allowed having first obtained a street trading consent from the Council.

3 Revised Policy (Appendix C)

- 3.1 It is not considered that the current policy (Appendix B) is suitable to deal with the whole of the District being a consent regime (save for those areas of Sidmouth). Accordingly a more detailed and a robust policy has been drawn up, which will form part of the consultation process so that views can be sought on it. It should be noted that this Policy is in draft and it may well be that further changes are required to be made as a consequence of the consultation process. Ultimately, and should the recommendation be one of progressing a district wide 'consent street' regime, a policy will be brought back for adoption at that time.
- 3.2 In summary in terms of the draft Policy, if the proposed changes to the Street Trading regime in the District are approved, the revised Policy would require the Council, prior to granting any consent, to seek written observations from:
- The Highways Authority (Devon County Council)
 - Devon and Cornwall Constabulary
 - Fire Authority
 - East Devon District Council Food/ Health and Safety and Pollution Teams
 - The relevant Ward Members
 - The appropriate Parish or Town Council
 - The land owner of the proposed street trading site if it is on private land
 - Occupiers of property within the immediate vicinity of the site
- 3.3 The suggested changes to the Street Trading Policy would provide standards for the council to consider including:
- Site safety
 - Trading hours
 - Public order
 - Avoiding nuisance to nearby residents or businesses
 - Nature of trade and conflict with other like trading outlets and school premises
 - Compliance with legal requirements in relation to a number of areas (including food safety)
 - Suitability of the applicant
 - Control over mobile trading
- 3.4 Consideration will be given to the nature of goods which may be sold from any pitch or street market and the trading hours that can be carried on, and specifically how this relates to neighbouring business and users and whether there is any conflict in offering. The orientation of trading will be considered to ensure positive trading environments with the existing offering are created (i.e. pitches facing existing retail units to create a thoroughfare rather than having their back to the existing units). The design / appearance of the trading activities, the suitability of the applicants, impacts in terms of highways / traffic and nuisance to adjoining users will all be taken into account when considering applications. Any subsequent application for a change in the nature or type of goods sold or the trading hours will require a further application

or fresh consultation depending on whether it was a pending application or consent had been granted.

- 3.4 The draft Policy also covers the application process, steps that will be taken in that process, how consultation will be carried out and how any responses will be dealt with. It covers how decisions on applications are taken and the process for applicants to try and overcome objections. It deals with the types of consents and the fees payable (this work is yet to be carried out – as detailed below – but will form part of any further report where the recommendation is to proceed with a consent street regime).
- 3.5 Ultimately, the adopted Street Trading Policy will be used as the guidance and basis for determining all applications for consent.

4 Resource implications

- 4.1 There have been a number of different departments involved in administering Street Trading. Historically it fell to the council's Environmental Health Service although the Licensing service effectively took over in 2008 after unregulated traders had set up in contravention of the street trading prohibition during the Sidmouth Folk Week. The stalls and pedlars obstructing the Promenade in 2007 generated complaints to both the Council and the Folk Festival. This led to the current regime that applies today on the Esplanade during Folk Week and gained approval for the Sidmouth Esplanade to be re-designated as a 'Consent Street'. This is led by the Licensing Service being responsible over the last 8 years there has been no increase of any additional resources as the administration and enforcement for the stalls on the Esplanade during Sidmouth Folk Week is achieved through the licensing staff increasing daily and weekend working arrangements for this event but over a short period. It is therefore important to note that street trading has not dramatically increased outside of the Folk Festival in Sidmouth due to the current restrictions in place and this explains why there has been no need for any additional resource.
- 4.2 The above said there has been a few street and farmer markets that have grown in frequency across the district and the administration and enforcement for this has been led by Streetscene particularly when events take place on council owned land. This process has generated new formal booking procedures and conditions of hire. However this work has generally not been co-ordinated with other departments and moreover has not been carried out in the context of the adopted street trading policy.
- 4.3 Bringing the responsibility for administering a consent regime under a single service (Licensing) will be important in ensuring applications are determined in the context of the relevant Policy (**Appendix C**) and are dealt with in a consistent way from the overall perspective of the Council. It will also ensure that the public / traders have a single point of contact within the Council to deal with obtaining a consent for street trading. They may well need to liaise with other departments, where we are the landowner and they need to get our permission for example, but that will be separate from the consenting regime itself.
- 4.4 As this approach has not been adopted before in the District, further research will be necessary to assess the level of resources required to administer and enforce the proposal suggested in this report. The demand for consents, if the regime becomes more flexible, is not currently clear although research conducted with councils that have taken this option revealed an initial increase of resources to implement the changes. Other councils report the early and timely requirement for enforcement sometimes leading to prosecutions in the first year. The demographic of East Devon, our proximity to the coast generating additional seasonal demands and the large geographic area indicates a considered need to increase staffing to administer new applications and to enforce the consents across the district. As noted below, such costs would be covered by the fees charged.

- 4.5 One option would be to employ a member of staff on a 12 month contract to establish the exact demand for street trading balanced against the level of resources required. This would seem logical so as not to commit the Council to a permanent post that may not be required. This issue will be addressed in the further report to be brought back to this Committee.
- 4.6 Even if the proposal is not adopted the need for street trading in the District is unlikely to diminish. The effect of the historic designation of so many prohibited streets remains a milestone with resources required to enforce the existing large number of prohibited streets in order to meet public expectations under current restrictions.
- 4.7 The legislation permits the council to recover its costs in running the licensing scheme from the fees charged for consents. However no licensing regime is permitted to make a profit and recent case law has reinforced this. There is no reason why the fee regime cannot include the recovery of some costs towards other costs incurred by the Council, including those of Streetscene.

5 The Next Step

- 5.1 If the Committee agrees the recommendations to consult on changing the current regime (as set out above) a public notice will be placed in a local newspaper inviting residents' views.
- 5.2 Consultation will also be widely undertaken to include all Town and Parish Councils within the District, the Highways Authority, Devon and Cornwall Constabulary, East Devon District Council Food/Health and Safety and Pollution Teams and Street Scene.
- 5.3 All comments will be collated and the intention is to report back to this Committee at its next meeting. It is anticipated there may need to be some changes to the Council's existing consent conditions to accommodate different circumstances however the special conditions that currently apply to street consents on the Seaton Esplanade are unlikely to need changing.
- 5.4 Having considered the responses to the public notice and the rest of the consultation if the Committee resolves to confirm their decision to change the Street Trading scheme as recommended a further final advertisement process is required to take place. A notice must be placed in the local press for two consecutive weeks to give notice of the Council's decision and of the date it comes into force.



Street Trading Consents

Policy and Application Guidance

Licensing Service
East Devon District Council
Knowle
SIDMOUTH
EX10 8HL

SECTION 1 – SCOPE

What is street trading?

- 1.1 'Street Trading' comprises the selling or exposing or offering for sale of any article (including any living thing) in any road, footway, beach or other area to which the public have access without payment.
- 1.2 East Devon District Council ("the Council") has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") with regard to regulating street trading by those who sell without the use of ordinary business premises and, particularly, traders who move from place to place. It is concerned, primarily, with commercial activities, excluding the provision of services, but there are grey areas and each case needs to be considered on its facts. The Council has further designated all of its administrative area as a 'consent street' for street trading purposes, although certain streets in Sidmouth (listed in **Appendix A**) have been designated as 'prohibited streets' at all times apart from during Sidmouth Folk Festival.
- 1.3 Street trading is not permitted to be carried at any time in a prohibited street nor in any consent street unless the Council has given its prior consent. It is a criminal offence to carry out street trading in a prohibited street or in a consent street without consent.
- 1.4 The requirement to obtain a consent for any street trading activity is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, or any other moveable or static structure. Mobile artists who sketch or paint, or similar artisans (such as buskers) who sell their own work are also likely to be caught by the Act. It also covers mobile trading (for example an ice-cream van or fish & chip van) as well as farmer's markets (producer-managed marketplace for local producers to sell their own produce direct to local people) and specialty markets (e.g. or Christmas or continental offerings).

Is any activity not covered?

- 1.5 Not every activity within either a prohibited street or consent street is precluded. The following are activities that are permitted to be carried on without the need for any sort of consent;
 - any person offering purely a service e.g. a shoeshine (where there are no tangible goods such as a picture or sketch) will not be caught by the street trading legislation
 - where the trading is carried out within an area where the public normally have to pay to obtain access, or
 - if it is one of a few exemptions specified in the Act, namely;
 - o trading by a person acting as a pedlar under the authority of a pedlars' certificate granted under the Pedlars Act 1871
 - o anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order
 - o trading in a trunk road picnic area
 - o trading as a news vendor
 - o conducting a public charitable collection
 - o trade carried out by roundsmen e.g. milkmen
 - o trade carried on at a petrol filling station, and
 - o trade carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop
- 1.6 If you need to apply to the Council for consent, this document sets out the way the Council will deal with and consider any application for a street trading consent.

SECTION 2 – PURPOSE

- 2.1 The Council's vision for East Devon is to create a street trading environment which:
- compliments premises-based trading
 - is sensitive to the needs and amenities of residents
 - ensures that public spaces become active spaces
 - provides diversity and consumer choice;
 - seeks to enhance the character, ambience and safety of local environments
 - promotes healthy eating
 - provides local food
 - conforms with legislation regarding road and highways safety
- 2.3 These guidelines have been developed to assist persons applying for or seeking to renew Street Trading Consents in East Devon. They were agreed by the Licensing and Enforcement Committee on the (date to be entered) and set out the standards for determining new and renewal applications and the enforcement of street trading activities in the East Devon area. The Council will apply these guidelines to street trading activities in its area to ensure consistency of decision making. However each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.

SECTION 3 – ASSISTANCE

- 3.1 If you have any queries regarding whether or not your proposed activity and / or location requires a street trading consent or if you require any further information or assistance in interpreting this document or making an application then please contact the Licensing Team as follows:

Telephone	01395 517410/517411
Fax	01395 517507
E-mail	licensing@eastdevon.gov.uk

SECTION 4 – THE APPLICATION

- 4.1 New and renewal applications can be made in a number of ways;
- Online through the GOV.uk portal,
 - Online through the Council's website - www.eastdevon.gov.uk/streettrading,
 - By email to Licensing@eastdevon.gov.uk,
 - By post or in person (using the application form at Appendix B) to / at;
Licensing Team, East Devon District Council Offices, Knowle, Sidmouth, EX10 8HL

Attendance in person is during normal office hours however callers are advised to make a prior appointment by phoning 01395 517411.

- 4.2 You will need to submit the following documentation;
- (a) A completed and signed application form
 - (b) Two photos of the applicant
 - (c) Application form and two photos for any assistants you intend to have working with you
 - (d) 3 copies of a map of the trading site to a minimum of 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. It should also identify the location of the stall, van, barrow, cart etc that will be used for street trading and the direction in which the trading will occur.
 - (e) Colour photographs of all elevations of the stall, van, barrow, cart etc that will be used for street trading activity
 - (f) An original copy of the certificate of insurance that covers street trading activity for third party and public liability risks up to a maximum of £5,000,000 and which covers the period

during which the street trading activity will occur

- (g) Written permission from the owner of the land where the street trading is to be carried on from where this is not public highway. [*Note: permissions given by leaseholders to use land for street trading purposes will only be acceptable where the terms of the lease permits the type of street trading activity applied for*]
- (h) A basic criminal records disclosure in the name of the applicant which is no more than one month old when the application is submitted. A disclosure can be obtained [**through – insert link**]

- 4.3 All applications will need to be accompanied by the relevant application fee before being processed and a link to the current fees can be found [**here – insert hyperlink**].

[*NOTE: Fee levels and fee structures for Street Trading Consents will be set by the Concil and will be reviewed, normally, on an annual basis*]

- 4.4 An application will not be progressed without the landowner's permission being evidenced.
- 4.5 Applications will be considered from organisers of Farmers Markets, speciality markets, commercial Car Boot Sales, Fetes and similar Community Events on the basis of one block consent for each market or event held. The market or event organiser in receipt of a block consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate. A separate consent will be required for each market, car boot sale or event held.
- 4.6 Applications will be progressed as quickly as possible but applicants should give **a minimum of 60 days notice** to the Council.

SECTION 5 – CONSULTATION

- 5.1 Prior to any new application being determined the Council will, where practicable, seek comment from the following;
- The Highways Authority (Devon County Council)
 - Devon and Cornwall Constabulary
 - Fire Authority
 - East Devon District Council Food/ Health and Safety and Pollution Teams
 - The relevant Ward Members
 - The appropriate Parish or Town Council
 - The land owner of the proposed street trading site if it is on private land
 - Occupiers of property within the immediate vicinity of the site
- 5.2 Consultees will be given 14 days in which to respond. An application may be progressed to determination after the fourteen days even if no responses have been received or some responses are still outstanding. Late responses will still be taken into account if received before determination and a consultee may request extra time to reply if required with the appropriateness of such request being determined by the Licensing Manager.
- 5.3 All consultation responses received, provided they are deemed material, will be considered as part of the determination of the application (see Section 8 in respect of material objections or observations). Comments that are purely vexatious or raise immaterial considerations will be disregarded.

5.4 The Council will not normally consult on the consents relating to Sidmouth Folk Week or the regular applications from registered local charities for consents on the Seaton Esplanade.

SECTION 6 – INSPECTION OF STALL, VAN, BARROW, CART

6.1 The vehicle, van, trailer, stall or other device to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the proposed business shall comply with the following legislation:

- Food Hygiene(England) Regulations 2006
- The General Food Regulations 2004
- Regulation 852/2004 on hygiene of foodstuffs
- Food Safety Act 1990.
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act.
- Environmental Protection Act 1990.

6.2 The Licensing Team or the Environmental Health Service may request to inspect the stall, van, barrow or cart etc prior to determining the application.

6.3 Further advice on any of the above legislative requirements can be obtained from the council's Environmental Health Service on: 01395 517467.

SECTION 7 – MATTERS TO BE CONSIDERED IN DETERMINING THE APPLICATION

(1) Site Safety

7.1 The location of the proposed street trading activity should not present additional risks to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the observations made by the Highways Authority and the section below.

7.2 Street Trading Consents from static locations will **not** be granted where:

1. A significant effect on road safety would arise either from the sitting of the trading activity itself, or from customers visiting or leaving the site, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There is a conflict with Traffic Orders such as waiting restrictions, or
4. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
5. The trading unit obstructs the safe passage of users of the footway or carriageway, or
6. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
7. The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
8. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

(2) Trading hours

- 7.3 All street trading consents will normally be limited to daily trading hours between 8.00 am and 10.00 pm or be reflective of the hours of trading in permanent retail premises within the vicinity unless there are good reasons to extend it. However in the case of hot food takeaways and fresh produce sellers trading hours will be determined on a pitch-by-pitch basis. The Council retains the right to specify permitted hours of trading that are less than those applied for if local circumstances require it.

[Note: Any trading between 2300 – 0500 hours where hot food is proposed to be sold must be subject to a separate application under the Licensing Act 2003.]

- 7.4 On the occasions that consents are issued to commence before 10.15 am then if the consent holder has not occupied the pitch for which they hold a valid consent by 11.45 am on any day when trading is permitted the Council may, where circumstances permit, re-let the pitch for the remainder of the trading hours of that day.

(3) Public Order

- 7.5 The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from the Devon and Cornwall Constabulary will be taken into consideration under this heading.

(4) Avoidance of Nuisance

- 7.6 The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council's Environmental Protection Team shall be taken into consideration under this heading

(5) Nature of trade and conflict with other like trading outlets and school premises

- 7.7 The nature of goods which may be sold from any pitch will be specified in the application and no substantial change to the products sold will be permitted without referral back to the Licensing Manager. The Council would not normally grant a new consent for the sale of goods or services which conflict with those provided by nearby traders. Consent holders or their employees will not be permitted to sell any psychoactive substances.
- 7.8 The proposed trading operation should complement the trading area in which it is situated. In assessing this criterion consideration should be given to the type and nature of locality, the type of street trading that will be carried out and the visual and design appearance of the stall, barrow, van or cart as well as the direction of the trading operation.
- 7.9 The presence of other like trading outlets and proximity of schools shall be taken into consideration as follows:
1. The presence of like trading outlets already existing in the immediate locality of the proposed street trading site.
 2. Fast food vendors will not normally be permitted to trade within 500m of a school.
 3. On lay-bys and trading estates there shall be no other street trading consents granted within 500 metres of an existing Consent.

(6) Compliance with legal requirements

- 7.10 The proposed street trading activity should be carried out from a trading unit that complies

with the relevant legislation. Observations made on the compliance with the requirements of Food Safety and Hygiene, Health and Safety, Environmental Protection and fire safety legislation shall be taken into consideration.

(7) Suitability of the applicant

- 7.11 Convictions of relevant offences (being offences relating to dishonesty, misrepresentation, trading standards, food safety and hygiene, environmental protection, public safety or public order or others that mean there is a risk to the public) will be taken into account in deciding whether to grant a consent.

(8) Mobile Trading

- 7.12 Where an application relates to itinerant street trading (for example an ice-cream van or fish & chip van), where due to the nature of the business there is a genuine need to ply trade in many locations, consideration will be given to the issuing of a general consent. In such cases it may be subject to such conditions as are appropriate to control the activity including restrictions on where the trading may / may not occur and times of trading and specific details as to routes and times.

(9) Other criteria

- 7.13 Pitches will be allocated on a first come first served basis.
- 7.14 Where the imposition of conditions is not adequate to control potential problems, applications will normally be refused.

SECTION 8 – DETERMINATION OF THE APPLICATION

- 8.1 Any material objection or observation (being an objection or observation that relates to any of matters listed in Section 7 above and is one which officers consider is relevant and appropriate and therefore material to the consideration of the application) will be taken into account when a decision is taken.
- 8.2 Subject to paragraph 8.4, where there is a material objection raised by any of the consultees to the application which might lead to a refusal then the applicant will be offered a meeting to discuss the reasons for a potential refusal of the application. At the meeting the applicant will be informed of the criteria from Section 7 which are considered not to have been met. The applicant will be given an opportunity to discuss any relevant matters in relation to the application that has been made and, where they can and it is appropriate to do so, to make amendments to seek to overcome the concerns. Where an applicant wishes to proceed without amending an application (either having attended a meeting or refused an offer to do so or not attend any such meeting) the application will be referred to the Licensing Sub-Committee for determination.
- 8.3 If no representations are received from the consultation exercise or any objections received are deemed not to be material objections the application will be determined by the Licensing Manager under delegated authority unless he considers that it should be referred to the Licensing Sub Committee (at his absolute discretion).
- 8.4 Where an application is for a renewal of a consent to street trade which is submitted on the same terms as previously granted by the Licensing Sub Committee and for the same site, and there are no new or substantially different objections to the trading, then the application will be dealt with by the Licensing Manager under delegated authority.

8.5 The Licensing Manager will determine applications for Sidmouth Folk Festival and in relation to registered charities on Seaton Esplanade (for which see Section 14) unless the Licensing Manager considers it appropriate to refer the matter to the Licensing Sub Committee (at his absolute discretion).

8.6 Where an application is referred to the Licensing Sub Committee, the following people will be notified of the referral and the date of the meeting – the applicant, any objectors whose objections were material objections and the Ward Member(s). Unless special circumstances apply the Licensing Sub Committee meetings will be open to the public. Applicants, objectors (or their representatives) will be able to address the Sub Committee.

SECTION 9 – REFUSALS

9.1 Refusal or withdrawal of street trading consents will be normal in the following circumstances:

- a) That there are not enough pitches available in the street for the applicant to engage in the trading in which she/he desires without causing undue interference or inconvenience to persons using the street.
- b) That there are already enough consent holders or people employed by them trading in the street from shops or otherwise, in the goods in which the applicant desires to trade.
- d) That a consent holder or person employed by them have failed to comply with the conditions attached to any consent held or previously held.
- e) That the street trading may damage the structure or surface of the street.
- f) When material objections are received from the consultees which cannot be overcome by amending the application or imposing appropriate conditions.

9.2 Where the Council refuses an application the applicant will be informed in writing of the reasons for the refusal.

9.3 There is no right of appeal to the Magistrates Court against decisions of the Council in relation to Street Trading Consents under the Local Government (Miscellaneous Provisions) Act 1982.

9.4 There will be no refund of the application fee if an application is refused.

SECTION 10 – ISSUING APPROVAL

10.1 The Council's Licensing Sub-Committee or officers on a delegated basis (where no material objections have been made against the application) may approve applications meeting the criteria contained within these guidelines.

10.2 On approving the application, and upon payment of the issuance fee ([insert hyperlink to fee schedule](#)), the Council will issue a Street Trading Consent to which standard conditions (shown in Appendix C) will be attached, along with any other conditions that are considered appropriate. The Consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold.

10.3 The conditions attached to the Consent form part of the approval to carry out street trading in East Devon. They MUST be complied with at all times and failure to do so could lead to the consent being either revoked, or not renewed or any further application refused. Consent holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading permission and comply with the requirements at all times.

- 10.4 Street Trading Consents can be issued for a maximum period of 12 months ('Annual Consents'). Annual Consents issued will be renewable on the 1 April of any particular year. Shorter term consents may be issued on a daily or weekly basis. These particular consents will expire, unless renewed on the expiry date.
- 10.5 In all cases when a consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.
- 10.6 Fees for Annual Consents may be paid either in full in advance or on a three monthly basis via direct debit with the fees being due on the following dates:
- 1 April
 - 1 July
 - 1 October
 - 1 January
- 10.7 Failure to maintain payments of the issuance fee on a three monthly basis will be a breach of the conditions attached to the Annual Consent. If fees paid on an instalment basis are not made to the Council, the Annual Consent issued by the Council will be considered for revocation. It is essential that traders electing to pay on an instalment basis ensure that such payments are made on the due dates. These payments must be made by direct debit. Please ask for information if you wish to pay by this method.
- 10.8 Cheques should be made payable to "East Devon District Council". Payment can also be made by card by telephoning the Licensing Service on 01395 517410/517411.
- 10.9 Please note, if a cheque is dishonoured by a bank this may result in revocation of the Street Trading Consent unless payment of the outstanding fees is made in cash within 5 working days. In such cases an administration charge may also be imposed on the consent holder.
- 10.10 The Council offices are open to members of the public between the hours of 8.30 am and 5.00 pm Monday to Fridays. It is advisable to contact the Licensing Team on 01395 517411/517410 prior to visiting the council offices in order that a member of staff will be available to see you. It will also allow us to prepare in advance any documentation that you might need

SECTION 11 – GENERAL INFORMATION

(1) Planning Permission and Licensing

- 11.1 The issue of any street trading consent in relation to any particular land does NOT constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.
- 11.2 Under the Licensing Act 2003 persons selling hot food between the hours of 2300 and 0500 hours are required to hold a Premises Licence or a Temporary Event Notice (TEN) under the Licensing Act 2003 and this requirement is in addition to the requirement to hold a Street Trading Consent.

(2) Use of biodegradable materials for food packaging

- 11.3 Wherever possible food traders will be expected to use biodegradable materials in connection with the packaging of food served to members of the public.

(3) Display and production of consent document

- 11.4 A copy of the Street Trading Consent must be displayed whilst trading and the the consent holder or people employed by them must produce it on demand when so required by a duly authorised officer of East Devon District Council, a Police Officer or a Police Community Support Officer.

(4) Reimbursement of fees

- 11.5 Issuance fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Council. Any issuance fee reimbursement will be from the date the Consent is surrendered to East Devon District Council and based on the following formula:
- a) Number of complete days remaining multiplied by the Daily Fee **less** the current administration fee.
 - b) For Consents granted on an annual basis the daily fee will be calculated by dividing the annual fee due by 365.
- 11.7 Should the Council revoke a Street Trading Consent the Council shall not in any circumstances whatsoever be liable to pay any compensation or reimburse any issuance fees to the Consent Holder or people employed by them in respect of such revocation.

(5) Persons under the age of 17 years

- 11.8 The Council will not grant a Street Trading Consents to persons under the age of 17 years.

(6) Access by Council and Police Officers

- 11.9 Consent Holders should allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council officers will carry with them and produce on request official identity cards issued by East Devon District Council. If you have any doubts about a person claiming to be from East Devon District Council ask to see their official identification card. If you remain uncertain please contact the Council on 01395 516551 and ask to speak to the Licensing Manager or the Strategic Lead – Legal, Licensing and Democratic Services.

(7) Transfer of consents

- 11.10 The conditions attached to all Street Trading Consents stipulate that a Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.

The Consent granted is specific to the person it is issued to and is non-transferable.

A change of ownership of the business will require a new application to be made to the Council and the full application and consultation process will apply

SECTION 12 – ENFORCEMENT

- 12.1 This section relates to all aspects of enforcement of street trading including trading in prohibited areas or trading in consent streets without a consent having been granted, as well as compliance with conditions.
- 12.2 The Council will actively enforce the provisions of the Street Trading Policy within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Licensing Service's Enforcement Policy, copies of which are available free of charge. If you require a copy please contact the Licensing Team on 01395 517411/517410.

- 12.3 Our regulatory activities are focussed upon allowing and encouraging economic progress and supporting businesses, individuals and voluntary and community organisations to meet their legal obligations. As part of that we will:
- ❑ Keep our regulatory activities and interventions under review to reduce their burden on businesses, clubs and individuals, as much as possible
 - ❑ Risk assess our regulatory activities so as to target our resources where they will have greatest effect
 - ❑ Carry out inspections only where there is a reason for doing so, for example, as a response to intelligence or as part of our risk assessment process
 - ❑ Provide advice when it is requested and to do so proactively where this is practicable
 - ❑ Only require data and information when it is strictly necessary for us in carrying out our regulatory activities

SECTION 13 – RENEWAL AND REVIEW OF CONSENTS

- 13.1 Annual/Period Street Trading Consents will be renewed on application by the Consent holder. The Licensing Service will usually send out a reminder to annual/period consent holders along with a renewal form prior to a Consent expiring. The final responsibility for renewing a Consent remains with the licensee. Applications for renewal must be made in plenty of time for the renewal process so that the consent is renewed before it expires.
- 13.2 Consultations will be held with the following organisations to ensure that they are satisfied that the Consent should be renewed:
1. Devon and Cornwall Constabulary
 2. Environmental Health (Food/Health and Safety/Pollution)
 3. Ward Member(s) for the area
 4. Town / Parish Council for the area
- 13.3 Provided there are no changes to the Street Trading Activities an annual/period Consent will be renewed unless objections are received from the organisations detailed in paragraph 13.2 above.
- 13.4 If during the lifetime of a Consent relevant objections are received from the organisations or persons mentioned in Section 5 of this document, or other members of the public, regarding the operation of the consent, the Licensing Service will endeavour to resolve any non-compliance with consents granted with the Consent Holder. If the matters raised remain unsolved a request to review the consent granted will be referred to a Licensing Sub-Committee for determination.
- 13.5 Failure to pay fees will also be the subject of a referral to a Licensing Sub-Committee for a review of the permission.

SECTION 14 – APPLICATIONS FOR STREET TRADING CONSENTS IN SEATON MADE BY REGISTERED CHARITIES

- 14.1 The organising charity must apply in the usual manner using the Charity Street Trading Consent Form.
1. The fee will be set by Council to reflect the applicant's charitable status.
 2. A copy of the charity's public liability insurance will be required.
 - a) If the policy covers all people who may be trading at the event then no

- further action will be required.
- b) If the policy does not cover all people who may be trading at the event the organising charity will be required to ensure all traders have the necessary insurance.
3. No photograph of the stalls will be required for charity street markets.
 4. Details of individual traders and numbers of stall should be provided with the application or as soon as possible before the event.
 5. A description of goods to be sold will be required for each stall. This information should be provided with the application or as soon as possible before the event.
 6. A Street Trading consent will be issued to the organising charity for the esplanade.
 7. The Licensing Authority will maintain a light touch overview of the event.
 8. The organising charity will be responsible for the allocation of pitches and ensuring that all traders comply with any imposed conditions.

Changes to Guidance

In respect of these applications Section 4.2 (e) shall be revised as follows;

4.2 You will need to submit the following documents and fees with the application:

- (e) Colour photographs of the stall, van, barrow, cart etc that will be used for the street trading activity

This will not apply to applications received from registered charities for charity street markets in Seaton

These measures only apply for events/street markets arranged and operated by registered charities in Seaton.

SECTION 15 – EQUALITY

- 15.1 The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area.
- 15.2 The Council commits to ensure that no resident of, or visitor to, the area or other person associated with the Council is treated inequitably or in an unlawful or unjustifiably discriminatory manner.
- 15.3 The Council will take positive steps to stop any unfair/unlawful discrimination, and will carry out positive action where discrimination is found.

LIST OF PROHIBITED STREETS

Sidmouth

xxx

DRAFT

APPENDIX B

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Application for the GRANT or RENEWAL of a Street Trading Consent



PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I/We _____

Address _____

Telephone Number _____

Email Address _____

Trading a _____

APPLY FOR THE GRANT/RENEWAL of a Street Trading Consent in accordance with the following particulars:

The Street/Location I/We wish to trade is: _____

I/We wish to trade as detailed below

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM							
TO							

Date or dates Consent is sought _____

The articles I/We wish to trade in are _____

Please detail toilet facilities for persons working on a static site:

Will the Consent Holder be present when street trading takes place? Yes No

If no, name of the person who will be present and responsible for the unit/stall:

We will be trading from a:

Stall Van Trailer Cart Barrow

Other (describe) _____

Dimensions: _____

Colour _____

Will you have tables and chairs on the site? Yes No

If yes, Number of Tables: _____ Number of Chairs: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner: _____

Do you hold, or have you previously held, or been refused, a Street Trading Consent with this or any other Council? If yes, please give details

I/We declare that I am/we are NOT under the age of 17 years

Date of Birth(s) _____

I/We declare that the information given in this application is true.

Signature of applicants _____

Date _____

Please return this form to:

East Devon District Council
Licensing Service
Council Offices
Knowle
Sidmouth
EX10 8HL

Data Protection Act 1998

The personal data you provide on this form will be used by East Devon District Council to administer your permission. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a permission.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training



STREET TRADING CONSENT CONDITIONS

Standard conditions that the Council may seek to impose upon any street trading consents

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce the Consent on demand when so required by a duly authorised officer of the East Devon District Council, or by a Police Officer.
2. A copy of this Consent shall kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The street trading activity carried on shall be carried out strictly in accordance with the detail and plan submitted as part of the application and as subsequently approved.
4. The Consent Holder or people employed by them must notify the Licensing Manager immediately of any convictions or proceedings arising out of the use or enjoyment by the Consent Holder or people employed by them of this Consent.
5. The Consent Holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but may surrender it to the Council at any time.
6. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the Council.
7. Nothing contained in these conditions shall relieve the Consent Holder or his employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent.
8. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of 5 million pounds to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
9. This Consent does not infer or grant exclusive right rights to the holder for use of the location specified in the permission. If at any time at the permitted trading location other statutory bodies or organisations require access and use of the location to carry out emergency or other remedial works, they shall be afforded such access for such time as the required works need to be completed.
10. The Council may vary the Conditions attached to the Consent at any time, subject to reasonable notice being given to the Consent Holder.

SITE CONDITIONS

10. The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the local authority.
11. The Consent Holder or people employed by them must not use or suffer or permit any music playing, music re-production or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent.
12. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous written permission in writing from the Council.

13. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The Consent Holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment or markings of any description in the said surface except with the previous consent from the Council in writing.
14. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Council and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
15. The Consent Holder shall keep his trading position and the area within 25m of the pitch in a litter free condition during the permitted hours and also leave the same in a litter free condition at the end of each daily period of use under the terms of this Consent.
16. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
17. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved manner.
18. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.
19. All stalls, vehicles or other equipment associated with the street trading activity must be removed within 30 minutes of the expiry of the trading (consent) hours for the day.
20. The Consent Holder or people employed by them are not permitted to hold any Auction Sale.
21. The Consent Holder or people employed by them or his employees are expressly forbidden to sell, display or wear any article which is or is intended to be offensive either in writing or pictures.
22. The Consent Holder or people employed by them shall not trade in or issue any glass items or vessels whilst trading on the Esplanade in Sidmouth.
23. Consent holders or their employees shall not sell the New Psychoactive Substances.
24. The Consent Holder or people employed by them must comply with all reasonable requirements of the Licensing Manager, or any other authorised officer of the Council, a Police Officer or a Police Community Support Officer.
25. Any special costs, other than those legally required to be borne by the Council, incurred in preparing a pitch fit for purpose shall be borne by the applicant.

TRADING CONDITIONS

26. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
27. The Consent Holder shall not trade outside the time and days permitted by the Consent.
28. The Consent Holder shall display a copy of the consent issued by the Council on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public.
29. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.

30. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
31. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
32. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences so as to be deemed a Statutory Nuisance.
33. All street Trading fees are due in advance on the 1 April of any year. Annual fees may by agreement be paid by instalments. Failure to pay an annual or instalment fee will render the consent holder liable to action by the Council to revoke this consent.
34. The Consent Holder shall at all times conduct his business in a clean, honest, civil and businesslike manner without interfering with the business of other Traders and Consent Holders.

LEGAL PROVISIONS

35. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his employees or agents from any legal duty or liability.
36. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to Health and Safety, Food Safety and Food Hygiene, Nuisance and Highways legislation.

REVOCAION OR SURRENDER OF CONSENT

37. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
38. The holder shall return this Consent to the East Devon District Council immediately on revocation or surrender of the Consent.

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the East Devon District Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: (c) Any road, footway, beach or other area to which the public have access without payment. (d) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street	Means a street in which street trading is prohibited without the consent of the district council.

Authorised Officer

Means an officer employed by East Devon District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

THIS CONSENT DOES NOT:

- 1. Permit trading outside the terms of the Consent.**
- 2. Indicate that planning permission is not required.**

Please note:

- (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.**
 - (b) That the grant of one or more street trading consents does not give the trader immunity from planning control.**
 - (c) The Council has discretion whether or not to enforce planning laws in relation to street trading.**
- 3. Indicate that the unit is exempt from business rates.**
 - 4. Over ride parking restrictions or any other traffic regulations.**
 - 5. Imply approval from the highway authority or any other person or authority.**

Agenda item 8**Overview Committee****Overview Committee Forward Plan 2016/17**

Date of Committee	Report	Lead
11 January 2017 9.30am start	Draft budgets and service plans 2017/18	
28 March 2017	Economy Cultural Strategy Housing Delivery Task and Finish Forum final report	Richard Cohen Richard Cohen Charlie Plowden

Work for scoping and allocation to the Forward Plan:

Proposed date	Topic
tbc	Review how regeneration boards operate

Task and Finish Forum:

Title	Detail
Housing Delivery	First meeting to agree scope and questions for evidence meetings set for 8 December 2016 Evidence collection meetings 17, 24 and 31 January 2017 Draft report and recommendations 28 February 2017 Final report back to Overview 28 March 2017