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Agenda for Licensing & Enforcement Committee Wednesday, 28 June 2017; 9.30am

[Members of the Committee](#)

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

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 19 June 2017

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- 1 Minutes for 17 May 2017 (pages 2-5)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 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.

Part A - Matters for Decision

- 6 Street Trading –Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (pages 6-58)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at East Devon Business Centre, Honiton on Wednesday, 17 May 2017

Attendance list at the end of the document

The meeting started at 9.30am and ended at 11.00 am

*16 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 15 February 2017, were confirmed and signed as a true record.

*17 Declarations of interest

Councillor Steve Hall

Minute 6

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 6

Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Geoff Jung

Minute 6

Disclosable Pecuniary Interest – Designated Personal Licence Holder

*18 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Following a request for licensing statistics from the Home Office (DCMS) an annual mandatory return was provided giving data for all alcohol and late night licences up to 31 March 2017. The data showed the following licences were administered by the licensing team over the previous financial year.

- 621 Premises Licences (compared with 610 in 2015/16).
- 51 Club Premises (compared with 55 2015/16).
- 2197 Personal Alcohol Licences (compared with 2087 in 2015/16).
- 837 Temporary Event Notices (compared with 824 in 2015/16).

On 10 January 2017 a pre application meeting for the Sidmouth Folk Festival was held at Knowle, Sidmouth involving officers from various teams of the council and police. On 14 March 2017 a further planning meeting was held for the Sidmouth Folk Festival chaired by the Licensing Manager and attended by various authorities. The Licensing Manager reported that he was investigating the possibility of charging for pre application advice for premises licences after the first free half an hour.

Part of the work undertaken by the licensing team involved compliance inspections through visiting licensed premises within East Devon to ensure that licensing laws were adhered to by licence holders and their staff. In order to achieve this work, the Overview Committee has previously set performance indicators for the number of

compliance visits to be achieved by the team each financial year. For the year 2016/17 the team completed 191 compliance visits achieving the required number set at 185. The team also identified and visited those licenced premises assessed as 'high risk' and have also achieved these inspections except for one club premises which has been included in this years scheduled visits.

Gambling Act 2005

The programme of visits to licensed premises and other premises where gaming is permitted continues and whenever a licensed premises inspection occurs, the existence of gaming machines and any issues of compliance were duly considered and inspected.

Figures taken on 5 May 2017 showed that the licensing authority currently administered 2 Bingo Premises Licences, 4 Adult Gaming Centre Premises Licences, 9 Family Entertainment Centre Gaming Centre Machine Permits, 10 Betting Premises Licences, 16 Club Machine Permits, 1 Prize Gaming Permit, 10 Alcohol Licensed Premises Gaming Machine Permits and 154 Small Society Lotteries.

The forthcoming year of 2017/18 would see a number of gaming permits for premises that were licensed 10 years ago coming to the end of their maximum term and requiring newly submitted permits from the licensees or operators. The licensing team would continue to work in conjunction with the Gambling Commission to ensure that legally required standards are maintained for all permit renewals.

2. Taxis

Figures taken on 5 May 2017 showed that the licensing authority currently administered 206 hackney carriage driver licences, 170 hackney carriage vehicle licences, 15 private hire operator licences, 18 private hire vehicle licences and 28 private hire driver licences. For the majority of licensed drivers being required to renew their driver licences (Hackney and Private Hire) it would be necessary to conduct individual meetings to confirm the right to work in the UK through examining original documents (passports or birth certificates). This would create an increase in working procedures later this year for the officers.

The Licensing team had continued to carry out checks of hackney carriage vehicles parked on the taxi ranks within the East Devon area to ensure that all vehicles complied with the legislation and met the required standards for both licensed drivers and vehicles. During the first quarter of the year compliance inspections for vehicles had been undertaken at ranks in Exmouth, Sidmouth, Axminster and Honiton.

The licensing team continued to receive reports from members of the taxi trade concerning hackney carriages licensed by East Devon operating whilst not displaying the East Devon taxi roof sign. Officers welcomed this and treated each report independently on a case by case basis. The licensing team had also been made aware that a number of East Devon licensed vehicles appeared to be routinely operating in Exeter whilst not displaying their East Devon roof sign. Officers had undertaken a number of compliance visits to Exeter to evidence these breaches and have worked in partnership with Exeter City Council licensing officers to identify such vehicles.

Members of the Committee discussed possible requests from the taxi trade for assistance with a permit for the Exeter bus and taxi lanes and the possible affect this may have on East Devon vehicles working in Exeter City.

Since the start of the year there have been two taxi licensing matters referred to the Licensing & Enforcement Sub Committee. One relating to a private hire vehicle over four years old which was granted and one matter relating to a new hackney carriage drivers licence which currently stood adjourned pending submission of further information by the applicant.

3. General Licensing

The current policy concerning Street Trading Consents was subject of an additional report being prepared following a period of public consultation in 2016 and more recently in 2017. The proposal to change the designation of street trading across the district from prohibited to consent locations would be the subject of a further detailed report to the Committee. The proposed change in policy required additional work concerning the draft street trading policy, fee structure and staffing arrangements before being reported to a special meeting on the Licensing & Enforcement Committee on 28 June 2017.

4. Consultations

The bi-annual taxi liaison meeting took place on Thursday 6 April 2017, this meeting was normally attended by the Chairman and Vice Chairman, but other members were welcome to attend.

5. Licensing Team update

Since the staffing changes to the licensing team reported in February 2017, the structure of the team was now one manager, three licensing officers and two licensing support officers, with three members of the team working varied reduced hours. The separate report concerning Street Trading consents offered a proposal for one further staff member to be recruited in the future should the option to designate the district for street trading be approved.

6. Member Training

Following requests from committee members it was recognised that a training session was considered necessary to support newer members and to refresh knowledge regarding recently introduced legislation and procedures. It had been arranged for Wednesday 14 June 2017. The training would be provided by a nationally respected firm of solicitors based around Licensing Hearings for the members. Upon completion of the planned training event it is proposed that training updates will be considered and delivered at the end of the Committees quarterly meetings in the future for the different subjects of licensing that are relevant.

RESOLVED:

1. that the report be noted;
2. that the Licensing Manager be requested to contact Exeter City and Teignbridge Councils to discuss the fees and criteria for Exeter City bus and taxi lane permits and report back to a future meeting of the committee.

- 19 Hackney Carriage and Private Hire Drivers, Vehicles and Operators
– To seek approval to adopt a new Taxi Licensing Policy
Members received the report of the Licensing Manager on the results of public consultation on the proposed new Taxi Licensing Policy. Members that although the

policy had been widely circulated there had been few written responses. The Licensing Manager confirmed that he was looking to provide a policy booklet that would be made available to all East Devon taxi drivers.

In response to a question from Councillor Steve Hall, Chairman, the Licensing Manager reported that he would investigate whether Budleigh Salterton still had two authorised taxi ranks in the town.

Steve Saunders, Licensing Manager and Emily Westlake, Licensing Officer were thanked for their well presented and informative report.

RESOLVED: that the results of the public consultation on the Council's draft Hackney Carriage and Private Hire Policy be noted.

RECOMMENDED that the East Devon Hackney Carriage and Private Hire Taxi Policy as attached at Appendix A be adopted by the Council from 26 July 2017.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Megan Armstrong
Brian Bailey
Dean Barrow
Colin Brown
Bruce de Saram
Steve Gazzard
Geoff Jung
John O'Leary

Officers present

Giles Salter Solicitor
Steve Saunders, Licensing Manager
Emily Westlake, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies

Councillors:
Jenny Brown
Maddy Chapman
Cherry Nicholas

Chairman Date

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 28 June 2017

Public Document: Yes

Exemption: None



Agenda item: 6

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 method and results of the public consultations undertaken in respect of changing the current Street Trading designation in East Devon from prohibited to consent streets to retain control on the issue of Street Trading Consents and also seeks the approval to undertake the change in designation of specified locations as consent streets for street trading and to adopt a policy for to administer the regime. This report also shows the current fee structure in respect of Street Trading Consents and seeks authority to set and to increase fees to allow the Council to recover the cost for carrying out its regulatory responsibilities.

Recommendations:

That the Committee;

- 1. Notes the results of the public consultation exercise undertaken in respect of the proposed changes to the street trading regime and the resource implication of introducing a new regime;**
- 2. Agrees to;**
 - (a) Rescind all of 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 being ‘Consent Streets’ as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth which shall be ‘Prohibited Streets’ (identified in Appendix F);**
- 3. Approves the Street Trading Policy and Standard Conditions (Appendix I) to be used to administer the street trading regime;**

That the Committee recommend to Council that;

- 4. The proposed fees set out in Appendix K which will apply to all applications for street trading consents be agreed;**
- 5. Approval be given for a temporary appointment of a Grade 5 officer for 18 months to ensure sufficient resources to administer the new regime;**

Reason for recommendation: To inform the Committee of the outcome and results of the consultation undertaken in accordance with the resolution made at its hearing of 15 February 2017 and to enable the Council to continue to

recover the cost of carrying out its responsibilities relating to the administration of Street Trading Consents .

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

Financial implications: Costs incurred of delivering the proposal to the public to be covered by existing advertising budget by means of marketing and external consultant fees. Previously this has been £400 and minimal Officer time. Provided public consultation has passed, based on a predicted increase in demand for Street Trading within East Devon, a temporary post of Licensing Officer for a 18 month contract to administer new applications to be passed and reviewed after this temporary period. At a present cost of £21,268 for 2017/18, would require approval for additional Employment Funding.

It is important to regularly review fees being recovered to ensure that costs of providing the administration for the licensing department are met. It is also imperative to provide good value for money whilst encouraging new applicants for street trading.

Legal implications: The legal implications are set out within the report and require no further comment at this stage, prior to consultation.

Equalities impact: Low Impact

Risk: Low Risk

Appendices:

Appendix A - Current list of Designated Streets in East Devon
Appendix B – 2016 Consultation Results Summary
Appendix C – 2017 Consultation Circulation
Appendix D – 2017 Consultation Results Summary
Appendix E – Revised map of Prohibited Streets in Sidmouth
Appendix F – Revised list Prohibited Streets in Sidmouth
Appendix G - Environmental Health Teams Response
Appendix H - Revised Draft Street Trading Policy (June 2017) and Standard Conditions
Appendix I - Guidance Document for Applicants
Appendix J - Proposed Fee Structure
Appendix K – Fee Comparison Table

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, 29th November 2016
- Street Trading Report, Licensing Committee, 15 Feb 2017
- [Original version of draft Street Trading Policy 2017](#)

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’ streets are permitted to have trading occurring on them provided the Council’s consent is obtained first. Controls in respect of the trading activity can be imposed on any consent granted by way of imposition of conditions. The ability to issue a consent 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 street without a consent although there are some exemptions for certain activities (e.g. such as roundsmen, charitable street collections, news vendors and pedlars).
- 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**. The majority of the streets appearing in the appendix were designated in 1983/84 with further changes being made in 1998 when Sidmouth Esplanade and Promenade and parts of Seaton’s Esplanade and Square were re-designated as ‘Consent Streets’. In 2009 the Council adopted its current policy for considering applications for street trading consents.
- 1.4 Initial consideration of the proposal to change the existing arrangements and policy by the Licensing and Enforcement Committee and Overview Committee led to a public consultation in 2016 to understand the views of the Towns and Parishes, although this was extended to allow wider consultation among local organisations, businesses, traders themselves, and the public. The consultation resulted in 198 responses being received. The results of the consultation showed overall that there is a desire to extend street trading opportunities in East Devon where street trading is largely prohibited, with the exception of Sidmouth where the general response was against any changes to existing restrictions. A full summary of all responses for the survey in 2016 is provided for this Committee at **Appendix B**.
- 1.5 As a result of the consultation it was recommended to Cabinet, and to Licensing and Enforcement Committee:
- 1. That the Licensing and Enforcement 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’ 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 (as listed) which shall be ‘Prohibited Streets’ except during Folk Week.*
 - 2. That the Licensing and Enforcement 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

- 1.6 At the last meeting in February 2017, the Licensing and Enforcement Committee agreed recommendations to further consult on changing the current regime in addition to the exercise in 2016. A further consultation was widely undertaken for six weeks to include all Town and Parish Councils within the District, the Highways Authority, Devon and Cornwall Police, East Devon District Council Environmental, Commercial and Environment Protection Teams and Street Scene. The circulation of the consultation was through formal correspondence to the relevant authorities and can be found in **Appendix C**.

2 Update on Public Consultation - 2017

- 2.1 The latest consultation exercise was undertaken from 6 March to 26 April 2017. The consultation was publicised widely and was sent out in a variety of ways:
- Two press releases were sent out to the local media.
 - It was publicised on the council's social media accounts and website.

The consultation and reminders to take part were sent out to:

- 184 local businesses by e-mail, those which we have non personal email addresses for.
- All our town and parish councils and EDDC 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 in the area. 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 street traders from the Sidmouth Folk Festival.
- All mobile businesses registered with our Environmental Health Team.
- All respondents to the last stage of the consultation that gave us their e-mail addresses for follow up consultations to be sent.

Following the close of the consultation a total of 77 responses to the latest questionnaire and 6 further comments received in the post or by email being:

- 37 from local residents
- 18 from static businesses
- 13 from street traders
- 1 from a visitor
- 1 from an organisation that arranges street trading
- 5 from official representatives of organisations

58% of respondents agreed with the proposal overall, although this varied dependent upon the type of respondent. Those agreeing with the proposals where:

- 90% of street traders
- 65% of non-Sidmouth respondents
- 60% of organisations
- 56% of local residents
- 40% of Sidmouth respondents
- 31% of business owners

- 2.2 Overall, 75% of respondents agreed with the factors to be taken into account with 25% that did not agree. Of those that did not agree and gave reasons why the most popular answer

was that they were concerned that this level of regulation would make it more difficult for street traders to trade.

2.3 It was evident that the number of received responses was lower than that of 2016 although this was not unexpected given this was a second consultation being undertaken. A number of organisations expressed support for change including Cranbrook Town Council, Whimble Parish Council, Chardstock Parish Council, Sidmouth Folk Week Ltd and Budleigh Salterton Town Council. A full summary of all responses is provided with the results for this Committee at **Appendix D**.

2.4 In the formal questionnaire respondents were asked a number of key questions. A brief summary of those questions and the answers are set out below:

1. *Do you agree or disagree with all the factors that would be taken into account when considering applications to street trade?*

The majority of both non-Sidmouth and Sidmouth respondents agreed with the proposed factors. However a significant percentage also disagreed. Of those that disagreed the main area of concern that may need addressing is that they felt all these factors would make it too bureaucratic for street traders to make a living.

2. *Do you agree or disagree with the people and organisations who would be asked for their views on street trading applications?*

The majority of both non-Sidmouth and Sidmouth respondents agreed with the list of consultees. Of those that disagreed the main area of concern was that residents should be consulted, a few from Sidmouth also stated that the Chambers of Commerce should be consulted.

3. *Would the timescales proposed cause you, your organisation or your business any problems?*

The majority of both non-Sidmouth and Sidmouth respondents said the timescales would not cause any issues although 38% said that it would, mainly that the proposed consultation period (14 days) would not give them enough time to give their views. A small proportion of street traders also said this would be too long for them to hear whether their application had been successful.

4. *Do you agree or disagree with the proposal to make the whole of East Devon apart from Sidmouth a consent street, meaning all street traders would have to apply for a licence to trade?*

Around half of Sidmouth respondents agreed with the proposal. Of those that disagreed the majority disagreed as they felt the changes shouldn't be happening anywhere in the district, or that Sidmouth should be included in the changes.

Around two thirds of respondents from outside Sidmouth agreed with the proposal, of those that disagreed the majority did so as they felt the consent street shouldn't apply to the whole of the district, just larger parts of it than at present.

In terms of businesses with fixed premises, overall (although noting that there were only 18 respondents) around two thirds disagreed for a number of different reasons including that it is unfair that street traders would not be paying rates and that parking spaces would be taken up. In terms of Sidmouth, three quarters disagreed, while in Budleigh Salterton there was 100% support.

- 2.5 Sidmouth Town Council responded and has requested that the currently prohibited location of The Ham Recreation Field should be included as a Consent location for street trading but otherwise the existing designated prohibited locations elsewhere in the town should remain. The Ham Recreation field is a location that has begun hosting popular food and music events that will fall within street trading requirements under proposed changes. To leave this as a prohibited street would mean these events could not occur.
- 2.6 Sidmouth Chamber of Commerce responded as being against the proposed changes as previously. Although they are supportive of Sidmouth being excluded from any proposals, they feel that the changes shouldn't be introduced anywhere in the district. Honiton Town Council also did not support the proposals, although it is considered that this may be due to a misunderstanding of how the new regime would impact on their Charter Market.
- 2.7 As a consequence of both consultations undertaken in 2016 and 2017 it is the officers' view that there is justification for the Council to change the street trading position to a district wide consent regime, excluding parts of Sidmouth which should remain prohibited except for the Esplanade and Promenade during Folk Week and the Ham playing field. Ultimately it is a matter for the Licensing and Enforcement Committee to consider in light of the consultation responses and the further detail and information contained in this report. If approval is given it will be a legislative requirement to rescind previous resolutions to designate prohibited streets and consent streets within the district and to resolve to designate all streets, bar those in Sidmouth, as Consent Streets
- 2.8 In light of the officer view, a map and document have been prepared identifying those areas of Sidmouth that are currently prohibited and which are considered should remain as prohibited (marked in red) but also with the Esplanade and Promenade being shown as a consent location but with consents to be granted only during Sidmouth Folk Festival as is presently the case. The response from Sidmouth Town Council for The Ham Playing Field to be designated as a Consent Street location in the future is duly acknowledged and is not shown as being a prohibited location. The map is **Appendix E** and revised Prohibited Street locations in Sidmouth is **Appendix F**.

3 Street Trading Policy

- 3.1 As part of the consultation in 2017, and as detailed above, questions were asked about the suitability of the draft Street Trading Policy (this version can be found in the background links). A comprehensive response was provided by the East Devon District Council Environmental, Commercial and Environment Protection Teams detailing amendments that should be considered to the draft Street Trading policy (**Appendix G**). The response outlined the working arrangements for that team, sought clarification on some points, made some suggestions and identified duplicated wording. Other organisations and authorities that would be notified and consulted for street trading applications under future arrangements have been contacted without adverse feedback. The Highways Authority and Devon Fire and rescue Service reported wishing to have limited engagement for applications which may require their involvement for safety reasons. The police did not respond at this stage.
- 3.2 As a result of the responses and points raised, further amendments have been made to the Street Trading Policy. This includes ensuring a less beaucroatic process so that it is not a regime that entails significant time delays and applicants are able to ensure a timely decision. That said, and to address comments made, the consultation period has been extended from 14 days to 21 days to allow those being consulted sufficient time to respond. In addition it has been made clear that neighbouring residents and businesses will be consulted as part of the decision making process. Duplicatory or repetitive information has been removed and it has been re-worded in places to make it more user friendly. A similar exercise has been carried out for the Standard Conditions that would be imposed on consents. A copy of the proposed Street Trading Policy and the Standard Conditions are provided now as **Appendix H**. It is

recommended that if the decision is to progress the new consent regime that this Street Trading Policy and the Standard Conditions are adopted for use.

- 3.3 The Council has generally restricted street trading arrangements in the past to Sidmouth Folk Week and reference was previously made to 'pitches' in the proposed Street Trading policy. Pitches will only be marked in the future for Sidmouth Folk Week trading and the council has no plans to mark other pitches for street trading elsewhere in the district. Those arrangements have evolved over the last nine years and operate effectively each year in Sidmouth. The same situation concerns Charitable Street Trading conducted in Seaton since 2009. For that reason, there is no requirement to change existing arrangements nor to adopt a new approach for Sidmouth Folk Week trading and Charitable Street Trading conducted in Seaton.
- 3.4 The response from the Environmental Health Teams also highlighted that the full Street Trading policy might prove difficult for some applicants with literacy difficulties to understand. A concise guidance document for obtaining a Street Trading Consent has been produced to assist applicants in the future as **Appendix I**.

4 Proposals for Staffing

- 4.1 Administration and compliance has been led by the Licensing Service over the last nine years and the current regime has not necessitated additional resources partly due to the fact that under the existing policy a consent has a maximum of 7 days it can be granted for. The administration and enforcement for the folk week stalls is achieved as team effort from the initial application phase in April through to daily and weekend working arrangements for the event in August each year.
- 4.2 East Devon is a large district with many locations in its towns and villages where street trading is keenly anticipated. Licensing staff currently receive calls and emails from prospective traders who accept that locations are prohibited for the purposes of street trading. The recent consultations and media circulations have increased wider anticipation from prospective applicants. It is therefore expected that upon a change in designation there will be a much higher volume of new applications submitted for street trading where it has not occurred before and it is likely that we will see the growth in late summer and autumn as well as for Christmas fayres and markets later this year.
- 4.3 The current licensing team comprises of two administrator posts of one full and one half week, two full time licensing officers and a third licensing officer working reduced weekly hours. The team has experienced recent changes in working arrangements for other licence types with the Immigration Act resulting in additional checking for alcohol related and all new taxi applications. The anticipated increase in street trading applications will require additional staffing for administrative and enforcement functions which are cannot be permanently absorbed under the current staffing arrangements. This is necessary despite improved working procedures, use of online applications, payments and adherence to systems thinking to reduce duplication and over processing.
- 4.4 To explain further, current experience in managing street trading arrangements for just Sidmouth has identified there will be intensive work required. The new regime will require additional officer time dealing with the following;
- i. Supporting new applicants in the requirements and documents for making an application (pre-application)
 - ii. Visiting proposed trading locations across the district where trading has not previously been allowed or undertaken to consider suitability (pre-application)
 - iii. Accepting completed applications, fees and associated documents
 - iv. Consulting with other partners and authorities for every street trading application districtwide,
 - v. Responding to objections and representations received subsequently,
 - vi. Determining new applications,

- vii. Issuing new longer term consents for up to 12 months
- viii. Ensuring annual and long term fee payments
- ix. Preparing Sub-committee meeting reports for relevant applications
- x. Compliance visits to traders, events and festivals (post grant)
- xi. Enforcement and investigation of illegal traders operating without a consent
- xii. Potential prosecution of traders unwilling to engage or pay fees

4.5 With the above work needing to be carried out, for an increased number of applications, additional staffing will be necessary. It is recommended that a temporary licensing officer post (on the basis of Grade 5) is required with a current annual salary of £21,268 (plus on costs). A temporary licensing officer at this scale will provide the staffing to complete all initial administrative, consultation and enforcement work expected upon the implementation of new regime across the district.

4.6 Income from street trading during Sidmouth Folk Week will remain regardless and so with the proposal to increase existing fees (as detailed below) together with income from fees generated across the district from new applications it is expected that staffing costs in administering street trading will be met from income from the new regime.

4.7 The option to employ an additional member of staff on temporary arrangement initially provides an opportunity to establish the demand for street trading balanced against the level of resources required along with possible fees received. This would not commit the Council to a permanent post initially but will provide necessary resilience upon the implementation during late summer and autumn months and allow a sufficient period for review before determining whether a permanent post was justified. Although a date of approval for a new regime has not been confirmed on the basis of the possible commencement in late summer 2017 an approximately 18 month temporary contract will provide an opportunity to test demand and the resources over a full year to ensure appropriate resource determinations can be made and actioned for 2018/19.

5 Street Trading Consent Fees

5.1 The first fee of £15.00 per day for issuing Street Trading Consents was initially set in 2008 and although fees have been reviewed since 2008, the overall fee structure remains with fees only set and charged from one to seven days being based around the trading regime for the one week folk festival in Sidmouth. Seaton was included with a slightly different fee regime being adopted and the continuing arrangement in Seaton has accommodated charitable street trading consents to allow the Council and the relevant charity to co-ordinate markets under one consent. Seaton charitable markets currently operate with a single consent fee of £21. Monthly, quarterly and annual consents have not been required or charged up to now.

5.2 The annual take-up by applicants to trade during Sidmouth Folk Week remains high being oversubscribed annually with more applications received than pitches being available. It is still necessary to review and set the fees for street trading in Sidmouth and it will also be necessary to set street trading fees across the district through to 2018, should approval be given to change the designation.

Proposed changes to Street Trading Fees

5.3 Other councils that have adopted similar changes to a consent regime have incorporated street trading fees for extended periods of 3, 6 or 12 months. This report seek approval to continue with the daily and weekly arrangements for commercial events and markets but also to include new fee arrangements for extended periods of up to one year where appropriate.

5.4 Licensing authorities may not set fees that are dissuasive, and any fees must be reasonable and proportionate to the cost of the licensing process and the issuing of the licence. These provisions have been taken into account in setting the fees set out in this document. In addition, a recent judgment of the Supreme Court has provided further clarification of the type of costs which may be taken into account when setting fees, and when fees may be payable.

The judgment of the Supreme Court established a licensing regime may operate on the basis that an applicant must pay:

- (i) on making the application, the costs of the application process and,
- (ii) on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.

- 5.5 The proposed changes to street trading will incur additional work for the licensing team in the form of more applications being received for increased locations that have previously been prohibited for street trading. The additional administration, scrutiny and wider consultation for the applications indicates an increase in decisions to be considered by the Licensing Manager with some referred to Licensing and Enforcement sub-committees. The experience of other councils when changing designation has also suggested additional enforcement work initially.
- 5.6 The street trading income for the Licensing Service for year 2016/17 was set at £12,500 based upon traders in Sidmouth paying for pitches up to a maximum of seven days. Street trading fees are now due for review regardless of the proposed changes. The pitch allocation for Sidmouth Folk week 2017 has already been filled under existing fees of £31 per day up to seven days trading being applied. If the new fees are agreed then the income from Sidmouth Folk Week will generate £16,380. We can also predict that there will be some a number of annual static consents (mobile food vendors – Honiton, Exmouth and Cranbrook) and new licences sought inland and seafront during at least the summer period. The combined effect of these fees, will mean that the £21,628 annual staffing costs should be covered.
- 5.7 Although to date the Council has only considered short term consents (no longer than 7 days on the basis of Sidmouth Folk Week), the new regime would allow fees to be set for longer periods of time and on a seasonal and location orientated basis. Essentially this allows higher demand in summer trading to attract increased fees from 1st May to 30th September and for sea front locations to also attract higher fees.
- 5.8 With demand for Sidmouth folk week trading being high each year, the current process of reducing daily fees for traders who only take up three days or more is no longer considered appropriate. A daily fee rate should apply for every day that a consent is issued to traders for Sidmouth folk week (up to the maximum seven days).
- 5.9 Accordingly it is recommended that the licensing fees as shown in **Appendix J**, which includes seasonal variation with fees set according to lower or higher seasonal demand and also based upon whether the trading location sought is a seafront location where demand and applications are considered to be more popular and sought after, be agreed as the basis of the new regime. Fees will be reviewed on an annual basis.
- 5.10 A benchmarking exercise has been carried out against fees set by other councils and a fees comparison table is shown in **Appendix K**.

6 Conclusions

- 6.1 It is a matter for the Licensing and Enforcement Committee to note the outcomes of the consultation exercises and thereafter to decide whether to change the street trading designation to a district wide consent regime, excluding Sidmouth (except for the Esplanade and Promenade during Folk Week and the Ham playing field). However as a consequence of both consultations undertaken in 2016 and 2017 and the further detail in respect of resource implications / staffing costs and likely fee generation it is the officer's view that the Council should adopt a district wide consent street, save for those identified areas in Sidmouth which shall be prohibited.
- 6.2 Should the decision be to agree to bringing in the new street trading regime, then officers recommend that this is on the basis of the attached Street Trading Policy and Standard Conditions.

6.3 Officers further recommend that the revised Street Trading Fees be agreed and it be recommended to Council that they be adopted and that the additional temporary staffing costs (comprising a Scale 5 officer for 18 months) be agreed.

7 Next steps

7.1 If this Committee gives approval to designate the district as a consent street, the legislation requires a legal notice advertising the proposal to pass the resolution at a future meeting before final determination can be reached. The legal notice will be required for a period of 28 days and being necessary to change the current designation of prohibited locations and consent locations.

7.2 If approved all responses to the legal notice will be collated and processed by the licensing team. Undertaking the statutory 28 day consultation will allow interested parties to make representations in support or otherwise on the proposal for passing the resolution. Once the 28 day period has expired the responses will be reported back to this committee together with the options available in order to consider the proposed change.

7.3 At that stage upon conclusion of the statutory notices, responses will be reported back to this Committee on Wednesday, 23 August 2017.

7.4 Before any changes to the street designation can be considered, after that date a further legal notice would be required, should the Committee pass the resolution to change the Street Trading designation, with a further final notice having to be placed in the local press for two consecutive weeks giving notice of the Council's decision and of the date it comes into force.

APPENDIX A

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

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

News release



East Devon – an outstanding place



06 March 2017

Have your say on East Devon District Council's amended proposals to change street trading rules

Council has listened to people's views and changed the proposals, but now needs people to express their views again

Having listened to the results of the consultation on an initial street trading proposal, East Devon District Council is now proposing to designate the whole of the district as a consent street, meaning street traders have to apply to the council for a licence to trade, with the exception of Sidmouth. Applications would be assessed by the district council, taking into account a wide variety of factors, and street traders would either be given or refused a licence to trade. A variety of consultees will be told about each street trading application, asked for their views and their views will be taken into consideration.

Street trading includes stalls at outdoor events, street stalls, street markets, outdoor markets, festivals, roadside food vans and food vans in car parks (including supermarket car parks). In fact, anything where someone is selling goods or services on the streets, or outside in pedestrian areas or open spaces constitutes street trading.

Street trading rules in Sidmouth would remain the same as they currently are with a general ban on street trading apart from during Folk Week.

To find out more and take part online, visit the street trading page on the East Devon: www.eastdevon.gov.uk/streettrading

All completed questionnaires must be back with the council by 5pm on Wednesday 26 April 2017. If you would like a paper copy of the consultation, a copy in large print or another format contact: jbuckley@eastdevon.gov.uk or telephone 01395 517569.

The current rules

Currently there is a mixture of rules for street trading in East Devon:

- In some places it is banned, so it can't happen no matter who wants it to or why. This includes the majority of the more central streets in Exmouth, Honiton, Seaton and Sidmouth
- In a few places people have to apply to East Devon District Council for permission to trade, these are called consent streets. This currently only applies to six streets in the whole district.
- In most of East Devon anyone can set up and street trade at any time, it is a free for all. This applies to the whole of Budleigh Salterton, Ottery St Mary, villages, more rural areas and less central areas of Exmouth, Honiton, Seaton and Sidmouth.

Proposals for change

Last summer East Devon District Council asked residents, organisations, businesses and street traders what they thought of their proposal to designate the whole of East Devon as a consent street. This would have meant that if anyone wanted to street trade or have a street market in East Devon they would have to apply for permission, their application would be assessed by the district council, taking into account a wide variety of factors and they would either be given or refused a licence to trade.

The council received 198 completed questionnaires back. The results of this consultation showed there is a desire to extend street trading/street market opportunities in East Devon, with the notable exception of people and organisations who responded to the consultation from Sidmouth who were overwhelmingly against any relaxation of Sidmouth's existing rules on street trading. Static businesses from throughout East Devon also expressed concern that street trading/street markets would take away their trade.

The council has revised its previous proposal in light of the consultation and is now putting forward this amended recommendation, which it wants your views on.

Councillor Philip Skinner, East Devon District Council's portfolio holder for economy, said: "I would like to thank everyone that gave us their views in the initial consultation, and would encourage them to have their say again. As shown, we did listen and make changes because of what people told us in the previous street trading consultation.

"There would be a wide variety of factors taken into account when deciding whether street traders/street markets are given permission to trade, the list of factors we'll take into account is one of the things we want people's views on in this consultation. This list includes consideration of what nearby permanent businesses were concerned about in the previous consultation, including taking into account what the street traders want to sell, to avoid them selling the same things as nearby permanent businesses."

Please note that Honiton High Street and a part of Axminster town centre have ancient charters that allow their weekly markets to take place. This proposal does not apply to these areas as the charter exempts them from being controlled by this more modern legislation.

ENDS

(Ref: 10890)

East Devon District Council

Street Trading Consultation part 2

March to April 2017

Summary of results

IMPORTANT: There were 77 responses. When the results are split down into different types of respondents one reply can equal a large percentage. For example, only 5 organisations responded, this means in the results for organisations 1 respondents opinion can make 20% difference to the results.

Factors that would be taken into account

- Overall, 75% of respondents agree with the factors to be taken into account, 25% did not agree. Of those that did not agree and gave reasons why the most popular answer was that they were concerned that this level of regulation would make it more difficult for street traders to trade.
- When asked if there were other factors that should be taken into account 38 people commented, 29 of those from outside Sidmouth. There was a wide variety of comments, the most popular being that existing markets should be protected, there should be no effect on them / clash with them (Honiton) and that any loss of car parking spaces should be taken into account.

People and organisations who would be consulted

- Overall, 80% of respondents agree with the list of people and organisations that would be consulted. Only 63% of Sidmouth respondents agreed, but the proposal does not include Sidmouth in the changes.
- Of those who disagreed and suggested changes or additions to the list, there were a wide variety of suggestions. The most popular was from Sidmouth respondents who suggested Chambers of Commerce should be consulted, but the proposal does not include Sidmouth in the changes.

Timescales

- 38% of all respondents stated that the timescales would cause a problem to them. This varies a lot dependent upon the type of respondent. 65% of business owners, 56% of Sidmouth respondents (but the proposal does not include Sidmouth in the changes) and 50% of organisations would have an issue with the proposed timescales (Honiton Town Council and Chardstock Parish Council).
- The majority of those who stated they would have an issue and gave reasons why said two weeks isn't long enough for them to investigate and provide a considered response.

Overall:

58% of respondents agreed with the proposal overall, this varies a lot dependent upon the type of respondent:

- 90% of street traders agree with the proposals
- 65% of non-Sidmouth respondents
- 60% of organisations
- 56% of local residents
- 40% of Sidmouth respondents
- 31% of business owners

Overall of those that disagreed and told us why, the most popular reason given was that they felt Sidmouth should be included in the proposals as well (this was also the most common answer for Sidmouth respondents), and the second most common comment was that the current arrangements shouldn't change.

Overall of those that agreed and told us why, the most popular reasons given were that it would mean there would be more control of street trading and also that it would mean there would be more street trading and outdoor markets.

How and when we did it

This consultation exercise was undertaken from 6 March to 26 April 2017. We wrote a draft policy, and accompanying questionnaire and asked people for their views.

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

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

The consultation and reminders to take part were sent out to:

- 184 local businesses by e-mail, those which we have non personal email addresses for.
- All our town and parish councils and EDDC 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 in the area. 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 street traders from the Sidmouth Folk Festival.
- All mobile businesses registered with our Environmental Health Team.
- All respondents to the last stage of the consultation that gave us their e-mail addresses for follow up consultations to be sent.

How many people took part

We received 77 responses to the formal questionnaire.

There were another 6 responses that were e-mailed or posted to us in a letter format, 4 from organisations and 2 from individual residents. These are not included in the details below as they cannot be added to the questionnaire results.

Full Results

1. Which one of the following best describes the capacity in which you are completing this questionnaire?

We received 77 completed questionnaires:

- 37 from local residents
- 18 from static businesses
- 13 from street traders
- 1 from a visitor
- 1 from an organisation that arranges street trading
- 5 from official representatives of organisations

2. Fill in the box below with the relevant information. If you are completing this questionnaire as:

- A local resident, or visitor to East Devon, which town(s) or village(s) is your business based in?
- As a street trader, which town or village are you based in?
- As an official representative of an organisation, what's the name of your organisation?

Comment	Number of responses
Sidmouth	22
Elsewhere within East Devon, not on this list elsewhere	14
Exmouth	12
Seaton	5
Honiton	5
Budleigh Salterton	5
Axminster	3
Colyton	3
Outside East Devon	3
Beer	2
Whimble	2

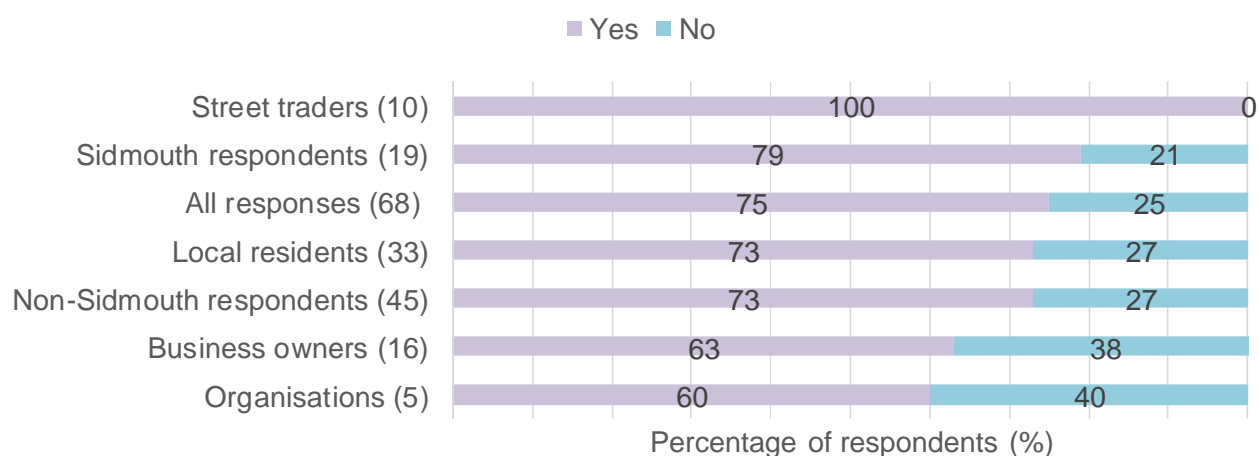
The above includes:

- Sidmouth Chamber of Commerce
- Sidmouth Folk Week
- Chardstock Parish Council
- Whimble Parish Council
- Honiton Town Council
- Exeter Street Trading organisation

As Sidmouth is not proposed to be included in the changes, the results have been analysed both as a whole and also from the areas where changes are proposed (only including those respondents who were definitely from outside of Sidmouth).

3. Do you agree with all of the factors that would be taken into account?

The number in brackets is the number of respondents to that question.



If no, please tell us which factors you would remove or change and tell us why:

From the **full results**, 13 respondents commented.

Relevant comments	Number of respondents
This level of regulation will make it more difficult for street traders to trade.	3
The 500metre school exclusion zone for fast food traders is not enough.	2
The factors won't be properly considered.	2
The factors won't be adhered to.	2
Some of the factors are too open to interpretation.	2
Existing markets will be diluted by the proposals.	2
No fast food sellers should be allowed on my street.	1

There were 8 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
This level of regulation will make it more difficult for street traders to trade.	3
Existing Honiton market will be diluted by the proposals.	1
No fast food sellers should be allowed on my street.	1

4. Please tell us about any extra factors you think should be taken into consideration, and tell us why you feel they should be taken into account:

From the **full results**, 38 respondents commented.

Relevant comments	Number of respondents
Protect existing markets, there should be no effect on them / clash with them (Honiton)	4
Loss of car parking spaces should be taken into account.	3
Produce and goods sold should be locally sourced where possible.	2
The factors are too open to interpretation.	2
Make sure factors are enforced.	2
Waste management / litter standards need to be included and enforced.	2
Restrict the days / frequency that stalls can operate.	2
It is unfair to businesses who pay rates.	2
Street trading licences should only be granted for 6 months in new towns.	1
Street traders should agree to be green.	1
Allow and promote street trading all year round.	1
Ban all street trading within Sidmouth Town Council boundary.	1
Applications should be reviewed by an independent body.	1
More street trading opportunities for start up businesses.	1
Include that it must result in more of a mixed offering in the place where the street trading is to be.	1
Allow more charity and fundraising street trading.	1
Listen to the views of trade bodies and representative spokespeople.	1
Limit it to upmarket vendors.	1
There's not enough room in the Strand, Exmouth for street trading there.	1
Be more flexible when the need arises e.g. allowing street traders on industrial estates to start before 8am.	1
EDDC to offer help to street traders applying to street trade.	1
There will be too much of a tendency to give out licences due to the cost of them.	1
Whatever it is, it needs to help the local economy.	1
No stalls should trade after 5pm.	1
Traders should be local.	1
The social media behaviour of vendors should be looked at.	1
Check on the health and safety of products being sold.	1
When there's an influx of visitors, static businesses must understand smaller individuals need to be given an opportunity to trade.	1
Make sure stalls meet food standards / hygiene standards.	1

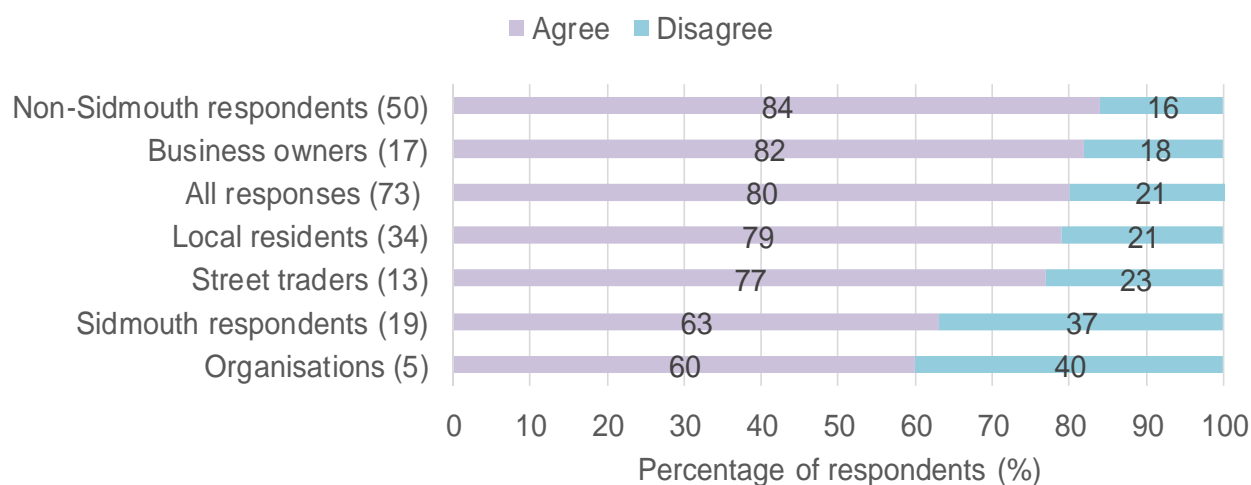
APPENDIX D

There were 29 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
Protect existing markets, there should be no effect on them / clash with them (Honiton)	3
Loss of car parking spaces should be taken into account.	3
Produce and goods sold should be locally sourced where possible.	2
Waste management / litter standards need to be included and enforced.	2
It is unfair to businesses who pay rates.	2
The factors are too open to interpretation.	1
Restrict the days / frequency that stalls can operate.	1
Street trading licences should only be granted for 6 months in new towns.	1
Street traders should agree to be green.	1
Allow and promote street trading all year round.	1
More street trading opportunities for start up businesses.	1
Include that it must result in more of a mixed offering in the place where the street trading is to be.	1
Allow more charity and fundraising street trading.	1
Limit it to upmarket vendors.	1
There's not enough room in the Strand, Exmouth for street trading there.	1
Be more flexible when the need arises e.g. allowing street traders on industrial estates to start before 8am.	1
EDDC to offer help to street traders applying to street trade.	1
Whatever it is, it needs to help the local economy.	1
No stalls should trade after 5pm.	1
Traders should be local.	1
The social media behaviour of vendors should be looked at.	1
Check on the health and safety of products being sold.	1
When there's an influx of visitors, static businesses must understand smaller individuals need to be given an opportunity to trade.	1
Make sure stalls meet food standards / hygiene standards.	1

5. Do you agree or disagree with the list of people and organisations who would be asked for their views on street trading applications?

The number in brackets is the number of respondents to that question.



If you disagree, please tell us about any people and / or organisations you would remove or change and explain why:

From the **full results**, 11 respondents commented.

Relevant comments	Number of respondents
Residents should not be consulted.	1
Landowner will have already given consent, does not need to be asked again.	1
Ways in which views are sought and taken account of is more important.	1
It should be an open public consultation.	1
This is too much regulation for street traders.	1
I don't have faith in the Town Council giving appropriate views when consulted.	1
Where is the immediate vicinity? This needs clarifying.	1
Honiton Town Council should be the only ones making decisions in Honiton.	1
Don't current prohibited areas already take these into consideration?	1

There were 6 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
Residents should not be consulted.	1
It should be an open public consultation.	1
This is too much regulation for street traders.	1
I don't have faith in the Town Council giving appropriate views when consulted.	1
Honiton Town Council should be the only ones making decisions in Honiton.	1
Don't current prohibited areas already take these into consideration?	1

If you disagree, please tell us about any people and / or organisations you would add to the list to be consulted and explain why they should be added:

From the full results, 8 respondents commented.

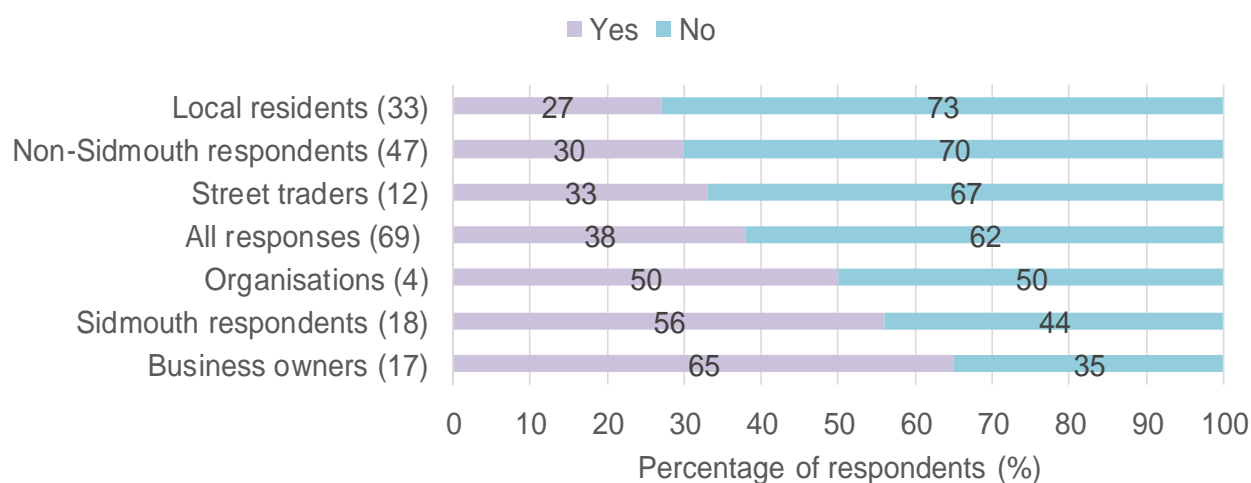
Relevant comments	Number of respondents
Chambers of Commerce should be consulted.	4
Street traders should be consulted.	1
Any business that would be affected by unfair competition.	1
Residents around the proposed area should also be able to give views.	1
Local residents.	1

There were 3 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
Street traders should be consulted.	1
Any business that would be affected by unfair competition.	1
Residents around the proposed area should also be able to give views.	1

6. Would this timescale cause you, your organisation or your business any problems?

The number in brackets is the number of respondents to that question.



If yes, please tell us about the problems it would cause you and suggest improvements to the timescale:

From the full results, 18 respondents commented.

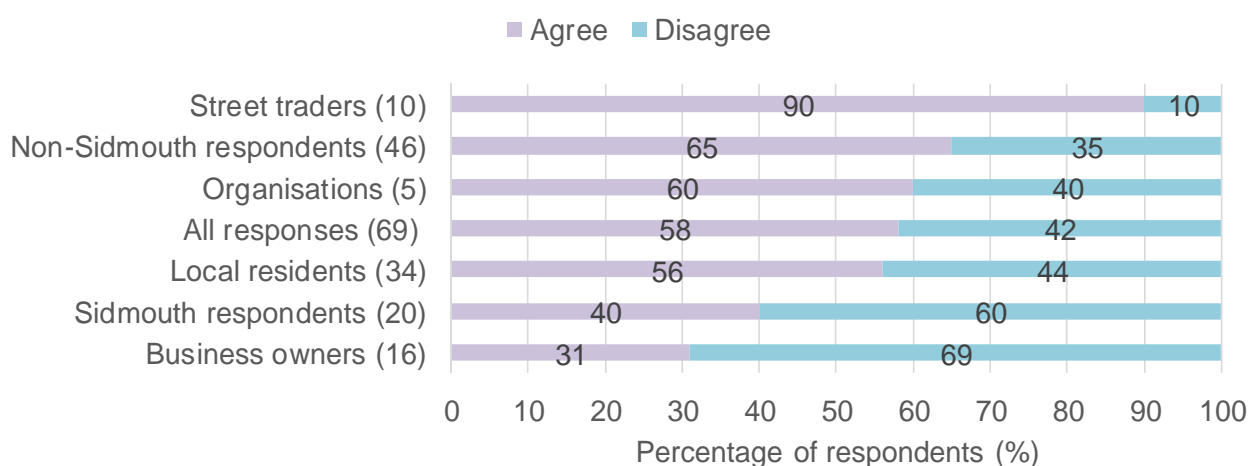
Relevant comments	Number of respondents
Two weeks isn't long enough for us to investigate and provide a considered response. (Most organisations stated they only meet once a month.)	11
A month is too long for street traders.	3
Two weeks is too short, what if we're on holiday.	2
It would need to be specifically addressed to static business owners by name to get a reply in time.	1
A month is too short, should be two months.	1

There were 11 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
Two weeks isn't long enough for us to investigate and provide a considered response. (Most organisations stated they only meet once a month.)	7
A month is too long for street traders.	2
It would need to be specifically addressed to static business owners by name to get a reply in time.	1

7. Do you agree or disagree with our proposal to make the whole of East Devon (apart from Sidmouth) a consent street, meaning all street traders would have to apply to us for a licence to trade?

The number in brackets is the number of respondents to that question.



If you agree, please tell us why you think this proposal is a good idea. Including how it could benefit you, if it would:

From the **full results**, 21 respondents commented.

Relevant comments	Number of respondents
There will be better control of street trading.	7
There will be more street trading and outdoor markets, will improve the area.	6
There will be more freedom for street traders to trade.	5
It will allow small businesses to start up and grow.	2
It will make sure street trading and outdoor markets are of a high quality / high standard.	2
It takes away uncertainty.	2
Pleased that Sidmouth won't be included.	2

APPENDIX D

There were 12 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
There will be better control of street trading.	5
There will be more street trading and outdoor markets, will improve the area.	4
It will allow small businesses to start up and grow.	4
There will be more freedom for street traders to trade.	3
It will make sure street trading and outdoor markets are of a high quality / high standard.	3
It takes away uncertainty.	1

If you disagree, please tell us why and how you would improve our current proposal, what alternatives you would rather see happen or tell us why you would rather it stayed the same as the current arrangements:

From the **full results**, 27 respondents commented.

Relevant comments	Number of respondents
Sidmouth should be included as part of the proposals.	8
Current arrangements shouldn't change.	6
It will be too bureaucratic for street traders.	4
Only some specific areas could be included, not everywhere.	4
It will be too expensive to administer.	3
It's unfair on permanent businesses.	2
Sidmouth Folk Week is poor street trading, we don't want more of this.	2
We already have enough street trading in Exmouth.	2
The Honiton area should be left with just it's own charter market.	2
It will be impossible to enforce.	1
It will damage existing businesses.	1
It will be unpopular.	1
Use resources to promote East Devon tourism instead.	1
It will make areas messy.	1
The frequency of street trading needs to be limited.	1
Only local traders should be allowed to street trade.	1
Town and parish councils should make the decisions on street trading in their areas.	1

There were 15 respondents that were definitely from **outside of Sidmouth** that responded.

Relevant comments	Number of respondents
Only some specific areas could be included, not everywhere.	4
Sidmouth should be included as part of the proposals.	3
Current arrangements shouldn't change.	2
It will be too bureaucratic for street traders.	2
It's unfair on permanent businesses.	2
We already have enough street trading in Exmouth.	2
The Honiton area should be left with just it's own charter market.	2
Sidmouth Folk Week is poor street trading, we don't want more of this.	1
The frequency of street trading needs to be limited.	1
Town and parish councils should make the decisions on street trading in their areas.	1

From those definitely **within Sidmouth**, 11 respondents commented.

Relevant comments	Number of respondents
Sidmouth should be included as part of the proposals.	5
Current arrangements shouldn't change.	3
It will be too expensive to administer.	3
It will be too bureaucratic for street traders.	2
Sidmouth Folk Week is poor street trading, we don't want more of this.	1
It will be unpopular.	1
Use resources to promote East Devon tourism instead.	1

8. Any other comments, or any comments on the rest of the draft policy and application guidance:

From the **full results**, 32 respondents commented.

Relevant comments	Number of respondents
It would be unfair on permanent businesses.	5
Too complicated and bureaucratic.	3
Stalls should be inspected to be in keeping with the area they're in.	2
Keep it to local traders only.	2
If done well street trading can improve the economy.	2
Would like to run street trading if this comes about.	1
No need for any changes to the current system.	1
Experience of current street trading is poor, don't want more.	1
Don't want the loss of car parking spaces.	1
This policy would help the local economy, static businesses and start up businesses.	1
It will diminish the beauty, uniqueness and individuality of East Devon.	1
This policy would allow the control of street trading.	1
The policy should only cover certain areas.	1
Keep Sidmouth's rules as they are.	1
Will be too expensive.	1
Should have a poll for all residents on the changes.	1
All Sidmouth Folk Week Morris Dancers should stick to their spaces.	1
Nice to have buskers on the Sidmouth seafront with some amplification last year.	1
Have it in all of East Devon or none.	1
The proposal won't improve Exmouth.	1
Major concern how many street trading appeals there will be as the approval process is subjective.	1
Honiton's street market needs much improvement.	1
The proposals are likely to assist Sidmouth Folk Week.	1
Traders should offer similar goods to each other, with a theme.	1
The proposal shouldn't proceed.	1
Charities should be exempt.	1
Honiton's market should continue as it is.	1

About you

9. Have you been involved in any street trading in the last 12 months?

76 respondents gave 80 responses, as they could select as many as applied.



10. Are you answering this questionnaire:

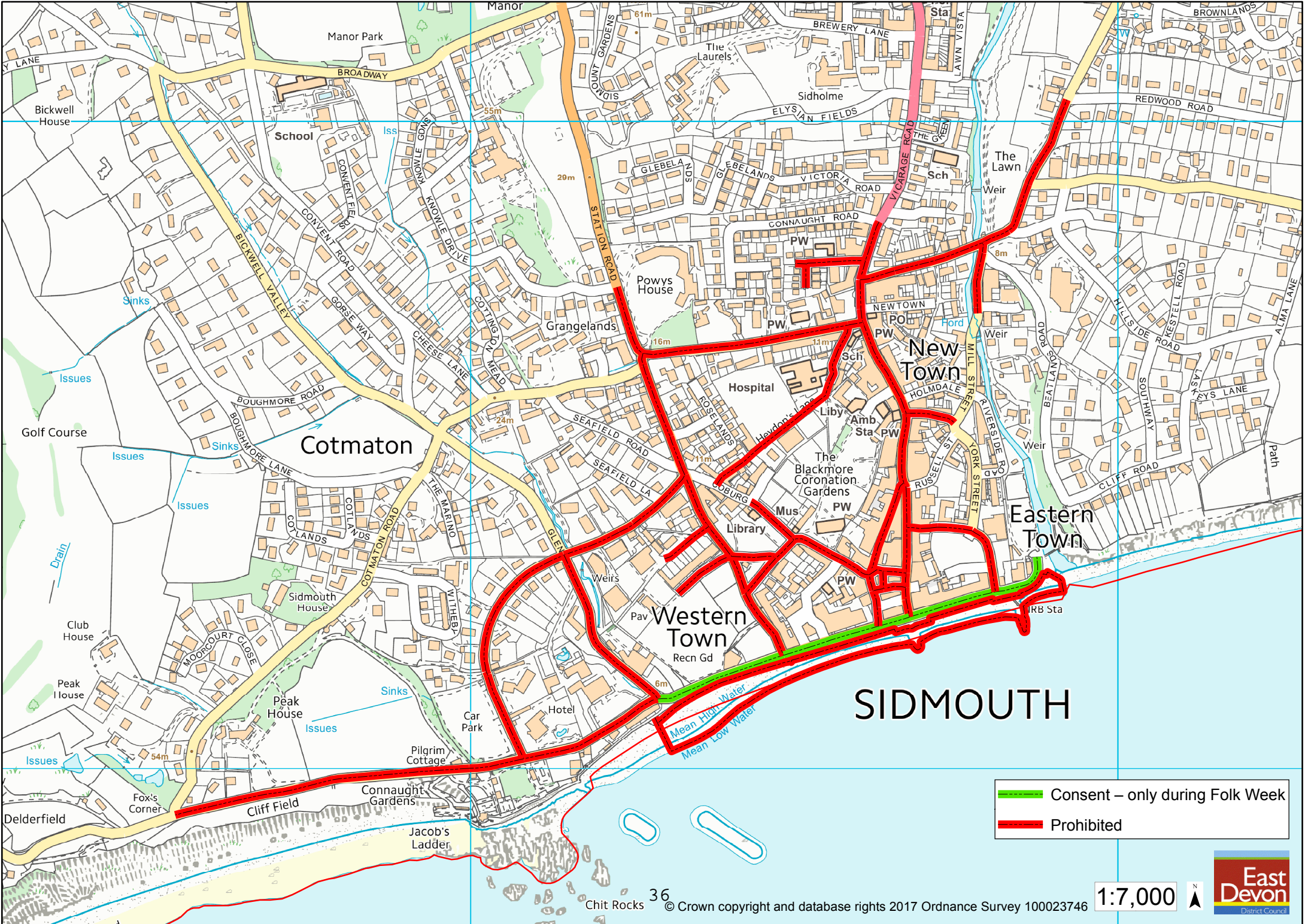
51% of respondents had answered the questionnaire as an individual and 49% as an organisation or business.

11. Do you have a long standing illness, disability or infirmity that limits your day to day activities in any way?

14% of the 42 individual respondents stated that they did.

If yes, please tell us the nature of your disability:

2 had a physical disability, three had a progressive disability or chronic illness and one was deaf or had a hearing impairment.



- Consent – only during Folk Week
- Prohibited



APPENDIX F

List of Proposed Designated Streets in Sidmouth at [date to be confirmed] 2017

The following are designated as Prohibited Streets where street trading is at all times forbidden by law;

- ❑ 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
- ❑ 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

The following is a Consent Street but as a matter of policy consents shall only be granted during Sidmouth Folk Week;

- ❑ Esplanade & Promenade

Environmental Health Response to the Draft Policy and Application Guidance for Street Trading Consent

General Points

We found the document to be rather long and in a couple of places there was some repetition. Our experience of some mobile food traders is that their levels of literacy could make this document daunting, and reduce their ability to understand the underlying principals and intentions of the scheme.

It is not clear which part of the document sets out what the Councils policy is going to be, and which part is guidance on the application of the policy.

It may help clarity of the document to have a policy statement of what we consider street trading to be at the beginning, complimented by the sections 1.2 and 1.3 on exemptions and fees. Does the term services include activities such as hair braiding, tattooing/henna tattooing etc?

What consents are going to be available – the document mentions in paragraph 13 a general consent but the remaining document seems to indicate a fixed pitch system, so it is not clear in what circumstances either are required.

Also it is not until paragraph 60 that there is any indication of the time period a consent may apply to, it would help applicants if this was stated at the outset if you intend to do daily, weekly, monthly, three monthly and annual licenses.

It is not clear in the document that this does not apply to Sidmouth, and there are a number of places where Sidmouth Folk Festival is referenced as an example. This could cause applicants confusion. Would a map be included to define the area that this policy applies to?

You specifically mention Environmental Health in Paragraphs 22, 36 and 105 Please could you use the title Environmental Health, Commercial and Environment Protection Teams throughout.

Document points

Paragraph 11 (e) states Farmers Markets are exempt from fees, then Section 1.4, paragraph 12 states Farmers Markets require a reduced fee.

Paragraph 13. What constitutes an itinerant trader and what criteria will the Council consider as showing a genuine need to ply trade in many locations? We recommend considering specifying a time period for staying at one site. How would it be made clear if Sidmouth was to be excluded from the area?

Paragraph 16.

(c) We recommend the map of the trading site marks the position of the closest commercial and residential properties, similar to a planning application site plan.

We recommend that additional documentation be requested from the applicant at the time of application:

(g) Details of the noise rating of any generator to be used by the business at the trading place, the fuel type and fuel storage arrangements.

(h) For food business traders evidence of food registration with their Local Authority, such as a copy of a recent food inspection document or a Food Hygiene Rating Sticker and a recent Gas Safety Inspection Certificate for any gas appliances used as part of the business.

Paragraph 22 does not mention the Fire Service as a consultee, but later in paragraph 36(4) refers to them as a possible objector to the application

Paragraph 23 We recommend that you extend the consultation period to 21 days minimum to give the relevant agencies involved opportunity to respond. We also recommend that you indicate a time period for determination after the representation closes to avoid giving the impression that the application will be decided immediately on close of that period.

Paragraph 27 It states where an application is refused the application fee shall be refunded. In paragraph 78 it states 50% of the fee will be refunded

Paragraph 28 It would be sensible to include a requirement not to conflict with emergency vehicles as in Paragraph 90, which could then be removed.

Paragraph 33 Does this clause mean that the Council will hold a waiting list of traders for popular pitches? If so we recommend this aspect is included in the initial policy statement and details of how traders apply for these waiting lists needs to be clarified.

Paragraph 35 We recommend reference to the Food Hygiene (England) Regs 2006, (which is now the Food Hygiene (England) Regs 2013), the General Food Regs and Reg 852 be removed and the words “and any Regulations made under this Act” be added to the Food Safety Act 1990, as this is the enabling act for all the others.

Please add the Control of Pollution Act 1974 and the Anti-social Behaviour, Crime and Policing Act 2014 to the list of legislation.

Could the contact for further advice on any of these issues start with our email address as this is a preferred means of contact, rather than the telephone number (environmentalhealth@eastdevon.gov.uk)

Paragraph 37 and 45 Please use the word Annoyance rather than Nuisance (this should apply throughout the document). Nuisance is a tightly defined term which, if we are constrained to use it, limits our ability to help individuals suffering from noise/smells etc., whereas annoyance allows us to use the antisocial behaviour legislation which can be used even if only one person is affected and at a lower level of impact. It can also apply to people noise for example which cannot be dealt with under statutory nuisance.

In paragraph 45 we recommend the words “present a substantial risk of nuisance” should be replaced with “cause annoyance”

Paragraph 46 (2) We recommend replacing the words “Fast food vendor” with “Mobile food vendor” for clarity. Would this apply to any food vendor? What if they are only selling healthy food? If you leave “Fast Food” in, what is the definition of this?

Section 11 Paragraph 60

We have serious concerns about a proposal that all annual applications are renewed on the 1st of April, being that generally this a busy end of year period for both the applicant and the Council workload. March is an extremely busy month for Environmental Health ensuring all tasks are completed by April 1st for the various statutory reports we have to prepare, and for many businesses preparing their end of year accounts. We suggest consideration be given to allowing annual consents to run for a year from the date of approval to spread the workload more evenly.

Paragraph 64 We find the Edit system for taking payments on line extremely effective and convenient for the customer, we recommend you consider this as a payment option.

Paragraph 77 We appreciate this matter may be constrained by the legal framework under which the Street Trading Consent process is being adopted, however it seems contrary to the principles of proportionality and freeing up Court time that there is no appeal procedures following a refusal other than to a High Court. Could some consideration to an additional in-house process be made?

Paragraphs 88 and 89 How does this policy relate to Sidmouth? Would it be sensible if the policy does not include Sidmouth to remove these references and create an appendix policy specifically for the Folk Festival?

Paragraph 89 is not logical. It is not clear how selling food from a consented stall will prevent excessive littering as the fixed premises throughout the Esplande that sell take away food are equally likely to create sources of litter. Did you intend to say there will be no sale of food ... permitted from a consent stall?

Paragraph 90 seems to be a repeat of Section 5, Site Safety Assessment.

Paragraph 93 is not clear. Does this mean all event organisers must obtain a road closure?

Paragraph 96 As you have Section 19, why do you need this sentence?

Paragraph 97. Shouldn't this make reference to East Devon District Councils Enforcement Policy that Henry is creating for us all, rather than specifying the Licensing Enforcement Policy?

Section 19 This section is confusing

Would these conditions not apply to all charities?

Why at the end of this section outlining requirements specifically for Seaton Registered Charities does it say "This will not apply to applications received from registered charities for charity street markets in Seaton, then immediately say in bold the measures do apply.

Application form

Please can you include a line for applicants offering food for sale to state which Local Authority their vehicle is registered with?

We recommend the application form includes a list of the documents required to be submitted with the form.

Consent Conditions

11 This seems rather draconian. Would it be more proportionate to permit the playing of music, subject to obtaining the necessary PRS and PPL licenses, which should not be audible outside the vehicle or beyond the boundary of the consented pitch?

19 A number of our mobile food vendors trade from pitches where they do not remove their vehicles at the end of the trading period, merely secure them. Would it be more proportionate to require vehicles to be moved unless they have the written permission of the land owner to leave the vehicle on site.

22. Again this is very specific to Sidmouth. This would be a sensible condition to apply to all mobile food traders across the district, and one which most can easily comply with.

32 Please remove reference to Nuisance, simply refer to annoyance. We recommend removing the entire second sentence of this condition as unnecessary and overly prescriptive.

33 Please see our comments about Paragraph 60.



EAST DEVON DISTRICT COUNCIL

Street Trading Policy And Application Guidance

Licensing Service
East Devon District Council
Knowle
SIDMOUTH
EX10
8HL

June 2017

INTRODUCTION

1. East Devon District Council (“the Council”) has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading within its area. This means the Council can properly regulate those who sell articles without the use of ordinary business premises and those traders who move from place to place. The Council has designated all of its administrative area as a consent street for street trading purposes, except a small part of Sidmouth in which street trading is prohibited. This means that in the consent streets anyone wanting to street trade must obtain consent from the Council first.
2. The requirement to obtain a consent for any street trading 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 who sell their own work may also be subject to the requirement to have consent depending on the circumstances.
3. These guidelines have been developed to assist those applying for street trading consents in East Devon and sets out the standards for determination of applications and the enforcement of street trading activities in the East Devon area to ensure a consistent approach. However each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.
4. Advice should be sought from the Licensing Team on the proposed activity/location to see if a consent is required before starting to trade – see paragraph 12 for contact details.
5. Within this document the following definitions apply:

Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street. From this definition, 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 subject to the street trading legislation.
Street	Includes: <ol style="list-style-type: none">(a) Any road, footway, beach or other area to which the public have access without payment.(b) 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 East Devon District Council.
Consent	Means a consent to trade on a street by East Devon District Council.
Consent Holder	Means the person or company to whom the consent to trade on a street has been granted by East Devon 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

Exempt activities

6. Shops and petrol filling stations (including selling in the street adjoining such premises

provided it is part of the business of the premises) are not caught by the requirements to have a street trading consent. In addition, certain other activities are exempt from street trading rules. These include;

- Pedlars, markets or fairs where the right is granted through any enactment or order, trading in a trunk road picnic area, news vendors (unless the stall exceeds a certain size) and roundsman (this does not include mobile ice cream sellers).
7. In addition, the Council, as a matter of policy choice, will not require any consents to be applied for or held where the residential occupier of a property is selling items which are surplus to domestic requirements (e.g. home grown / produced jams, fruit, vegetables, eggs etc) provided the sale is within the curtilage of the property or immediately adjacent to it and it is not a commercial concern.

Activities where fee concession may apply

8. The Council may remit all or part of the payment of application fees for the following street trading activities;
- Fetes or community events held for charitable purposes (no trading for private gain for an individual or company permitted)
 - Non-commercial car boot sales (where event organisers whether an individual or company do not profit)

Consents

9. Generally consents will be granted for specified / fixed locations. In the case of mobile / itinerant street traders where there is a genuine need to ply trade in many locations, being those who move from street to street but trade for less than 30 minutes at any one point and who don't return to a similar trading position within 2 hours (e.g. an ice-cream van or fish & chip van), a general consent will be issued on a daily basis. General consents will only be issued for consent streets and not for prohibited locations.
10. Consents may be granted on a daily, weekly, monthly, seasonal or yearly basis. No consent shall be longer than 12 months. All consents will expire on the expiry date and for trading to continue after the expiry date a new consent will need to be in place.

POLICY STATEMENT

11. The Council's aim is to create a street trading environment which complements premises based trading, is sensitive to the needs and amenities of residents, provides diversity of consumer choice, and seeks to enhance the character, and ambience of local environments.

PROCEDURE

12. An application for a street trading consent must be made to the Licensing Team at East Devon District Council in writing or online through the Council's street trading section of the [website](#). If you need any help in completing the application form please contact the Council's Licensing Team on 01395 517411 or by emailing licensing@eastdevon.gov.uk. The Council offices are open to members of the public between the hours of 8.30 am and 5.00 pm Monday to Fridays. Appointments should be made in advance of visiting the council offices to ensure being seen and to allow staff to prepare documentation that you might be needed.
13. An applicant for the first time grant of an annual Street Trading Consent **should give a minimum of 60 days notice to the Council.**
14. The application and approval procedure comprises certain stages, detailed below.
15. Please note that there are separate sections⁴³ dealing with Sidmouth Folk Week and Seaton

Registered Charities Consents at the end of this guidance document.

STAGE 1 - SUBMISSION OF THE APPLICATION

16. You will need to submit the following documents and fees with the application:
- (a) A completed and signed street trading application.
 - (b) The relevant full fee payable (see Section on Fees).
 - (c) 2 copies of a map of the trading site. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should include the nearest residential and commercial properties to the trading site. Applications for mobile trading consents (i.e. fish and chip vans) must provide specific routes they wish to trade from.
 - (d) A clear passport photograph of the applicant (and every other person assisting) and one colour photograph showing the stall, vehicle, barrow which is to be used from the front back and sides.
 - (e) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
 - (f) Proof of Right to Work (Immigration Act 2016).
 - (g) Copy of food hygiene certificate from relevant Local Authority (to include which authority).
 - (h) Written permission from the owner of the land where the street trading is to be carried out on land which is not a public highway. Permissions given by leaseholders to use land for street trading purposes will only be accepted where the terms of the lease permits the type of street trading activity being applied for.
 - (i) A recent Gas Safety Inspection Certificate for any gas appliances used as part of the business. Generators may not be used or permitted at some locations. Where use of a generator is sought at a trading site the application will require details of the noise rating, the fuel type and the storage arrangements.
17. An application for a street trading consent will **not** be considered where permission of the landowner for the proposed trading site to carry out street trading has not been provided, for whatever reason.
18. Any organizer of any event where there is to be a number of traders (e.g. farmers markets or car boot sales) may apply for one block consent for each market or event held. However the full fee is payable at the time of application. The market or event organiser in receipt of a block consent will become responsible for all the individual trading activities as well the collection and payment of any fees they wish to pass on.

STAGE 2 – CONSULTATIONS

19. Before a street trading consent is granted, the council will carry out a consultation process with various persons and organisations seeking comment from them, namely:

Statutory organisations

- The Highways Authority (Devon County Council)
- Devon and Cornwall Police
- Devon and Somerset Fire & Rescue Service (DSFR) where appropriate
- The Council's Environmental, Commercial and Environment Protection Teams

Non-statutory bodies / persons

- The relevant Ward Members
 - The appropriate Parish or Town Council
 - Neighbouring residents / businesses
20. Where practicable, 21 days will be given for representations to be received.
21. No consultation will be carried out on applications for established events or sites (such as Sidmouth Folk Week and regular applications from registered local charities for consents on the Seaton Esplanade or sites which become established as consent sites in the future).
22. Comments (whether supporting or objecting) will be assessed to determine their relevance on the basis of the criteria set out in Stage 5 below (paragraphs 32-40). In addition, consideration will be given as to whether an objection is vexatious or repetitive. All those comments which are deemed to be relevant and not vexatious or repetitive will be taken into account as part of the decision making process.

STAGE 3 – SITE ASSESSMENT

23. Officers will assess the suitability of the site for the street trading activity to occur.
24. Street trading consents from static locations will generally **not** be granted where;
- 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
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
 - There is a conflict with Traffic Orders such as waiting restrictions, or
 - 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
 - The trading unit obstructs the safe passage of users of the footway or carriageway, or
 - The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
 - The site does not allow the consent holder, staff and customers to park in a safe manner, or
 - 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.
 - The siting and operation of any stall, barrow etc. operated by a consent holder or people employed by them shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirement of emergency vehicles
 - Street trading requests for certain areas of Exmouth Seafront may not be considered suitable, due to health and safety and highway issues. Commercial consents for the sale of hot or cold food, including ice cream or food sales from vans/trailers/units, are generally considered unsuitable due to highway and parking restrictions, heavy pedestrian use and health and safety reasons. Each application will be considered on its own merit.
25. In certain circumstances and for larger events or markets, it may be necessary for a road closure order to be obtained to mitigate risks to safety.

STAGE 4 – INSPECTION OF STREET TRADING UNIT

26. The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity may be inspected by an Authorised Officer of the Council, prior to the determination of any street trading consent. The unit 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 2013
- Food Safety Act 1990 and any Regulations made under this act
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act.
- Environmental Protection Act 1990.
- Control of Pollution Act 1974
- Anti-social Behaviour, Crime and Policing Act 2014

Further advice on any of the above requirements can be obtained from the Environmental, Commercial and Environment Protection Team by emailing environmentalhealth@eastdevon.gov.uk.

STAGE 5 – CONSIDERATION OF APPLICATIONS

27. Any comments received from the consultation process which are relevant will be taken in to account as part of the consideration of the application.
28. The criteria listed below will be used to consider whether or not an application should be approved. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration;
 - (i) Site safety
 32. 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 location. In particular reference will be made to the guidelines set out in Stage 3 on site safety assessment criteria and observations made by the Highways Authority.
 - (ii) Public Order
 33. 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 Police will be taken into consideration under this heading.
 - (iii) Avoidance of Annoyance
 34. The street trading activity should not cause annoyance from noise, smells, fumes or litter to households and businesses in the vicinity of the proposed street trading site. Observations from Council’s Environmental, Commercial and Environment Protection Teams shall be taken into consideration under this heading.
 - (iv) Conflict with other like trading outlets and school premises
 35. The presence of other like trading outlets and proximity of schools shall be taken into consideration as follows:
 - The presence of like trading outlets already existing in the immediate locality of the proposed street trading site. The Council will not normally permit a new consent for the sale of goods or services which conflicts with those provided by nearby traders.
 - Mobile food vendors will not normally be permitted to trade within 500m of a school.
 - On lay-bys and trading estates there shall be no other street trading consents granted within 500 metres of an existing consent.
 - (v) Compliance with legal requirements
 36. 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.

(vi) Permitted Trading Hours

37. All street trading consents will normally be limited to daily trading hours between 8.00 am and 10.00 pm. However in the case of hot food takeaways and fresh produce sellers trading hours will be determined on a case by case basis on their own merits. Any trading between 2300 – 0500 hours must be subject to a separate application under the Licensing Act 2003 where hot food is proposed to be sold.
38. The Council retains the right to specify permitted hours of trading that are less than those applied for if local circumstances require it. Street trading locations will be managed and allocated on a first come first served basis subject to all requirements being met.

(vii) Compatibility of the proposed street trading operation

39. The proposed trading operation should complement the trading area in which it is situated and / or be compatible with the character of the event to which the consent is related. 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 appearance of the trading operation being proposed (including any associated equipment or structures).
40. Refusal or withdrawal of street trading consents will be normal in the following circumstances:
- a) That there are not enough suitable street trading locations 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 people employed by them have failed to comply with the conditions attached to any consent.
 - e) That the street trading may damage the structure or surface of the street.
 - f) When adverse comments are received from the statutory organisations which cannot be overcome.
 - g) Applications will normally be refused where the imposition of conditions is not adequate to control potential problems
 - h) In circumstances of extreme weather conditions when street trading may present a risk to the applicant, their staff or other people
 - i) The selling of psychoactive substances

STAGE 6 – DETERMINATION OF APPLICATION

29. The majority of applications will be determined by officers under delegated authority, although officers have the absolute discretion to refer any application to the Licensing Sub-Committee.
30. Where there are relevant objections then officers will be permitted to try and overcome the objections through negotiations with the relevant parties and the applicant.
31. If, following the negotiation process, there remain relevant objections from statutory organisations then, where the officer view is to approve the application, it will be referred to the Licensing Sub-Committee for a decision. In all other cases the application may be determined by officers. Where the decision of the officers is to refuse an application, the applicant will have the right to request a review of that decision by a more senior officer.
32. The applicant and anybody objecting to the application will be notified of a referral to the Sub-Committee and the date of when the application will be considered. The appropriate Ward Member will also be notified. Unless special circumstances apply the Sub-Committee meetings are open to the public.

Sub-Committee

33. The Sub Committee consists of elected members drawn from the East Devon District Council's Licensing and Enforcement Committee who have received specific training in licensing issues. The Committee and Sub Committees are supported by a clerk and a solicitor.
34. The role of the Sub-Committee is determine applications where there are relevant objections from a statutory organisation or where the matter has been referred by officers. Officers have the discretion to also refer any enforcement related matters to the Sub-Committee where deemed appropriate.
35. The Council will look to convene the Sub-Committee as quickly as possible.
36. While all relevant comments relating to application will be referred to the Sub Committee the applicant and any objectors (or their representatives) and the Ward Member will be permitted to address the Sub-Committee. Only those who have commented on the application (or their representatives) will be permitted to address the Sub-Committee.
37. The Sub-Committee will follow a set procedure that will be notified in advance to those attending together with any officer report being presented at the meeting.
38. The Sub-Committee will consider all the evidence presented to it during the hearing and members may ask questions of the applicant, officers and persons making an objection. After hearing the evidence presented to it, the Sub-Committee will retire and come to a decision on the application. When a decision has been reached the Sub-Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Sub-Committee will be confirmed in writing to the applicant and objectors within 5 working days of the meeting at which the application was considered.

Outcome

39. The reasons for refusal (whether a decision made by officers or the Sub-Committee) will be conveyed to the applicant. There is no right of appeal to the Magistrates' Court against the Council's refusal to issue a consent, however, where an application is refused, payment of the application fee shall be refunded save for the £30 administration fee.
40. In respect of any application which is approved the [Standard Conditions](#) will be attached to the consent, together with any other conditions deemed to be necessary by the decision maker. Conditions will require the street trading operation to be carried out as detailed in the application (e.g. the nature of the goods to be sold, trading hours / days and the unit from which they are to be sold).
41. 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 any subsequent application not granted. It is the responsibility of the applicant / consent holder to familiarise themselves with the conditions relevant to their consent and to abide by them.

FEES

42. Fees are determined by location, length of consent and time of year. Please refer to the [Fee Schedule](#) to determine the appropriate fee for what is being sought. Fees are set by the Council and will be reviewed, normally, on annual basis.
43. The first £30 of any application fee is a contribution towards the Council's processing fee while the remainder is towards the costs of administering / enforcing the street consent regime.
44. All applications must be accompanied by the full fee, save for annual consents which must be accompanied by at least half the relevant fee. If an application is refused, following the deduction of the £30 processing fees, any remaining fees will be refunded.

45. Any outstanding fees for annual consents must be paid on the 6 month anniversary of the

issuing of the consent. A failure to make the second payment (or a dishonoured payment) will be a breach of the conditions attached to the consent and revocation of the consent will be considered.

46. Payments may be made by direct debit or using the online payment system available to the public. Please ask for information if you wish to pay by these methods. Cheques should be made payable to "East Devon District Council". Payment can also be made by card by telephoning the Licensing Service on 01395 517411.
47. Fees will be reimbursed to consent holders where they cease to trade and surrender their consent to the Council. Any fee reimbursement will be on a pro rata basis from when the consent is surrendered (by way of being returned to the Council) minus a £10 administration fee.
48. 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 fees to the consent holder or people employed by them in respect of such revocation.

GENERAL INFORMATION

49. The grant of a street trading consent does not confer any other consent, permission or licence that may be required in order to carry out the activity. Applicants will need to satisfy themselves that they have all necessary authorisations in place to trade. Other regimes that may be relevant include planning and licensing (i.e. sale of hot food or alcohol).
50. The Council will not grant a street trading consent to persons under the age of 17 years.
51. The consent granted is specific to the person it is issued to and is non-transferable.
52. 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 to confirm the identity of an employee.
53. Wherever possible food traders will be expected to use biodegradable materials in connection with the packaging of food served to members of the public
54. The Council will actively enforce the provisions of this Policy and street trading within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council's Regulatory Enforcement and Prosecution Policy, copies of which are available upon request. The Council may at any time revoke a consent or vary the conditions of an existing consent where there are reasonable grounds for so doing.
55. East Devon District Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of street trading you should contact the Licensing Manager (01395 517587) or through the Complaints section on the [website](#).

SEATON

56. Due to the established nature of the charitable street trading activity carried on at Seaton, this section details how Registered Charities should apply for applications to street trade in Seaton.
57. The organising charity must apply in the usual manner using the Charity Street Trading Consent Form – which can be found [here](#).

- (a) The fee reflecting the applicant's charitable status.
- (b) A copy of the charity's public liability insurance.
 - (i) If the policy covers all people who may be trading at the event then no further action will be required.
 - (ii) 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.
- (c) No photograph of the stalls will be required for charity street markets.
- (d) Details of individual traders and numbers of stall should be provided with the application or as soon as possible before the event.
- (e) 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.
- (f) A street trading consent will be issued to the organising charity for the event.
- (g) The Licensing team will maintain a light touch overview of the event.
- (h) The organising charity will be responsible for the allocation of pitches and ensuring that all traders comply with any imposed conditions

58. There will be no consultation in respect of the Seaton charitable street trading.

SIDMOUTH FOLK WEEK

59. Due to the established nature of Sidmouth Folk Week, the normal process for obtaining street trading consent will not apply. Rather the process as detailed on the [website](#) and set out in brief below.
60. All applications will be considered individually and sixty trading pitches are marked and available on the Esplanade at Sidmouth each year with consents issued in advance of the event. A specific application form will be made available online, or provided upon request, at the beginning of April each year. Information will be available on the council's website and applicants will be informed when the application process is open to allow applications to be submitted.
61. Pitches are allocated on a strictly first come, priority basis and due to high demand each year preference will be given to those applicants booking a trading pitch for the full week. Incomplete applications cannot be accepted.
62. The application process will close and application forms will be removed from the council's website upon receipt of sixty properly completed applications, together with the correct fee and associated documents required.
63. The hours of trading are specific and trading must cease within thirty minutes of the expiry of the trading consent hours for each day. The items proposed for sale will be specified within the application and items of food, drink or other consumables are not be permitted.
64. There will be no consultation in respect of the Sidmouth Folk Week.

STREET TRADING CONSENT STANDARD CONDITIONS



Set out below are the standard conditions that the Council will impose on any consent that is granted. If necessary, these may be varied and additional conditions may also be imposed.

GENERAL

1. A copy of this consent shall be displayed by the consent holder (or person employed to assist the holder) in a conspicuous position that is visible to members of the public and shall be produced for inspection if requested by an authorised officer of the Council or a Police Officer or a Police Community Support Officer.
2. The consent holder shall comply with all relevant legislation applicable to the street trading activity. The consent holder must notify the Licensing Manager immediately of any convictions or proceedings arising out of the consented activity.
3. The consent holder shall not assign his interest in this consent or any part thereof nor allow any person, other than a person employed to assist the holder, to rely on it.
4. The consent holder shall observe and comply with any directions in relation to the consented activity or use of the street / public place by a duly authorised officer of the Council, a Police Officer or a Police Community Support Officer.
5. The consent holder shall for the duration of the consent maintain a valid Third Party Public Liability Insurance Policy for a minimum of £5,000,000 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.
6. 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 is necessary.
7. 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.
8. The Council may vary any of the conditions attached to a consent at any time, subject to reasonable notice being given to the consent holder.

SITE CONDITIONS

9. Music may be played subject to having appropriate PRS and PPL licenses provided that the music shall not be audible outside the vehicle or beyond the boundary of the consented area without prior consent in writing from the Council.
10. 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.
11. Outside of the consented area the consent holder shall not place on or in 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 prior consent in writing from the Council
12. At the expiry of the consent, all stalls, vehicles or other equipment associated with the street trading activity must be removed within 30 minutes of the expiry of the trading hours.

13. The consent holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for anyone carrying out the street trading activity.
14. With respect to litter and waste the consent holder shall;
 - (i) provide and maintain refuse receptacles for litter and shall remove waste arisings from the site on a daily basis and dispose of them in an approved manner,
 - (ii) 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 permitted by this consent,
 - (iii) 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.

TRADING CONDITIONS

15. The consent holder and those employed to assist shall not carry out any street trading activities other than those permitted by the consent and are expressly prohibited from;
 - (i) selling Psychoactive Substances,
 - (ii) holding an Auction Sale
 - (iii) trading in or issuing any glass items or vessels,
 - (iv) selling, displaying or wearing any article which is or is intended to be offensive either in writing or pictures.
16. The consent holder shall not trade outside of the permitted times and days.
17. The consent holder shall not trade in such a way that is likely to cause;
 - (i) undue obstruction to any part of any street or public place, or
 - (ii) injury to any person using the street or public place, or
 - (iii) damage to any property in the street or public place, or
 - (iv) annoyance to persons using the street or public place, or occupiers of premises in the vicinity.
18. The consent holder shall pay any instalment consent fee (for annual licences) by the required time and a failure to do so could result in revocation of the consent.
19. The consent holder shall at all times conduct their business in a clean, honest, civil and businesslike manner so as not to interfere with the business of other traders and consent holders.

REVOCATION OR SURRENDER OF CONSENT

20. This consent may at any time be revoked by the Council or surrendered by the consent holder.
21. The holder shall return this consent to the Council immediately on revocation or surrender of the consent. The Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

LEGAL PROVISIONS

22. 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 in carrying out the consented activity agrees to indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

Guidance for Obtaining a Street Trading Consent

An application for a Street Trading Consent must be made to Licensing at East Devon District Council in writing or online. The following documents will be required:

- A. A completed and signed Street Trading application (available online).
- B. The relevant fee payment with each application (See Fee Schedule).
- C. 2 copies of a map of the trading site. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should include the nearest residential and commercial properties to the trading site. Applications for mobile consents (i.e. fish & chip vans) must detail specific routes they wish to trade from.
- D. A clear passport photograph of the applicant (and every other person assisting) and one colour photograph of the stall, vehicle, barrow to be used.
- E. Original copy of the certificate of insurance to cover the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
- F. Proof of Right to Work in the UK (Immigration Act 2016)
- G. Copy of food hygiene certificate from relevant Local Authority (to include which authority)
- H. Written permission from the owner of the land where the street trading is to be carried out on land which is not a public highway. An application will not proceed where permission has not been provided for whatever reason. Permissions given by leaseholders to use land for street trading purposes will only be accepted where the terms of the lease permits the type of street trading activity being applied for.
- I. A recent Gas Safety Inspection Certificate for any gas appliances used as part of the business. Generators may not be used or permitted at some locations. Where use of a generator is sought at a trading site the application will require details of the noise rating, the fuel type and the storage arrangements.

Applications cannot be accepted and any consultation for a Street Trading Consent will not begin unless the above requirements (A to I) have been received by the Council

Applications will be considered from organisers of Farmers Markets and similar Community Events on the basis of one block consent for each market or event held. In this case, item (d) above is not required, however the applicant must keep a list of stall holders and must provide a copy to East Devon District Council on request. The market or event organiser in receipt of a block consent will be responsible for all the individual trading activities, including licensing arrangements, collection and payment of any fees they wish to pass on.

Applications should be submitted to the Licensing Team, East Devon District Council Offices, Knowle, Sidmouth, EX10 8HL during normal office hours or submitted online at the Council's website here [Apply for a Street Trading Consent/](#)

Further information regarding making an application can be obtained from the Licensing Team, East Devon District Council, Tel: 01395 517411. Email: Licensing@eastdevon.gov.uk

For information regarding the use of Council owned land, please contact Street Scene, East Devon District Council Offices, Knowle, Sidmouth, EX10 8HL Tel: 01395 517528.
Email: streetsceneadmin@eastdevon.gov.uk

Consultation on Applications

Before a Street Trading Consent is granted we will consult with the following for a period up to **21 days** to allow for comments to be received.

Statutory organisations

- The Highways Authority (Devon County Council)
- Devon and Cornwall Police
- Devon and Somerset Fire & Rescue Service (DSFR) where appropriate
- The Council's Environmental, Commercial and Environment Protection Teams

Non-statutory bodies / persons

- The relevant Ward Members
- The appropriate Parish or Town Council
- Neighbouring residents / businesses

Applications for the grant of a first time commercial Street Trading Consent should give a minimum of 60 days notice to the Council to allow for the consultation process. For a temporary market a minimum of 30 days is required from the date of receipt.

In the case of established markets any consultation process will be based on the individual merits of the application and may not be carried out at all for some events.

Comments relevant to the granting of a Street Trading Consent from any of the consultees, will be considered and taken into account when making any decision and standard conditions will be considered and may be attached to the consent.

A number of factors will be considered and although streets are designated as Consent Streets, not all types of Street Trading would be permitted at any location as certain types of Street Trading would be unacceptable. Some locations may be considered dangerous.

Granting, Refusal and Revocation

The decision whether to grant most applications will be made by officers although there may be occasions when negotiations have to take place between applicants and other parties. Occasionally when statutory organisations object it could be necessary for an application to be considered at the next available Licensing Sub Committee and officers will explain how this procedure takes place.

Where an application is refused by an officer the applicant will have the right to a review by a more senior officer and the full reasons will be explained to the applicant.

The Council may revoke a Street Trading Consent after being granted for a variety of reasons, for example if conditions have been breached, non-payment of the fee or because a statutory organisation needs access to the trading location.

1. Current Street Trading Consent Fee Table –

Number of days	Current Fee (Per Day)	Current Charity Fee (Per Day)
Pre booked 1 to 3 days	£31	£21 (per market)
Pre booked 4 to 7 days maximum	£25.75	£21 (per market)
1 Month	Not Set	Not Set
3 Months	Not Set	Not Set
6 Months	Not Set	Not Set
Annual Fee	Not Set	Not Set

2. Proposed Street Trading Consent Fees

Sidmouth Folk Week & Seafront Consents

(Seasonal Variations Do Not Apply)

Number of days	Fee
1 day	£39
7 days (maximum)	£273

3. Proposed Street Trading Consent Fees

Non-seafront Trading Consents

(Seasonal from 1 May to 30 September inclusive)

Number of days	Fee
1 day	£30
7 days	£210

4. Proposed Street Trading Consent Fees
 Non-seafront Trading Consents
 (Seasonal from 1 October to 31 March inclusive)

Number of days	Fee
1 day	£25
7 days	£175

5. Proposed Street Trading Consent Fees
 (Seasonal Variations Do Not Apply)

Period Consent	Fee
1 Month	£ 395
3 Months	£ 575
6 Months	£ 795
12 Months (maximum)	£ 1200

6. Proposed Charitable Street Trading Consent Fees (e.g Seaton Town)
 (Seasonal Variations Do Not Apply)

Number of days	Charity Fee (Non Commercial)
1 day	£30 (per market)
7 days	Half Daily Fees apply

Notes:

1. **Mobile Traders** (hot food, fish & chips or similar) will be required to pay the required daily seasonal fee wherever trading occurs within the district regardless of the number of locations visited daily. Trading will not be authorised and will not be legal in any prohibited location.

2. **Itinerant sellers** (ice cream sellers) will not be charged a trading fee providing the trading is conducted on a mobile basis, not being static at an event and provided each stop is not in excess of 20 minutes. Trading will not be authorised and will not be legal in any prohibited location.
3. **Seasonal Variations** will not apply to street trading consents granted for periods longer than one week.
4. Fees applied to traders seeking consents from one month up to a maximum on 12 months will be on a reducing scale.
5. Fees will be reviewed on an annual basis
6. Seafront Consents may be considered for longer terms where appropriate
7. Fees will be reimbursed to Consent Holders where they cease to trade and surrender their consent to the Council. Any fee reimbursement will be on a pro rata basis from when the consent is surrendered minus a £10 administration fee.
8. The first £30 of any application fee is a contribution towards the Council's processing fee while the remainder is towards the costs of administering / enforcing the street consent regime. This will include all seasonal non-seafront trading consents.

Appendix K

Street Trading Consent Fee Comparison (Commercial) (All Fees Advertised in April 2017)

Council	Daily	Weekly	1 Month	3 Months	6 Months	9 Months	12 Months
East Devon Seafront	£39	£273	N/A	N/A	N/A	N/A	N/A
East Devon Non-seafront	£25-30	£175 – £210	£395	£575	£795	N/A	£1200
Taunton & Deane	£35	£41	£66	N/A	N/A	N/A	£696
South Somerset	£57	N/A	N/A	£425	£750	N/A	£1300
Torbay	£110 min'	Markets £249 - £1869	£158	£369	Seasonal £651	N/A	£810
Exeter City	£50	N/A	N/A	£730	£1045	£1570	£1825
Dorset Weymouth	£35 - £100	N/A	£350 - £700	N/A	N/A	N/A	£3300 - £7000
Dorset Purbeck	£190	£330	£660	N/A	Seasonal £2250	N/A	£3400
Plymouth	N/A	N/A	N/A	N/A	N/A	N/A	£1281 to £7511