



Explanation of Revisions to Policy

Street Trading Policy And Application Guidance

Draft Revision to Policy	Reason for Revision
<p>9 Council Owned Land</p> <p>Any trading from any parks, car parks, open spaces, beaches or other land owned by East Devon District Council will require prior consent to hire the land and to conduct the activity before trading can be approved. The Council will ensure that only one fee is charged for use of land, although other chargeable permits or licenses may be required (see point 37).</p>	<ul style="list-style-type: none"> • Experience of the regime over the last three years. • The requirement for payment of one fee for applicants using EDDC promotes the 'once council team' approach in the new Council Plan. • One fee will support clients/applicants when applying to use EDDC
<p>10 Privately Owned, Enclosed Land</p> <p>Trading on privately owned land that abuts or joins any highway will usually require consent and persons wishing to trade from such areas should contact the Licensing Team prior to submitting an application or commencing trading. Trading on privately owned land may also require Street Trading Consent.</p> <p>Street trading consent may not be required for privately owned land where access is restricted to the public as a result of;</p> <p>(a) The public being required to make payment for entering, or</p> <p>(b) Permanent, raised structural boundaries surrounding the trading location (walls, fencing and gates), or where access is gained by entering a building or premises, or</p> <p>(c) On land within the approved plan of any premises being licensed for sale of alcohol, for example public house gardens and other licensed outdoor areas.</p> <p>Where trading is conducted directly onto any road or highway from an unrestricted location, street trading consent will be required.</p>	<ul style="list-style-type: none"> • Experience of the regime over the last three years. • The requirement for Street Trading is exempted when an entry fee is charged of the public (a) • Guidance from Institute of Licensing (Nov 2019) - James Button (Solicitor on licensing matters) outlining that the requirement for Street Trading within boundaries that impede direct public access may not be regulated (b) • Licensed premises are subject of other fees being payable (upon application & annually) and with legal requirements and conditions as a result of the premises licence (c)

<p>11 Generally consents will be granted for specified / fixed locations. In the case of mobile 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 20 minutes at any one point and who don't return to a similar trading position within 2 hours (e.g. an ice-cream van and bikes</p>	<ul style="list-style-type: none"> • Experience over the last three years • Reducing the time period that completely mobile sellers operate to 20 minutes will prevent complaints of trading in a single location continually/unlawfully
<p>15The application and approval procedure comprises certain stages, detailed below. Applications must be submitted no earlier than one calendar year of the proposed trading date.The Licensing team reserves the right to consult closer to the date requested. Applicants are advised to apply no later than 6 weeks prior to the proposed trading date.</p>	<ul style="list-style-type: none"> • Experience over the last three years. • The need to have applications that are relevant to the period and time of the consultation avoiding any changes by being submitted too early or too late
<p>17 In addition to a completed and signed street trading application you applicants will need to submit a fully completed application, paying the relevant fees to the Council and with the following documents (payable at the applicants own expense):</p>	<ul style="list-style-type: none"> • Update includes the requirement to pay a fee if approved
<p>17e A Basic Disclosure with your application form being no older than 3 calendar months from date of issue, which can be obtained from the Disclosure and Barring Service https://www.gov.uk/government/publications/basic-checks (not being relevant to applications under block bookings below). An update will be necessary after 3 years from obtaining or if circumstances change, when the Licensing team should be notified.</p>	<ul style="list-style-type: none"> • Renewal or new DBS checks are required every 3 years to assess suitability (convictions) of consent holders
<p>17g In circumstances where an applicant applies to trade for a maximum of one Occasional Day only within any calendar year, items (d) and (e) shall be waived</p> <p>h Traders gaining consent for at least one location for the period of one year, may provide notification to Licensing to allow consent for trading at other temporary events if trading will be for less than 24 hours and the number of the trading days are less than 7 each year</p>	<ul style="list-style-type: none"> • Experience over the last three years. • Removal of right to work or DBS checks for applicants applying to trade for one day only • Experience over the last three years. • Existing consent holders to notify short term event where already holding an annual consent

<p>Block Bookings</p> <p>An event organiser may apply for a single block consent for a short term event where there is to be a number of traders (e.g. farmers markets) using the application form. The event organiser will need to obtain confirmation from all stall holders carrying out a street trading activity that they comply with the requirements of 15(b) and 15(c) above, along with the details of what is being sold. Forms will need to be provided to the Council as part of the application at least 7 10 working days prior to the event commencing.</p>	<ul style="list-style-type: none"> • Experience over the last three years • Environmental health teams request 10 working days minimum to be sufficient to check and assess food hygiene rating prior to the start date of an event/trading
<p>21</p> <p><i>The trading unit obstructs the safe passage of users of the footway or carriageway through the existence of any trading vehicle on a road or highway increasing risks to road users,</i></p> <p>Street trading requests for locations in Cranbrook will be considered on their merits. Emergence of issues including the growth of the town and transport identified that most roads are unsuitable for the purposes of street trading. Cranbrook is a designated healthy New Town (HNT) and that status is recognized by Licensing when receiving applications in the town. East Devon District Council and Cranbrook Town Council have prepared guidelines when considering new applications .</p>	<ul style="list-style-type: none"> • Experience over the last three years. • Recent food vans on a highway causing other road users to deviate and placing road users at risk through presence • Experience over the last three years • New guidelines drafted by CTC and EDDC Licensing as a result of identifying higher volumes of transport and increasing growth in the town
<p>31</p> <p>Mobile food vendors will not normally be permitted to trade within 500m of a school during the school opening hours</p>	<ul style="list-style-type: none"> • Experience over the last three years • Traders may seek to trade in a location within the 500m location being restricted to an extra hour after closing time

<p>37 Avoidance of duplication Street Trading has the potential for the overlapping of trading activities covered by different regulatory regimes and services within the Council, for example food charitable collections, sale of alcohol or late night refreshment. In addition, street trading activities may require Planning, Highways or land owner permissions depending on the nature of the trading location. So far as is reasonably practicable the Council will avoid duplication with other regulatory regimes that already place obligations. Street traders are required to ensure all relevant provisions are satisfied with the relevant responsible authority in these respects.</p>	<ul style="list-style-type: none"> • Other permits or licences may still be required even when obtaining Street Trading consent and consent does not negate need for licences to sell alcohol for example
<p>41 Where the decision of the officers is to refuse an application or grant it in terms substantially different than applied for (in this regard a change to the hours will not normally be viewed as substantial), the applicant will have the right to request a review of that decision by a more senior officer by making a written request within 10 working days. The review will be completed and the applicant notified of the outcome within 10 working days of the request.</p>	<ul style="list-style-type: none"> • Specific time to seek a review or to complete a review provides improved understanding to applicants who may be refused an application