

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 29 November 2022

Committee:
Strategic Licensing Committee

Date: Wednesday, 7 December 2022
Time: 10.00 am
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard
Assistant Director - Legal and Governance

Members of the Committee

Roy Aldcroft (Chairman)
Nigel Lumby (Vice Chairman)
Peter Broomhall
Garry Burchett
Mary Davies
David Evans
Mike Isherwood
Richard Huffer
Elliott Lynch
Pamela Moseley
Robert Macey
Kevin Pardy
Vivienne Parry
Chris Schofield
Edward Towers

Substitute Members of the Committee

Caroline Bagnall
Joyce Barrow
Julian Dean
Kate Halliday
Nigel Hartin
Vince Hunt
Ruth Houghton
David Minnery
Dan Thomas

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the previous meeting as a true record

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00pm on Thursday 1 December 2022

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Street Trading Policy 2023 to 2028 (Pages 7 - 104)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

6 Exercise of Delegated Powers (Pages 105 - 112)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

7 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on 15 March 2023 at 10.00am

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Strategic Licensing
Committee

7 December 2022

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 5
OCTOBER 2022
10.00 - 10.40 AM**

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillor Roy Aldcroft (Chairman)

Councillors Nigel Lumby (Vice Chairman), Peter Broomhall, Mary Davies, Mike Isherwood, Pamela Moseley, Robert Macey, Kevin Parry, Edward Towers and Vince Hunt (Substitute) (substitute for Garry Burchett)

13 Apologies

13.1 Apologies for absence had been received from Councillors Garry Burchett and David Evans

13.2 Councillor Vince Hunt substituted for Councillor Burchett

14 Minutes of Previous Meeting

14.1 RESOLVED

That the minutes of the meeting of the Strategic Licensing Committee held on 22 June 2022 be approved as a true record and signed by the Chairman.

15 Public Question Time

15.1 The Chairman advised that a public question had been received from Mr M A Alyas. A copy of the question and the responses provided are attached to the signed minutes and available from the web page for the meeting

[Agenda for Strategic Licensing Committee on Wednesday, 5th October, 2022, 10.00 am — Shropshire Council](#)

16 Disclosable Pecuniary Interests

16.1 With reference to agenda item 8 Councillor Isherwood stated that he was a member of Oswestry Town Council and had been present when the item was discussed at the Town Council meeting and that he would withdraw from the meeting during the discussion and voting on that item due to a perceived bias.

17 Licensing Fees and Charges 2023 - Page 1

- 17.1 Members received the report of the Transactional and Licensing Team Manager which proposed the revision of licensing fees where the authority has the discretion to determine the relevant fees for the financial year from 1 April 2023 to 31 March 2024.
- 17.2 The Transactional and Licensing Team Manager reminded the meeting that this was an annual report, and that fees were calculated on a cost recovery basis. She cautioned that the Covid pandemic had affected the number and type of licences applied for and that the situation would be reviewed over the forthcoming year.
- 17.3 The Transactional and Licensing Team Manager reminded members that the Hackney Cab and Private Hire fees would be subject to a further period of consultation in the new year as required by law, and that all other fees would be included in the report that would be going to Council in the new year.

17.4 **RESOLVED**

1. That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in Appendix A, in accordance with the Gambling Act 2005 as set out in Appendix B and in accordance with explosives and fireworks legislation as set out in Appendix C and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2023 and instructs the Transactional and Licensing Team Manager to arrange for the fees to be included in the 2023/24 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional and Licensing Team Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2023/24 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
2. That the Committee implements, with any necessary modification and with effect from 1 April 2023, the proposed fees as set out in Appendices D, E, F, G, H and I that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Transactional and Licensing Team Manager to arrange for the fees to be included in the 2023/24 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional and Licensing Team Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
3. That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Appendix F, with any necessary modification, and instructs the Transactional and Licensing Team Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.
4. That the Committee instructs the Transactional and Licensing Team Manager to arrange for the proposed fees as set out in Appendix F, with any necessary modification, to be included in the 2023/24 annual fees and charges reports that

are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee'.

18 Review of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

18.1 Members received the report of the Transactional and Licensing Team Manager which set out the proposed Hackney Carriage and Private Hire Licensing Policy for the period 2023 to 2027.

18.2 The Transactional and Licensing Team Manager advised the meeting that the Policy which had been updated taking into account the Council's priorities, representations made by the hackney carriage and private hire trade and changes in legislation.

18.3 RESOLVED

1. That the Strategic Licensing Committee considers all the responses submitted during the consultation period as set out in Appendix A and notes the officer's summary as set out in Appendix B.
2. That the Strategic Licensing Committee agrees, with any necessary modifications, that the proposed 'Hackney Carriage and Private Hire Policy 2023 – 2027' as set out in Appendix C be reported to Cabinet for further consideration and a final decision with respect to adoption and implementation.

19 Revision of Hackney Carriage Table of Fares

19.1 Members received the report of the Transactional and Licensing Manager which set out a proposal for a revised Hackney Carriage Table of Fares.

19.2 The Transactional and Licensing Manager advised the meeting that following a request from a Hackney Carriage proprietor a review of the current Hackney Carriage Table of Fares had been carried out and following this a formal consultation on the proposed changes was undertaken as required by the legislation, and that all responses had been considered as part of the process.

19.3 RESOLVED:

That the Strategic Licensing Committee approves, with any necessary modifications, the proposed Table of Fares for the whole administrative area of Shropshire Council, as set out in Appendix A and agrees that it will come into effect from 13 October 2022.

20 Proposed Variation of the Designation of Licenced Streets

In accordance with his declaration, Councillor Isherwood left the room and took no part in the debate and voting on this item.

- 20.1 Members received the report of the Transactional and Licensing Team Manager which sought the Committee's approval for the variation of some Licenced Streets previously designated as Licence Streets on 1 April 2018 in accordance with Local Government (Miscellaneous Provisions) Act 1982.
- 20.2 The Transactional and Licensing Team Manager reminded Members that a consultation on the street trading policy had been carried out earlier in the year and a part of the responses to this, requests had been made to amend some of existing adopted licenced streets. She then outlined the process that must be carried out to effect the change.
- 20.3 **RESOLVED:**
- 3.1 That the Strategic Licensing Committee resolve to vary the list of designated streets that are currently contained in the policy by removing those streets identified as set out in Appendix A, documents 1 to 5 of the report.
- 3.2 That the Committee instructs the Transactional and Licensing Team Manager to publish and serve the relevant notices, setting out the designation of streets, as required by Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.3 That where there are representations that object to the designation of streets as set out in Appendix A, documents 1 to 5 the Committee instructs the Transactional and Licensing Team Manager to bring a further report before the Committee to enable those representations to be considered in accordance with Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4 That where no representations or only supporting or neutral representations are received, the Council resolves through delegated authority granted to the Strategic Licensing Committee, to pass a resolution designating the streets as set out in Appendix A, documents 1 to 5 with effect from 1 April 2023 and further instructs the Transactional and Licensing Team Manager to make the necessary arrangements as set out within Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to give effect to the designations.

21 **Responsibilities of Premises Licence Holders under the Licensing Act 2003**

- 21.1 Members received the report of the Transactional and Licensing Team Manager which set out the responsibilities placed on premises licence holders, when undertaking licensable activities that are authorised under the Licensing Act 2003 ('the 2003 Act'), with a focus on the safety of those who attend licensed premises.
- 21.2 The Transactional and Licensing Team Manager advised the meeting that a motion at Council had asked the Strategic Licensing Committee to clarify the obligations on liquor licensees regarding care and protection of their users and work with the Police to ensure that the responsibilities are exercised, including giving advice to vulnerable people on leaving such premises.

- 21.3 In response to a question the Transactional and Licensing Team Manager confirmed that with regards to the log of persons refused service which was required to be kept, where a person would not give their personal details, a record of the time and date and any other action taken was made.
- 21.4 In response to a question the Transactional and Licensing Team Manager confirmed that the was not legal definition of drunkenness and that it very much a matter of perception.
- 21.5 In response to a question the Transactional and Licensing Team Manager confirmed that it was a condition of some licences that safety information was displayed and that a lot of licenced premises displayed this information voluntarily.
- 31.6 In response to a question the Transactional and Licensing Team Manager stated that there was no specific council run training but that advice could be sought from the out of hours officers and other licencing officers.

31.7 **RESOLVED**

That the contents of the report be noted

22 **Exercise of Delegated Powers**

- 22.1 Members received the report of the Transactional and Licensing Team Manager which gave details of the licences issued and the variations that have been made under delegated powers between 1 June 2022 and the 31 August 2022 and a summary of applications considered by the Committee.
- 22.2 The Transactional and Licensing Team Manager reminded Members that the report was brought to each meeting of the committee and that it updated them on the number and types of licences that had been issued since the last meeting

22.3 **RESOLVED:**

That Members note the position as set out in the report

23 **Date of Next meeting**

- 23.1 Members noted that the next meeting of the Strategic Licensing Committee would be held on 7 December 2022 at 10.00am

Signed (Chairman)

Date:

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Committee and Date

Strategic Licensing Committee

7 December 2022

Item

Public

Review of the Street Trading Policy 2023 to 2028

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk e-mail:

1. Synopsis

1.1 The Council's existing Street Trading Policy came into effect from 1 April 2018. Since this date there have been changes in licence processes and the way in which Street Trading is delivered across the administrative area of Shropshire Council.

1.2 This report sets out the proposed Street Trading Policy 2023 to 2028 and highlights those matters that have led to the most significant proposed changes.

Executive Summary

- 1.1. The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 1.2. The administration of Street Trading includes the determination of Prohibited, License and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 1.3. The Council's existing Street Trading Policy came into effect from 1 April 2018.
- 1.4. The Policy requires updating to reflect the Council's priorities and outcomes for 2023 – 2028, in relation to protecting people from harm, promoting health and managing the environment. In addition, ongoing improvements in licensing practices and procedures need to be embedded within the Policy to further strengthen the application process and to provide the foundations for robust enforcement to increase compliance.
- 1.5. The aim of the Policy is to ensure that the Council can properly regulate those who trade in the street and not from within a business premises.

2. Recommendation

- 2.1. That the Strategic Licensing Committee agrees, with any necessary modifications, that the proposed Street Trading Policy 2023 to 2028, as set out in **Appendix A**, is adopted by the Council and implemented with effect from 1 April 2023.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1. The preparation and publishing of the Policy is not a legal requirement. However, it will help to ensure that the Council can properly regulate those who trade in the street and not from within a business premises. It will create transparency for all stakeholders providing the manner in which the Council intends to regulate Street Trading.
- 3.2. Street Trading provisions are local in nature. Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Ludlow Council all its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of street trading.
- 3.3. Ludlow Town Council is the only Town Council who currently undertakes the administration and enforcement of Street Trading.
- 3.4. The consultation process explored the opportunity to further delegate the responsibility for the Street Trading function to Parish and Town Councils.
- 3.5. Where Street Trading provisions are delegated, the decision on where and when Street Trading should be permitted can be exercised more locally. Should additional Town and Parish Councils express an interest in taking on responsibility for the Street Trading function a separate report will be brought before the Strategic Licensing Committee.
- 3.6. Enabling the powers to be exercised at the most local level has clear benefits for Shropshire communities, allowing more informed decisions regarding how Street Trading is conducted according to the nature of the local area. However, based on previous responses there is no appetite for this function to be delegated to a more local level.
- 3.7. An informal consultation in respect of the proposal to revise the policy was undertaken with Town and Parish Councils and licence holders from the 21 March 2022 to the 17 April 2022. Feedback from this consultation was considered and included in the revision of the policy.
- 3.8. Town and Parish Councils were contacted and asked to consider the requirements of the existing Policy and how this has affected the running of some their events since it came into effect. The general discussions resulted in an additional section being added to the proposed policy to include further clarity on the activities which are 'out of scope' for Street Trading purposes.

- 3.9. A formal consultation in respect of the revised policy was undertaken from 27 June 2022 to the 21 August 2022. The consultation welcomed and encouraged all interested parties to provide feedback in relation to the content of the whole policy.
- 3.10. The 4 individual responses to the formal consultation full details of the responses have been analysed and officer comments and explanatory notes recorded. The consultation responses can be found at **Appendix B** and the officers comments can be found at **Appendix C**.
- 3.11. Following feedback during the formal consultation from Bridgnorth Town Council and Cae Glas Charity in Oswestry, existing street designations have been amended and new streets designated as streets/areas where consent or licence does not have effect for Street Trading purposes, in accordance with Schedule 4 of the 1982 Act. This includes, Severn Park (WV15 5AE), Crown Meadow (WV16 4HL), Castle Grounds (WV16 4AB) in Bridgnorth and Cae Glas Park in Oswestry.
- 3.12. At a meeting of the Strategic Licensing Committee, held on the 5 October 2022, consideration was given to the proposed amendments to the designated streets. The Committee resolved to publish and serve notices, in accordance with the 1982 Act, to finalise the designation of relevant streets across the county. No objections were received to the notices and as a result the new designations will take effect from 1 April 2023. The relevant report can be found in the papers for the Committee meeting held on the 5 October 2022 at Agenda Item 8. [Agenda for Strategic Licensing Committee on Wednesday, 5th October, 2022, 10.00 am — Shropshire Council.](#)
- 3.13. The review and adoption of a Policy will have a positive impact on Human Rights, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8), of both applicants and their customers. On this basis, the recommendation contained in this report are compatible with the provisions of the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications.
- 3.14. The proposed Policy contains the application processes and requirements to obtain both a Street Trading Licence and Consent. The proposed Policy can be found at **Appendix A**. The Consent process/requirements purposefully mirror those set out for a Licence Street. It is recognised that the Council may face a challenge on the robust nature of the proposed application process in relation to Consent Streets; however, the Act sets out that ‘the Council may grant a Consent if they think fit’ and in order to make this judgement it is deemed necessary and proportionate given the need to ensure applicants are suitable under the Council’s safeguarding responsibilities.
- 3.15. The Act provides a broad basis to request such ‘particulars as the Council may reasonably require’ in order to determine whether or not to grant or renew a Street Trading Licence. It is on this basis that Officers consider the information requested as part of the application process to be entirely lawful.
- 3.16. An Equality, social inclusion and health impact assessment (ESHIA) has been carried out and informed by the feedback from the consultation process. The

ESHIA is set out at **Appendix D**. as the screening indicates, the proposed Policy is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council. This will naturally lead to benefits for people in the nine Protected Characteristic Groupings as defined by the Equality Act 2010, because they are part of the wider community and because everyone is anticipated to benefit from the safeguarding provisions in place already that are being reinforced through this revised Policy.

- 3.17 For all the Groupings, the impact of the proposed Policy is rated as ‘low positive’. However, in practice, with the exception of ‘age’ and ‘disability’ and those with caring responsibilities, thus potentially including the groupings of ‘sex’ and ‘pregnancy and maternity’, the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings. Additionally, positive impacts are anticipated to accrue for our tenth grouping of consideration in Shropshire, of Social Inclusion. This is not least due to improvements anticipated for vulnerable individuals and households such as young people leaving care, and veterans and serving members of the armed forces, as well as low income households, rural households, and people living in fuel poverty.
- 3.18 This would include consideration of sightlines where street traders are in operation to aid those with caring responsibilities, whether of young children or of people with mental health problems, learning disabilities, or neurodiverse conditions, and consideration of practical accessibility matters for people with physical disabilities or those who may be pregnant. In addition, as street traders may unintentionally cause intimidation or distress to vulnerable children and adults through the methods that they may choose to employ to attract business, such as loud voices, guidance will need to be given on this matter to people applying for licences. This may be a particular consideration for people with neurodiverse conditions such as autism, or with attachment disorders.
- 3.19 Once traders are in operation, there is potential for any officer of the Council to help, e.g. attending social workers, by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the service area. This could help ensure effectiveness as well as efficiency of the new policy. With respect to ‘age’ and ‘disability’ groups and people with caring responsibilities, in particular around the Council’s safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Use will be made of the Communications team to aid knowledge sharing about the arrangements and about the safeguarding measures that are in place.

4. Financial Implications

- 4.1. The officer time and associated costs can be recovered through the licence/consent fees that are determined by the cost recovery fee setting process.

5. Climate Change Appraisal

- 5.1. Compliance with the 'Environmental Impact' conditions that will be attached to the Street Trading Licence/Consents will have a positive impact on the environment.

6. Background

- 6.1. The legal controls relating to Street Trading are contained in Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. These include the designation of streets, setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.
- 6.2. Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licence or consent and they are defined as:
- 'Prohibited Street' means a street in which street trading is prohibited.
 - 'Licence Street' means a street in which street trading is prohibited without a licence granted by the Council.
 - 'Consent Street' means a street in which street trading is prohibited without the consent of the Council
- 6.3. Where a street has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council. However, Street Traders must always seek permission to use the land from the land owner. This includes Shropshire Council's Highways Service or the Highway Authority for the Strategic Road Network (SRN) (Highways England) where the land is a highway.
- 6.4. It is illegal to trade in those streets designated as Prohibited Streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a Licence or Consent Street, traders must apply for a Street Trading Licence or Consent and be granted permission to trade. Within the Council this process is undertaken by the Licensing Team.
- 6.5. Prior to submitting an application, the Street Trader must ensure they have permission to use the land from the land owner. The permission to use the land is separate from gaining permission to trade.

7. Conclusion

- 7.1. The proposed Policy stems from provisions within the 1982 Act and is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council.

- 7.2 The Policy aims to reflect the Council's priorities and outcomes for 2023 – 2028, in relation to protecting people from harm, promoting health and managing the environment. In addition, ongoing improvements in licensing practices and procedures are embedded within the Policy to further strengthen the application process and to provide the foundations for robust enforcement to increase compliance.
- 7.3 The Policy will be a key tool that will drive street trading standards up for everyone.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government Act 1972 s101 (1) (b)

Local Government (Miscellaneous Provisions) Act 1982 s.3 and Schedule 4

Strategic Licensing Committee, 4th October 2017: Street Trading Adoption of Streets. <https://shropshire.gov.uk/committee-services/documents/s16627/Agenda%20Item%205%20Street%20Trading.pdf>

Strategic Licensing Committee, 25th January 2017: Street Trading Policy Consultation <https://shropshire.gov.uk/committee-services/documents/s14166/Item%207%20Adoption%20of%20Misc%20Provisions%201982%20Act%20-%20Street%20Trading.pdf>

Strategic Licensing Committee, 22 June 2022: Review of the Street Trading Policy 2023 to 2028 [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#)

Strategic Licensing Committee, 5 October 2022: Proposed Variation of the Designation of Licenced Streets [Agenda for Strategic Licensing Committee on Wednesday, 5th October, 2022, 10.00 am — Shropshire Council](#)

Cabinet Member (Portfolio Holder)

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

Local Member

Not applicable – report has county wide application

Appendices

Appendix A – Proposed Street Trading Policy 2023 to 2028

Appendix B – Individual Consultation Responses

Appendix C - Officer Summary of Consultation Responses

Appendix D - Equality, Social Inclusion and Health Impact Assessment

(ESHIA)

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Street Trading Policy 2023 – 2028

Date policy adopted:

Adopted by:

Date of implementation:

Next review period:

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PART 1

INTRODUCTION

Proposed Street Trading Policy 2023 to 2028

PART 1 – INTRODUCTION

- 1.0 On 1st April 2009 Shropshire Council became the responsible authority for the street trading provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Prior to this date the responsibility lay with the preceding district and borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) all of which ceased to exist as a result of the unitary process.
- 1.1 The Street Trading Policy ('the Policy') is applicable to the regulation of street trading across the whole of the administrative area of Shropshire Council. This Policy supersedes all previous Council policies relating to Street Trading. The Policy is in place to ensure that Shropshire Council (the Council) can properly regulate those who trade in the street and not from within a business premises. Where Street trading provisions do not apply the Council encourages Street Traders to have regard for the principles set out in this Policy.
- 1.2 Street trading is a function of Shropshire Council. However, under provisions in the Local Government Act 1972, the Council can delegate the responsibility for the function to Town and Parish Councils. Shropshire Council actively encourages Town and Parish Councils to adopt this function in order to facilitate more local decision making. Shropshire Council will support and facilitate the delegation process to ensure a smooth transition.
- 1.3 The administration of street trading includes the determination of Prohibited, Licensed, and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 1.4 The Council takes a permissive approach to Street Trading. As a result, it is unlikely to designate any further streets as Prohibited Streets and discourages the designation of additional streets as Consent Streets unless there are exceptional circumstances that support such designations. Where a need is identified to increase the level of control in currently undesignated streets, the Council encourages such streets to be designated as Licence Streets. Overall, the Council aims to grant valid street trading applications.

Scope

- 1.5 "Street trading" is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 1.6 "Street" includes any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.
- 1.7 The Street trading provisions are local in nature and within the administrative area of Shropshire Council there are certain streets and areas that have been designated as Prohibited Streets, Licensed Streets and Consent Streets as set out in **Appendix 1**. Where a street has not been designated as either Prohibited, Licensed or Consent, the Council has no regulatory responsibility under Street trading legislation and therefore, no permissions are required from the Licensing Service. However, Street traders must always seek permission to use the land from the land owner. This includes Shropshire Councils Highways Service and the Highway Authority for the Strategic Road Network (SRN) where the land is a highway. Where a control order under Section 7 of the Local

Government (Miscellaneous Provisions) Act 1976 is in force Street Trading is not permitted other than trading to which the control order does not apply.

1.8 Where the streets are designated as either 'prohibited', 'licensed' or 'consent' they are defined as;

Out of Scope Activities

1.9 The following activities have been deemed to be outside the scope of this policy and do not therefore require a licence:

- Sales of articles by householders within the curtilage of their residential premises providing this is not a commercial concern e.g., homemade jams, surplus fruit and vegetables from gardens etc. This is considered to be the disposal of surplus domestic produce and not commercial trading.
- Produce from working farms sold within the curtilage of the farm premises where it was produced.
- Community based and run events for non-commercial purposes, such as school or village fetes.
- Events or activities run for charitable purposes where the profit from the event is passed entirely to the charity concerned.
- Car boot sales on private property.
- Traders that are part of a travelling fair.

Prohibited Street

"prohibited street" means a street in which street trading is prohibited.

If a street is designated as a "prohibited street" then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example, the street may not be wide enough to facilitate a trader or the Council may wish to restrict trading at a particular location. It may be considered that the prohibited status might be the most appropriate designation for the majority of residential streets in a town. There is no right of appeal in respect of a Council decision to designate a street as prohibited; challenge is by way of Judicial Review.

Licence Street

"licence street" means a street in which street trading is prohibited without a licence granted by the Council.

Street trading in a licence street without a licence is a criminal offence. If a street is designated as a "licence street" then applications can be made by persons over 17 for a licence to trade in the articles described in the application on certain days on that street. For so long as the designation of licence street remains in place for that particular street or part of street the council is duty bound to grant or renew a properly made application unless one or more of the statutory grounds for refusal applies. When granting or renewing a licence the Council may attach any reasonable condition, furthermore the Council can at any time vary the conditions attached to a licence. There is a right of appeal against a council decision made in respect of a street trading licence.

Consent Street

“consent street” means a street in which street trading is prohibited without the consent of the Council.

If a street is designated as a “consent street” then street trading without a consent is a criminal offence. There is no right of appeal¹ against any council decision made in respect of a street trading consent. Street trading consent cannot be granted for a period of time exceeding twelve months and can be revoked at any time. When granting or renewing a consent the Council may attach any reasonable condition, furthermore the Council can at any time vary the conditions attached to a consent. Any such variations will be notified in writing to the named person on the consent and will take effect immediately or on the date of the notification letter.

Legislative framework

1.9 The operation of the Council’s licensing service is undertaken in accordance with relevant legislation, applicable conditions and the Regulators’ Code (BRDO 14/705 April 2014).

1.10 The primary legislation relating to street trading is the Local Government (Miscellaneous Provisions) Act 1982. In addition, the service is provided in accordance with all relevant Council policies, but in particular those relating to:

- Protection of children, young persons and adults with care and support needs;
- Better regulation and enforcement;
- Access to information;
- Public sector equality duty; and
- Human rights²

1.11 The regulation of street trading will be considered in conjunction with but not restricted to the following;

- granting of Pavement Permits;
- Street Collections;
- Distribution of Free Printed Matter;
- Face to Face fund raising;
- House to House Collections;
- Planning and wider premises licensing regimes;
- Pedler certificates for selling door to door; and,
- any restrictions imposed by Public Space Protection Orders (PSPO).

1.12 So far as is reasonably practicable the Council will avoid duplication with other regulatory regimes. In particular, the Policy and associated conditions do not address health and safety at work, fire safety or planning requirements. Street traders are required to ensure all relevant provisions are satisfied with the relevant responsible authority in these respects.

Purpose

¹ An aggrieved party may challenge a decision by way of judicial review.

² Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 6 – right to a fair hearing; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person’s private life); Article 10 – right to freedom of expression.

- 1.13 Shropshire Council recognise that street trading is important to both the local environment and the local economy. Street trading can provide vitality and interest to Shropshire's already vibrant towns and communities, and provides an opportunity for small businesses to establish themselves and grow.
- 1.14 The fundamental purpose of the Policy is to create a street trading environment which complements premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire.
- 1.15 The Council positively encourages applications from Street Traders that aim to promote a healthy lifestyle.
- 1.16 Whilst recognising the important contribution that street trading brings to supporting local businesses and the growth and prosperity of Shropshire's economy, a key purpose is also to reduce any potential harm or exploitation which could occur through street trading.
- 1.17 Shropshire Council ('the Council') is particularly concerned to ensure:
- public safety;
 - the prevention of public nuisance;
 - the prevention of crime and disorder; and,
 - the protection of children, young persons and adults with care and support needs from harm
- 1.18 The Council recognises that promoting the welfare of children and protecting them from harm is everyone's responsibility, in particular, Street Traders who may have dealings with children, young people and adults with care and support needs have a duty to report matters of concern to the relevant authorities. Further details are set out in **Appendix 2**.
- 1.19 The Policy provides guidance to any person with an interest in street trading, in particular, but not restricted to:
- persons who wish to apply to undertake street trading;
 - persons who hold existing licences or consents, including those that are the subject of review;
 - the Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees;
 - licensing consultants, solicitors and barristers advising and/or representing applicants and licence/consent holders; and,
 - Magistrates and judges hearing appeals or judicial reviews against Council decisions.
- 1.20 In general, the Council does not consider unmanned stalls outside residential premises, for example where an individual sells jams and has an honesty box but doesn't have any interaction with their customers, to fall within the scope of this policy. Each case will be considered on its own merit and it will be for the Council to decide if a licence is required based on the specific details of each case.

Consultation and Communication

- 1.20 In determining the Policy, the Council has consulted as set out on page 27. The views of relevant stakeholders have been taken into consideration.
- 1.21 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with street traders to enable and encourage the exchange of views and information in relation to the Policy, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

Review of the Policy

- 1.22 The policy will be the subject of continuous evaluation and, if necessary, formally reviewed every 5 years. At the time of review all relevant stakeholders will again be consulted.

Conditions

- 1.23 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that traders comply with relevant legislation and the fundamental purpose of the Policy. Any trader may request a review of any condition at any time.

PART 2

LICENSING PRINCIPLES, PROCESS AND DELEGATION

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

Introduction

- 2.0 The Council has adopted a scheme in accordance with Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which permits the Council to control street trading in the areas listed and mapped in **Appendix 1**.

Licensing principles

- 2.1 The Council aims to provide a clear, consistent and responsive service to prospective and current licence and consent holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants.
- 2.2 All applications will be considered and determined on their own individual merits.

Licensing process and delegation of functions

- 2.3 The licensing of street trading is a Council function that is discharged by the Council's Strategic Licensing Committee, Licensing and Safety Sub-committee and officers in accordance with delegated authority set out in the Council's Constitution.
- 2.4 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.

Committees

2.5 Strategic Licensing Committee

This Committee is made up of 15 members of the Council. It deals with policy issues, standard conditions of licence/consent and the setting of fees and charges.

2.6 Licensing and Safety Sub-committee

The Committee has been established to consider applications and hear objections in relation to licensing matters, it is made up of a selection of Members from the Strategic Licensing Committee. Five to six Members (Quorum of 3) will sit on hearings to consider new applications, renewals and reviews of licences/consents that are referred by officers; this includes the hearing of objections. The hearings are normally held in public unless there are matters to be considered that are of a confidential nature.

- 2.7 Members, when determining applications for a licence/consent, renewals or reviews of a licence/consent, will have regard to the Local Government (Miscellaneous Provisions) Act 1982 and other relevant legislation, the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law and other relevant Council policies.

Consideration of a Licence application by the Licensing and Safety Sub-committee

- 2.8 On receipt of relevant written representations and/or if the applicant has not met the criteria, arrangements will be made for the application to be heard by the Licensing and Safety Sub-committee and the applicant and all parties making representations will be notified in writing of the date, time and place where the application will be heard.
- 2.9 The person or body making a representation will be expected to attend the hearing and be allowed the opportunity to address the Licensing and Safety Sub-committee and ask questions relating to the application. The applicant can be represented by a solicitor, or supported by a friend or colleague.
- 2.10 Representations received by the Council will be circulated to members of the Committee in advance. Where appropriate, the representations will also be sent to the applicant but without any information that would identify the person submitting the representation.
- 2.11 The Licensing and Safety Sub-committee will always determine applications by:
- Considering each on its own merits;
 - Using this Policy;
 - Dealing with the hearing in a balanced and impartial manner;
 - Ensuring that the rules of natural justice are applied in any hearings held; and,
 - Giving all parties sufficient opportunity to present their case, ask questions and present information for consideration in support of their application or representation.

Consideration of a Consent application

- 2.12 Applications are considered by a Public Protection Officer (Specialist).
- 2.13 On receipt of relevant written representation and/or if the applicant has not met the criteria, the Officer will determine the application.
- 2.14 Where appropriate, any representation made will be sent to the applicant but without any information that would identify the person submitting the representation.
- 2.15 The Officer will always determine applications by:
- Considering each on its own merits;
 - Using this Policy;
 - Dealing with the hearing in a balanced and impartial manner;
 - Ensuring that the rules of natural justice are applied in any hearings held; and,
 - Giving all parties sufficient opportunity to present their case, ask questions and present information for consideration in support of their application or representation.
- 2.16 Where the Officer with delegated authority is unable to reach a decision or for any other reason so agreed by that Officer will be referred to the Licensing and Safety Sub-committee for determination in accordance with the procedure as set out at paragraphs 2.8 to 2.11 above.

Decisions

- 2.17 The Council, by virtue of an officer with delegated authority, has the power to refuse, grant or renew licences or consents and also to vary or revoke existing licences and consents in accordance with relevant legislative provisions.
- 2.18 Any decision to refuse to grant or renew a licence or consent or to vary or revoke an existing licence or consent will be made in accordance with the Council's scheme of delegation as set out in **Appendix 3** and other relevant procedures. In particular, applications will be considered favourably where there is clear and robust evidence of effective mitigating measures offered by the applicant in relation to those matters set out in **Appendix 4**.
- 2.19 Where applications are to be determined, the officer and Licensing and Safety Subcommittee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties, together with the recommendation made by the licensing officer presenting the report. Where necessary officers will seek comments directly from officers from the Council with responsibility for Highways, officers from West Mercia Police and any other relevant organisation. In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.
- 2.20 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Abandoned vehicles/objects

- 2.21 The failure to remove any Street Trading Stall in accordance with the relevant environmental impact conditions will be treated as an abandoned vehicle/object under the relevant legislation and may be removed by the Council for retention or destruction. The licence or consent holder shall pay all costs incurred by the Council in carrying out such action. Impounded vehicles and equipment will not be released until all outstanding costs have been paid by the licence or consent holder and may in default of payment be sold by the Council.

Appeals

2.22 Street Trading Licence

Parties aggrieved by a decision of the Council, with respect to a refusal to grant or renew a licence or vary or revoke an existing licence, have a right of appeal to the Magistrates' Court. This must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

2.23 Street Trading Consent

There is no right of appeal for a street trading consent.

Working in partnership

- 2.24 The Council aims to work in partnership when dealing with street trading issues as public protection is a priority in Shropshire. Partners will include (but are not restricted to) relevant Town and Parish Councils, trade associations, West Mercia Police, Shropshire Council Highways, the Highway Authority for the Strategic Road Network (SRN), Revenues and Benefits teams and consumer groups.
- 2.25 However, it must be recognised that the Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced to protect the public.

Setting fees

- 2.26 The cost of dealing with street trading is covered by fees from licences and consents.
- 2.27 The Council aims to ensure that the income from fees, as nearly as possible, equates to the costs of providing the service to which the fees relate; in this respect, the Council is committed to continuous improvement across the fee setting process.
- 2.28 The Council aims to make its fee setting as transparent as possible. Costs are tracked to enable the Council to evidence, as much as is reasonably practicable, how it arrives at the specified fee levels. Fees are calculated on a cost recovery basis only.
- 2.29 The Council does not recover costs for the collection of refuse or the cleansing of streets on the basis that the conditions of each licence/consent requires the licence/consent holder to take responsibility for such matters.
- 2.30 The Strategic Licensing Committee reviews the fees annually under delegated authority from the Council.

PART 3

LICENSABLE ACTIVITIES

Proposed Street Trading Policy 2023 to 2028

PART 3 – LICENSABLE ACTIVITIES

Introduction

- 3.0 This part of the Policy focusses on the licensable activities and the necessary steps required to obtain and hold a licence or consent. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence and consent holders.
- 3.1 The following are applicable to all licence and consent types:
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence or consent, the licence or consent is likely to be revoked. Applicants are reminded that any applicant who makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
 - All fees are payable at the time of application. Where a licence or consent is not granted, i.e. the applicant withdraws their application; a proportion of the licence fee will be refunded. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
 - In the event that an application for street trading is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence or consent has been issued, the Council will seek to revoke the licence or consent;
 - The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, otherwise the application process will cease to progress further until such time as the applicant provides all the required information;
 - Where a licence or consent has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence or consent procedure before the Council will consider the application;
 - When a licence or consent expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

Appointments

- 3.2 The Council runs an appointment system. Applicants will not be seen without an appointment. The Council will notify street traders who hold an annual licence/consent that their licence or consent is due to expire at least four weeks before the actual expiry.

Criminal Record Disclosure

- 3.3 Criminal record disclosure is relevant to those persons who wish to apply for a Street Trading licence because the Council has a responsibility to ensure the suitability of the

applicant for this particular licence. The Council recognises that this requirement is not directly replicated within the consent regime; however, on the basis that the Council may grant a consent if it thinks fit, the Council has agreed to consider the suitability of applicants for consents in the same manner as the law requires for the applicants of a licence. Refer to **Appendix 5** and **Appendix 6** for further details in this respect.

3a Street Trading Licence

Application process for new and renewal

3a.1 Any person wishing to trade in a licensed street will require a licence issued by the Council.

3a.2 Applicants must submit the following to the Licensing Authority:

- A completed and signed relevant Street Trading Licence application form.
- The appropriate application fee.
- One passport size photograph, countersigned in accordance with passport rules.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation: e.g. passport, photo driving licence, national proof of age standards photo card, birth certificate, current utility bill/bank statement not more than 3 months old.
- Provide a basic criminal record disclosure from the Disclosure and Barring Service (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the

applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- Where the proposed street activity is from a fixed position, a copy of map of at least 1:1250 scale clearly outlining the proposed trading location in red should be provided. An additional map to scale clearly identifying the precise trading position and its proximity to other similar retail outlets (shops etc.).
- 3 colour photographs of any stall, van, barrow, cart, etc. that will be used for the street trading activity showing the front, rear and side of the unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.
- A sketch or diagram of the stall, van, barrow, cart, etc. identifying the external dimensions.
- If trading in food or drink:
 - a declaration that you have registered as a food business;
 - evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - evidence that the business has a food hygiene score rating of 3 or above; and,
 - evidence that the vehicle/unit meets the Council's food safety standards.
 - new businesses who do not have a food hygiene rating at the time of application will be issued their licence in advance of the inspection and rating being given on the basis that within 7 days of receiving the inspection report it is provided to the Licensing Team by the licence holder.
- An original certificate of insurance that covers the street trading activity for third-party and public liability risks up to a minimum of £5,000,000.
- Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
- Any permissions or consents already granted with regard to the proposed operation, e.g., including but not limited to planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.

3a.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicants licence, the licence will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

- 3a.4 The basic criminal record disclosure from the Disclosure and Barring Service must be a new certificate requested as part of this application process. It should be no more than three months old at the time the application was submitted.
- 3a.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from the Disclosure and Barring Service.

Consultation

- 3a.6 Upon submission of a valid Street Trading Licence application applicants will be required to display a site notice on or immediately outside proposed fixed trading locations, for a period of 14 consecutive days to allow for any representations to the application to be made. If no representations are received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the licence (subject to all other requirements in this policy). If the trader does not have fixed trading locations, e.g., an ice cream van which moves around until it is flagged down, there will not be a requirement to display a site notice. It is for the Council to decide, as part of the application process, whether there will be a need for a notice to be displayed.
- 3a.7 Where objections are received and not resolved relating to the grant or renewal of a licence the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

- 3a.8 The Licensing and Safety Sub-committee or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.
- 3a.9 On granting the application the Council will issue a Street Trading Licence for a period of twelve months or shorter period as specified in the licence and shall also specify the following principle terms:
- the street(s) and where relevant a particular place in that street(s);
 - the day(s);
 - the trading times; and,
 - the description of articles/goods that may be sold.
- 3a.10 In addition, the Council will attach standard conditions (subsidiary terms - see below) and where necessary any additional specific conditions.

Standard Conditions (Subsidiary Terms)

- 3a.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 7**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply, except where an event has the benefit of a road closure issued by the Council under Section 16a of the Road Traffic Regulation Act 1984. These conditions are in addition to any matters set out within the main body of the Policy.

Other Conditions

3a.12 The Council aims to grant licence applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

3b Street Trading Special Event Licence

Application process for new licence

A special event licence may be applied for where a standalone event at which there will be multiple traders is being organised by an individual, organisation, business or similar. A special event licence can be issued for a period of no longer than three days.

3b.1 Any person wishing to hold an event which includes trading in a licensed street will require a licence issued by the Council.

3b.2 Applicants must submit the following to the Licensing Authority:

- A completed and signed relevant Street Trading Licence application form.
- The appropriate application fee.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation: e.g. passport, photo driving licence, national proof of age standards photo card, birth certificate, current utility bill/bank statement not more than 3 months old.
- Provide a basic criminal record disclosure from the Disclosure and Barring Service (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO

may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- A map of at least 1:1250 scale clearly outlining the proposed trading location in red, showing all trading pitches should be provided.
- If there will be traders trading in food or drink:
 - a declaration that you have checked they are registered as a food business;
 - a declaration that you have seen evidence that they have current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - a declaration that you have seen evidence that the business has a food hygiene score rating of 3 or above; and,
 - a declaration that you have seen evidence that the vehicle/unit meets the Council's food safety standards.
- An original certificate of insurance that covers the street trading activity for third-party and public liability risks up to a minimum of £5,000,000.
- Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
- Any permissions or consents already granted with regard to the proposed operation, e.g., including but not limited to road closures, planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.

3b.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicant's licence, the licence will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

3b.4 The basic criminal record disclosure from the Disclosure and Barring Service must be a new certificate requested as part of this application process. It should be no more than three months old at the time the application was submitted.

3b.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from the Disclosure and Barring Service.

Consultation

- 3b.6 Upon submission of a valid Street Trading Special Event Licence application applicants will be required to display at least one site notice in the event location where it can clearly be seen by members of the public for a period of 14 consecutive days to allow for any representations to the application to be made. If the event area is greater than 50 meters in length, further notices must be displayed at 50 meter intervals across the entire area where the proposed street trading activity will take place. If no representations are received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the licence (subject to all other requirements in this policy).
- 3b.7 Where objections are received and not resolved relating to the grant of a special event licence the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

- 3b.8 The Licensing and Safety Sub-committee or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.
- 3b.9 On granting the application the Council will issue a Street Trading Special Event Licence for a period of twelve months or shorter period as specified in the licence and shall also specify the following principle terms:
- the street(s) and where relevant a particular place in that street(s);
 - the day(s);
 - the trading times; and,
 - the description of articles/goods that may be sold.
- 3b.10 In addition, the Council will attach standard conditions (subsidiary terms - see below) and where necessary any additional specific conditions.

Standard Conditions (Subsidiary Terms)

- 3b.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 7**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply, except where an event has the benefit of a road closure issued by the Council under Section 16a of the Road Traffic Regulation Act 1984. These conditions are in addition to any matters set out within the main body of the Policy.

Other Conditions

3b.12 The Council aims to grant licence applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

3c Street Trading Consent

Summary

3c.1 Any person wishing to trade in a consent street will require a consent issued by the Council.

3c.2 Applicants must submit the following to the Council:

- A completed and signed relevant Street Trading Consent application form.
- The appropriate application fee
- One passport size photograph countersigned in accordance with passport rules.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation e.g., passport, photo driving licence, National Proof of Age Standards Photo Card, birth certificate, utility bill/bank statement not more than 3 months old.
- Provide a satisfactory basic criminal record disclosure from Disclosure and Barring Service (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- Where the proposed street activity is from a fixed position, a copy of map of at least 1:1250 scale clearly outlining the proposed trading location in red should be provided. An additional map to scale clearly identifying the precise trading position and its proximity to other similar retail outlets (shops, etc.) should also be provided.
- 3 colour photographs of any stall, van, barrow, cart, etc. that will be used for the street trading activity showing the front, rear and side of the unit and dimensions of that unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.
- A sketch or diagram of the stall, van, barrow, cart, etc. identifying the external dimensions.
- If trading in food or drink:
 - a declaration that you have registered as a food business;
 - evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - evidence that the business has a food hygiene score rating of 3 or above; and,
 - evidence that the vehicle/unit meets the Council's food safety standards.
- An original certificate of insurance that covers the street trading activity for third-party and public liability risks up to a minimum of £5,000,000.
- Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
- Any permissions or consents already granted with regard to the proposed operation, e.g. including but not limited to planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.

3c.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicant's consent, the consent will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

- 3c.4 The basic disclosure from the Disclosure and Barring Service must be a new disclosure for the purposes of this application and should be no more than three months old at the time the application is submitted.
- 3c.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from the Disclosure and Barring Service.

Consultation

- 3c.6 Upon submission of a valid Street Trading Consent application applicants will be required to display a site notice on or immediately outside the proposed trading location, for a period of 14 consecutive days to allow for any representations to the application to be made. If no representations are received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the Consent (subject to all other requirements in this policy).
- 3c.7 Where objections are received and not resolved relating to the grant or renewal of a consent the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

- 3c.8 The Licensing and Safety Sub-committee, or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.
- 3c.9 On granting the application the Council will issue a Street Trading Consent for a period not exceeding twelve months and will specify the following:
- the street(s) and where relevant a particular place in that street(s);
 - the day(s);
 - the trading times; and,
 - the description of articles/goods that may be sold.
- 3c.10 In addition, the Council will attach standard conditions and where necessary any additional specific conditions

Standard Conditions

- 3c.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 9**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply, except where an event has the benefit of a road closure issued by the Council under Section 16a of the Road Traffic Regulation Act 1984. These conditions are in addition to any matters set out within the main body of the Policy and maybe varied by the Council at any time.

Other Conditions

- 3c.12 The Council aims to grant consent applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

3d Street Trading Special Event Consent

Application process for new consent

3d.1 Any person wishing to hold an event which includes trading in a consent street will require a consent issued by the Council.

3d.2 Applicants must submit the following to the Licensing Authority:

- A completed and signed relevant Street Trading Consent application form.
- The appropriate application fee.
- Evidence of right to work in the UK in accordance with the Home Office requirements (if applicable).
- Proof of identity, address and date of birth documentation: e.g. passport, photo driving licence, national proof of age standards photo card, birth certificate, current utility bill/bank statement not more than 3 months old.
- Provide a basic criminal record disclosure from the Disclosure and Barring Service (see note below and **Appendix 5**). Any unspent convictions or proven criminal behaviour shall be taken into account in assessing the suitability of the applicant. This will include offences of dishonesty, violence, sexual and indecency related offences, drugs, theft and deception.
- Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.
- Two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)

NB For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other

local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

- A map of at least 1:1250 scale clearly outlining the proposed trading location in red, showing all trading pitches should be provided.
- If there will be traders trading in food or drink:
 - a declaration that you have checked they are registered as a food business;
 - a declaration that you have seen evidence that they have current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods;
 - a declaration that you have seen evidence that the business has a food hygiene score rating of 3 or above; and,
 - a declaration that you have seen evidence that the vehicle/unit meets the Council's food safety standards.
- An original certificate of insurance that covers the street trading activity for third-party and public liability risks up to a minimum of £5,000,000.
- Evidence that appropriate permission has been obtained from the landowner of the proposed trading location.
- Any permissions or consents already granted with regard to the proposed operation, e.g., including but not limited to road closures, planning consent, licence for the sale of alcohol, late night refreshment premises licence, and waste disposal agreement.

3d.3 If any of the required documentation expires or the evidence becomes invalid during the term of the applicant's consent, the consent will cease to have effect until the applicant has produced current valid documentation/evidence to the Council.

Note

3d.4 The basic criminal record disclosure from the Disclosure and Barring Service must be a new certificate requested as part of this application process. It should be no more than three months old at the time the application was submitted.

3d.5 A satisfactory enhanced Disclosure and Barring Service (DBS) report will be accepted as an alternative to the basic criminal record disclosure from the Disclosure and Barring Service.

Consultation

3d.6 Upon submission of a valid Street Trading Special Event Consent application applicants will be required to display at least one site notice in the event location where it can clearly be seen by members of the public for a period of 14 consecutive days to allow for any representations to the application to be made. If the event area is greater than 50 meters in length, further notices must be displayed at 50 meter intervals across the entire area where the proposed street trading activity will take place. If no representations are

received following the 14 days the Council may grant the application in the terms applied for, and standard conditions will be attached to the consent (subject to all other requirements in this policy).

3d.7 Where objections are received and not resolved relating to the grant of a special event consent the application will be referred to the Licensing and Safety Sub-Committee for determination.

Granting of Applications

3d.8 The Licensing and Safety Sub-committee or Officers with delegated authority will grant applications meeting the criteria contained within this Policy.

3d.9 On granting the application the Council will issue a Street Trading Special Event Consent for a period of twelve months or shorter period as specified in the consent and shall also specify the following principle terms:

- the street(s) and where relevant a particular place in that street(s);
- the day(s);
- the trading times; and,
- the description of articles/goods that may be sold.

3d.10 In addition, the Council will attach standard conditions (subsidiary terms - see below) and where necessary any additional specific conditions.

Standard Conditions (Subsidiary Terms)

3d.11 The standard conditions with which a Street Trader must comply are set out in **Appendix 7**. Where the street trading activity takes place on a 'Motorway, Major Trunk Roads, A and B Roads', the additional standard conditions as set out at **Appendix 8** also apply, except where an event has the benefit of a road closure issued by the Council under Section 16a of the Road Traffic Regulation Act 1984. These conditions are in addition to any matters set out within the main body of the Policy.

Other Conditions

3d.12 The Council aims to grant consent applications and for this purpose may require street traders to comply with other more specific conditions that may from time to time be required.

PART 4

INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

PART 4 – INSPECTION, COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Summary

- 4.0 This part of the Policy sets out the manner in which the Council approaches inspection, compliance and enforcement, including the way in which complaints will be dealt with, as it relates to Street Trading Licences and Consents.
- 4.1 The overarching principles are led by the Better Regulation and Enforcement Policy (or such similar policy that may from time to time be adopted) which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. In addition, the Council undertakes an intelligence led approach supported by the National Trading Standards Intelligence Operating Model (IOM).

Inspection, Compliance and enforcement

- 4.2 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates. Council officers may undertake inspection, compliance and enforcement activities for the purpose of assessing compliance with licences/consents, and to determine whether an offence is being committed.
- 4.3 In doing so, the Council's officers will work closely with other enforcement authorities to achieve compliance with the relevant legislation, licence/consent requirements and specific conditions of each licence/consent.
- 4.4 The Council will undertake all inspection, compliance and enforcement work in accordance with the Council's Better Regulation and Enforcement Policy. The Better Regulation and Enforcement Policy sets out clearly the overall approach adopted by the Council towards inspection, compliance and enforcement. It also specifically sets out the principles by which the Council intends to manage all criminal investigations; these principles also apply to the way in which criminal proceedings will be managed in relation to street trading related criminal offences specified in the Local Government (Miscellaneous Provisions) Act 1982 ('the Act').
- 4.5 In relation to the prevention, investigation and prosecution of offences under the Act, the Council will give priority, based on the level of risk posed, to crimes in which there is a greater risk of harm or exploitation to children and vulnerable persons, including adults with care and support needs.
- 4.6 The Council will default, in the first instance, to its regulatory rather than criminal powers when considering a breach of licence/consent conditions. These regulatory powers include revocation, suspension and adding/removing/amending conditions.
- 4.7 However, where there are significant breaches of licence/consent conditions that satisfy the criteria for invoking criminal powers in accordance with the Council's Better Regulation and Enforcement Policy this will mean that the Council will investigate matters with a view to instituting criminal proceedings irrespective of whether it has used its regulatory powers or not.
- 4.8 The Council will abide by the statutory principles of good regulation and the Regulators' Code. Inspection and enforcement activities will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted, and promotes efficient

and effective regulatory approaches that improve outcomes without imposing unnecessary burdens on business.

- 4.9 Traders must comply with all reasonable requests made by officers of Shropshire Council, the Highway Authority for the Strategic Road Network (SRN) and the police. Licence and Consent holders are strongly encouraged to cooperate with officers of all other relevant bodies. Failure to cooperate may lead to revocation of their licence or consent.

Complaints

- 4.10 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence or consent holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licence/consent decisions.

PART 5

CONSULTATION

Proposed Street Trading Policy 2023 to 2028

PART 5 – CONSULTATION

5.0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition, consultation was undertaken with the following stakeholders and partners:

A list of consultees will be included in the final version of the policy.

Proposed Street Trading Policy 2023 to 2028

PART 6

LICENSING CONTACT DETAILS

Proposed Street Trading Policy 2023 to 2028

PART 6 – LICENSING CONTACT DETAILS

Contact details

For information, advice and guidance relating to Street Trading Licences or Consents:

Licensing
Business and Consumer Protection Service
Homes and Communities
Place Directorate
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

Tel: 0345 678 9026

Email: licensing@shropshire.gov.uk

Website: <http://new.shropshire.gov.uk/licensing>

Licence Fee Payments Telephone: 0345 678 9026

Online: https://payments.shropshire.gov.uk/epayments/webpay_public/webpay

APPENDICES

Proposed Street Trading Policy 2023 to 2028

Appendix 1

Consent, Licensed and Prohibited Streets

All streets in Shropshire, as defined in section 329 of the Highways Act 1980, are Licence Streets with the exception of any street/area specifically listed below. This includes any area to which the public have access without payment.

Shrewsbury Prohibited Streets

Street trading is prohibited in all streets (save for those referred to in Shrewsbury Licence Streets listed below or the areas where consent does not have an effect) within the boundary of the Conservation Area which is primarily the town centre and immediate surroundings (see maps in Appendix A (i) and (ii)).

Oswestry Prohibited Streets

All streets within the specified area of the Town of Oswestry (see map at Appendix B) except for Cae Glas Park where consent or licence does not have an effect for Street Trading purposes.

Ellesmere Prohibited Streets

- Church Hill
- Love Lane

Ludlow Consent Streets

- Bull Ring
- Broad Street (from Buttercross to Lloyds Bank)
- Castle Street
- Castle Square (excluding Market Square)
- Upper Dinham
- Harp Lane
- Church Street
- High Street
- Market Street
- King Street
- Tower Street

Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Ludlow Town Council all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading. Ludlow Town Council is therefore responsible for the administration and enforcement of Street Trading in the Ludlow Town Council area.

Bridgnorth

All streets/areas listed below are where consent or licence does not have effect for Street Trading purposes

- Severn Park (WV15 5AE)
- Crown Meadow (WV16 4HL)
- Castle Grounds (WV16 4AB)

Shrewsbury Licence Streets

- The Square
- St Chad's Terrace – outside the main entrance gate to the Quarry
- Priory Road – the western end close to the children's playground
- Entrance to Porthill Bridge off Porthill

- Area adjacent to the Footbridge Access Ramp on the Frankwell Carpark
- St Mary's Closed Church Yard

Street Trading is only permitted in the streets listed below where the Street Trading forms an incidental part of planned entertainment/activity licensed under Shrewsbury Town Council's Premises Licence (PN/SC1043)

- Pride Hill
- High Street (between Pride Hill and Milk Street)
- St Chad's Closed Church Yard
- Old St Chads Church Yard
- Butcher Row
- St Alkmunds Closed Church Yard
- Shrewsbury Library Gardens
- Periphery of Rowleys House
- Paved Area adjacent to Hills Lane
- Shoplatch
- Paved area between Shoplatch and Mardol Head (where the Darwin Gate modern art is situated)

Roads and lay-bys to be adopted as Licence Streets (unless otherwise specified in the above lists)

All roads and attached lay-bys covered by the the Highway Authority for the Strategic Road Network (SRN) (National Highways), including:

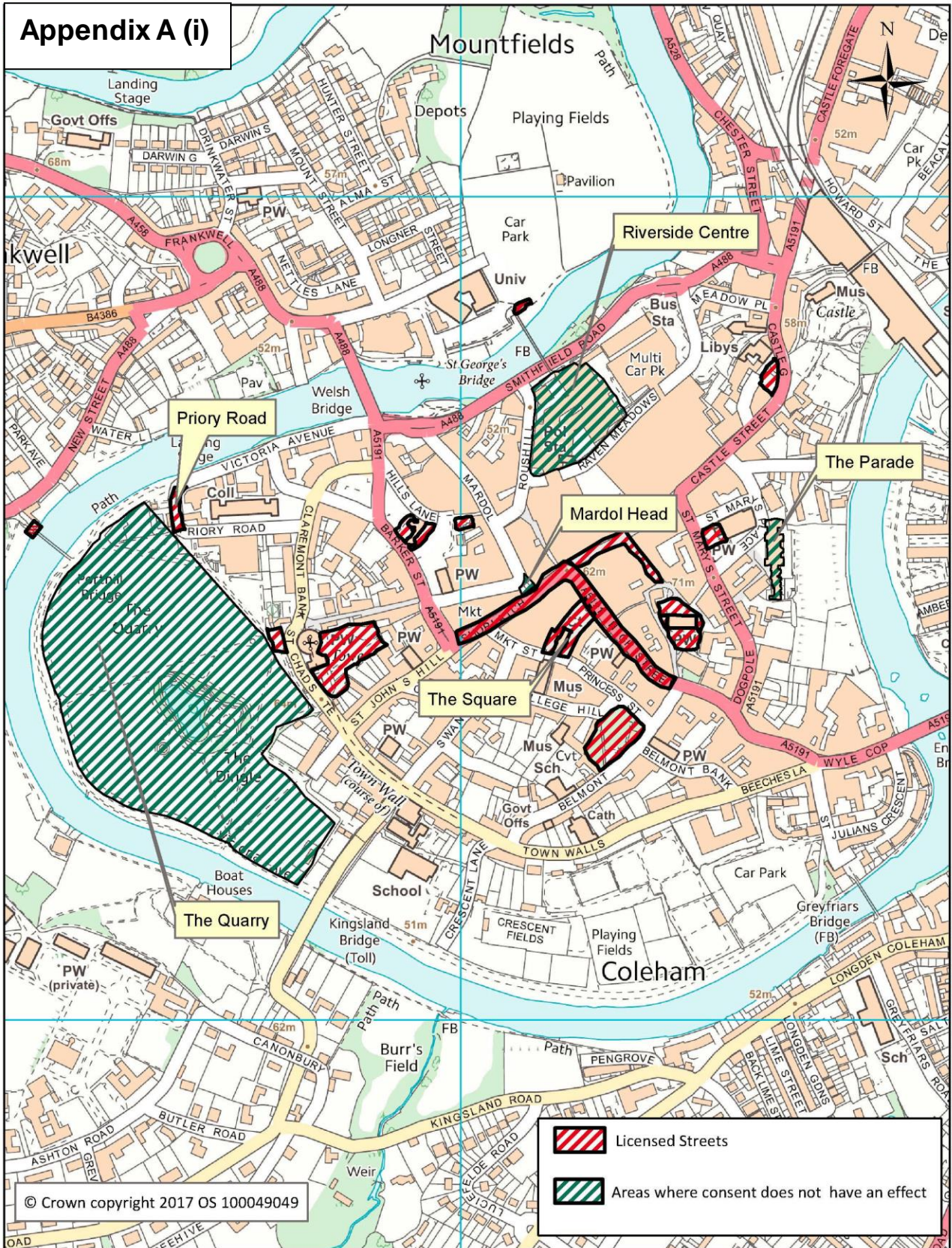
- M54
- A5
- A49
- A458
- A483 trunk roads

All A and B roads and attached lay-bys coming under the administration of Shropshire Council Highways and Transport Service

Lay-by near to the Wolfshead Roundabout on the old A5 at Nesscliffe and all of Battlefield Way, Shrewsbury.

All streets in Shropshire, as defined in section 329 of the Highways Act 1980, will become Licence Streets with effect from 1 April 2018, with the exception of any street/area specifically listed as Prohibited/Consent in the lists above.

Appendix A (i)



Shrewsbury Town Centre

The Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

Scale : 1:5,900

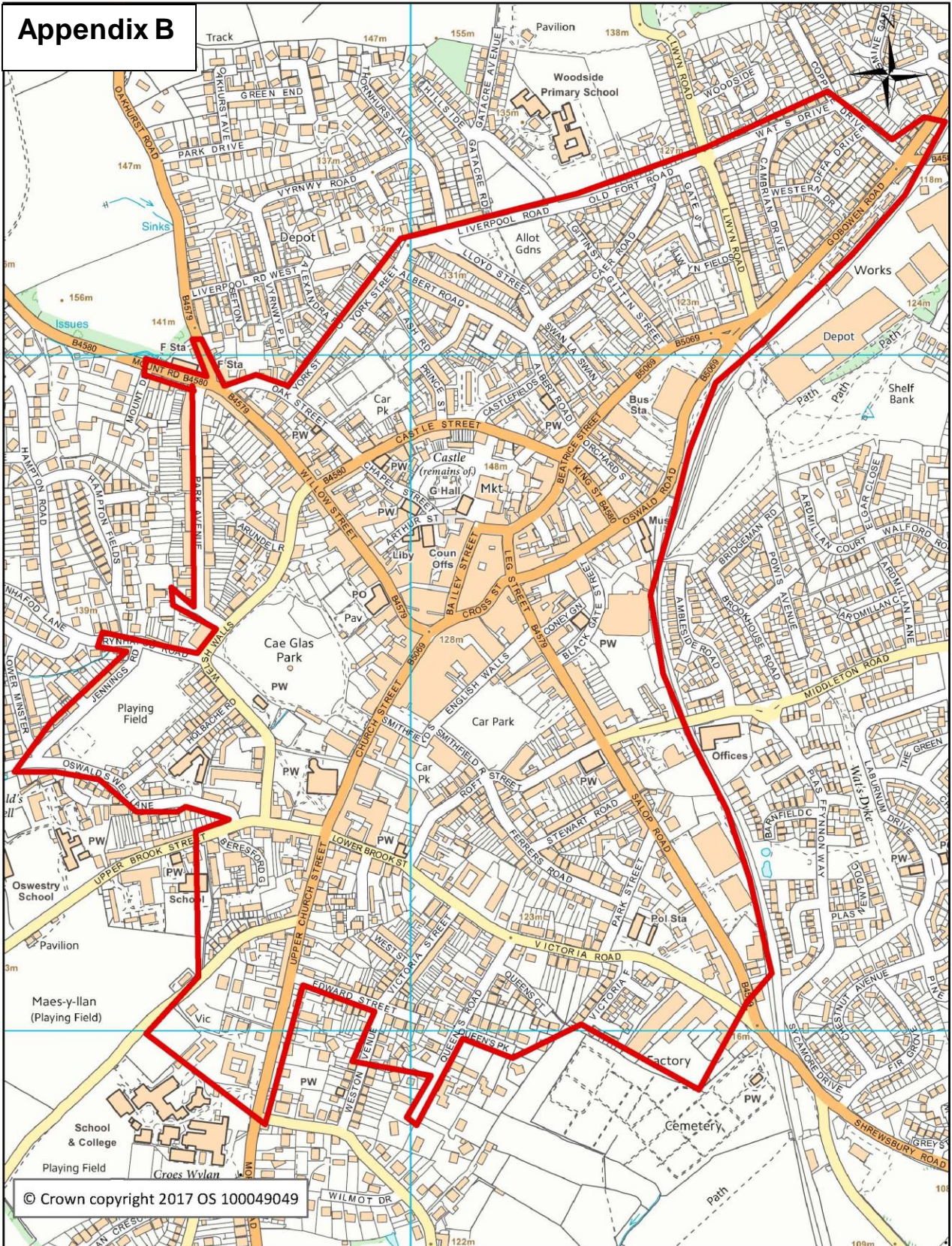
Appendix A (ii)



Legend
[Blue Outline] Shrewsbury Conservation Area


Shrewsbury Conservation Area
The Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND
Scale : 1:18,846

Appendix B



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 Oswestry Town Line

Oswestry Sreet Trading Prohibited Streets
 The Shirehall, Abbey Foregate,
 Shrewsbury, Shropshire, SY2 6ND
 Scale : 1:7,200

Appendix 2

Child Exploitation and Trafficking of Children and Young People

Introduction

- 1.0 Set out below is information for street traders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

General information

- 1.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council and the Safeguarding Children Board. The Board also works with the police, children's social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.
- 1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.
- 1.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator (HM Government, February 17).
- 1.4 Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- 1.5 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How street traders can help tackle child sexual exploitation

- 1.6 Street traders are in a good position to help identify victims of sexual exploitation because through the trading they undertake they regularly come into contact with

children and young people. This means they are in an ideal position to help protect young people.

- 1.7 In particular, street traders should consider the following questions when trading:
- Does your customer appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are you aware of any conversations that suggest children or young people are being or have been taken to a hotel, party or secluded location? If so, ask yourself why?
 - Are you aware of children/young people being taken regularly to the same localities? If so, ask yourself why?
- 1.8 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the 'Safety of children and adults with care and support needs or other vulnerable persons' detailed below.**
- 1.9 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children's Social Care (Tel: 0345 678 9021).**
- 1.10 Further information about Shropshire's Safeguarding Children Board can be found at: (<http://www.safeguardingshropshireschildren.org.uk/scb/index.html>)

Safeguarding Adults

- 1.11 If an adult with care and support needs is experiencing or at risk of abuse or neglect and a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect, you may need to take urgent action to protect the adult. Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the First Point of Contact (FPoC 0345 678 9021), or you can report to FPoC on behalf of the adult if it is in the public interest to do so. In an emergency contact the police (999) or non emergency 101.
- 1.12 Further information about the Keeping Adults Safe in Shropshire Board may be found at <https://new.shropshire.gov.uk/adult-social-care/where-can-i-get-help/concerned-about-someone/>

Appendix 3

Extract from the Shropshire Council Constitution setting out Delegations

Licences Council Delegations – Part 8 Constitution

Street Trading

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing and Safety Sub-Committee	Public Protection Officer (Professional)* (unless otherwise specified)
Final approval of the relevant Local Authority Policy Statement	X			
Fee setting		X		
Exemptions from fees				X (Team Manager responsible for the Licensing Function)
Application for a Licence (New or Renewal)			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Specify principle and subsidiary terms of the licence			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Revocation of a licence			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a Consent (New or Renewal)				X

Attach conditions/ include permissions to a Consent				X
Revocation of a Consent				X

X indicates the lowest level to which decisions can be delegated
 *Or equivalent if post designations are amended

Proposed Street Trading Policy 2023 to 2028

Appendix 4

Matters to be considered when determining an application

In considering applications for the grant or renewal of a Street Trading Licence/Consent or the decision to revoke a current licence/consent the following factors will be considered (This is not an exhaustive list and each application will be judged on its own individual merits);

1.1 Suitability of Applicant

- whether the applicant or operator of the stall is under the age of 17 years;
- whether a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force on the proposed trading location;
- whether the applicant has been convicted of an offence that the Council considers makes them unsuitable to hold such licence/consent, (guidance relating to the relevance of convictions is set out in **Appendix 6**;
- whether the applicant has at anytime persistently refused or neglected to pay fees or charges due in relation to a licence/consent;
- whether the applicant has without reasonable excuse failed to trade on the street and on the days and times agreed in relation to a licence/consent;
- whether the applicant of the licence/consent has failed to comply with the conditions relating to a licence/consent;
- whether any earlier licence/consent to the applicant has been surrendered, refused or revoked (whether it be by this Council or another);
- the levels of complaints received about the operation of the street trading activity, taking into account whether and how such matters were resolved;
- the attitude of the applicant and/or their staff in dealing with concerns and queries raised by any person, Officer or organisation; and
- any other relevant information relating to the suitability of the applicant to hold such a licence/consent.

1.2 Public Safety / Highway

- Whether the street trading activity represents or is likely to represent a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site;
- Whether there is sufficient space in the street for the applicant to engage in the trade in which he/she is proposing without causing undue interference or inconvenience to other persons using the street;

- Whether the street trading activity may damage the structure or surface of the street;
- Whether the location and operating times will be such that the highway can be maintained and that there are no dangers to those who have a right to use the highway and no obstruction for emergency services.

1.3 Public Order

- Whether the street trading activity represents, or is likely to represent a risk to public order.

1.4 Avoidance of Public Nuisance

- Whether the street trading activity represents, or is likely to represent a risk of nuisance or annoyance, particularly in residential areas.
- Whether the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, odour, litter, disturbance or anti-social behaviour;
- Whether the street trading activity is in an area which is residential and where trading would not normally take place.

1.5 Street Trading stall

[This will include a van, barrow, cart, individual item for sale (e.g. motor vehicles), etc.]

- Whether the unit satisfies all relevant Health and Safety requirements.
- Whether the unit satisfies all relevant hygiene standards.
- Whether the unit is of a smart appearance.
- Whether the appearance of the trading unit or structure and the associated branding and advertising is compatible with the character of the area in which it is proposed to be situated.

1.6 Environmental impact

- Whether the proposed operation will or is likely to have a negative impact on the local environment (e.g. street surfaces and materials, verges, power supply, carbon footprint, supply chain, packaging, surface water or foul drainage system, waste minimisation, waste disposal and waste created by customers).

1.7 Goods to be sold

- If trading in food or drink, whether the food business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods hold evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate;
- If trading in food, whether the food business has achieved a food hygiene rating score of 3 or more;

- Whether the sale of the articles would conflict with those provided by nearby business premises providing similar goods or services;
- Whether the trading in a particular location will conflict with concessions granted to other existing street traders;
- Whether the quality of the goods to be sold and the hours and days for which it is intended to trade are suitable.

1.8 Number of Street Trading Licence/Consents

- Whether there are enough traders trading in the street from shops or otherwise in the goods in which the applicant decides to trade.

1.9 Objections

- Any objections made about the application or licence/consent holder from interested parties.

Appendix 5

Suitability of an applicant to hold a Licence or Consent

- 1.0 The Council has a responsibility for determining the suitability of applicants to hold a licence or consent. The principles set out below will be taken into account.
- 1.1 The Council will not grant a licence/consent to anyone unless it is satisfied that they are a suitable applicant. The Council will consider the following criteria when assessing the suitability of an applicant:
- the integrity of the applicant;
 - the competence of the applicant to undertake street trading in a manner consistent with this Policy; and
 - any previous criminal history and/or pattern of behaviour.
- 1.2 In order to ensure the Council is in a position to make as accurate an assessment of the applicant's suitability to hold a licence/consent as is reasonably practicable, all applicants (including sole traders, partnerships and companies) on initial application and renewal must:
- provide a satisfactory basic criminal record disclosure from the Disclosure and Barring Service (applicants can apply to the Disclosure and Barring Service by telephone on 03000 200 190, online at www.gov.uk/request-copy-criminal-record or by email at customerservices@db.s.gsi.gov.uk³; and
 - have two satisfactory references from either professional or business sources who have known the applicant for at least two years and are in a position to comment on the applicant's general character, standing in the community, experience of street trading. (NB the Council will not accept references from family members.)
- NB** For partnerships or companies, the above requirements apply to all partners and directors/company secretaries. In addition, where necessary the Council will undertake further checks with West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.
- 1.3 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also

³ The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>. Where practical, the Council encourages the use of the DBS Update Service for all applicants.

be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

- 1.4 When assessing the suitability of an applicant to hold a licence/consent, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with Council officers) whilst holding a licence/consent from the Council or any other authority. Particular attention will be given to patterns of behaviour, the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may call into question the integrity and competence of the applicant to undertake street trading activities.
- 1.5 In addition, the Council considers that an important element associated with the suitability to continue to hold a licence/consent is the appearance and behaviour of the applicant. Consequently, the Council requires all licence/consent holders to maintain a reasonable standard of appearance and behaviour when in contact and dealing with customers, the general public, other licence/consent holders, other traders, Council officers and elected members at all times.
- 1.6 Applicants and licence/consent holders must also co-operate with any reasonable request made by an authorised officer of the Council, any relevant authorised Highways officer, or any officer from the emergency services.
- 1.7 The Council will also consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence/consent holders were directly engaged in permitted work at the time or whether they occurred during the licence/consent holder's own personal time.

Criminal record disclosure

- 1.8 The Rehabilitation of Offenders Act 1974 applies to persons who wish to apply for a licence/consent. This means that convictions (not all) and cautions become spent in accordance with the provisions of the 1974 Act.
- 1.9 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a suitable person to be granted or hold a licence/consent.
- 1.10 The Council does not deem that a criminal record automatically bars an applicant from holding a licence/consent; however, it will be a significant factor when determining whether a licence/consent ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out under 'Relevance of Criminal Convictions. However, the over-riding consideration will always be to ensure the safety and welfare of the licence/consent holder's existing and potential customers. Decision making will be proportionate and focuses on the risks posed and whether these can be managed. This approach balances the rights of individuals to engage in work whilst protecting the public from risk.

- 1.11 Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings.
- 1.12 Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.
- 1.13 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a suitable person, the Council will give serious consideration to refusing an application or revoking an existing licence/consent.

Proposed Street Trading Policy 2023 to 2028

Appendix 6

Relevance of Criminal Convictions and Cautions

Introduction

- 1.0 The purpose of this section is to provide additional guidance to determine whether or not an applicant or an existing licence/consent holder is a suitable person to hold a street trading licence/consent as it relates specifically to convictions and cautions.
- 1.1 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing and consent process by both the Council and the applicant.
- 1.2 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- 1.3 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

Legislation

- 1.4 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out that the Council may refuse or revoke an application on the basis that the applicant is unsuitable to hold a licence/consent by reason of having been convicted of an offence or for any other reason.

Defining 'suitability of an applicant'

- 1.5 There is no legal definition as to what definitively constitutes a 'suitable applicant'. However, because of the potential vulnerability of the customers that licence/consent holders may come into contact with, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is suitable to hold a licence/consent granted by the Council.
- 1.6 In essence, a suitable applicant will be:
 - Honest and trustworthy
 - Not abusive, violent or threatening
 - Knowledgeable and competent in the area of street trading
 - Able to communicate effectively with customers

The Council's approach when considering convictions

- 1.7 The disclosure of any convictions or cautions will not necessarily mean an applicant is an unsuitable applicant and, therefore, automatically prevented from being issued a

licence/consent. However, the Council will have regard to unspent convictions and cautions and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence/consent being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- The applicant's explanation around the offence
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

- 1.8 If the Council has any doubts as to the suitability of an applicant/existing licence/consent holder, then an application must be refused or licence/consent revoked until those doubts can be effectively allayed through the provision of further adequate evidence.
- 1.9 If the applicant or holder of a licence/consent has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing and Safety Sub-committee for a decision as to whether the permit ought to be revoked.

Patterns of behaviour

- 1.10 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence/consent or to revoking an existing licence/consent.
- 1.11 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence/consent holder is a suitable person to hold a licence/consent and will give significant consideration to refusing to grant a licence/consent or to revoking an existing licence/consent.

Rehabilitation periods

- 1.12 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 1.13 A person with a conviction for an offence need not be automatically barred from obtaining a licence/consent. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a suitable person to hold a licence/consent. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is suitable.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years
Penalty points for a road traffic offence	3 years
Driving disqualification*	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

- 1.14 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence/consent or revoke an existing licence/consent until the applicant is in a position to satisfy them.
- 1.15 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/licence or consent holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence or consent holder in order to assist the Council to determine whether an applicant/existing licence/consent holder is a suitable person or not. The rehabilitation periods will not be considered in isolation.
- 1.16 The Council will not grant a licence/consent to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

Street Trading offences

- 1.17 In addition to the consideration of rehabilitation periods, where an existing licence/consent holder is found guilty of street trading related offences or multiple breaches of licence/consent requirements, licence/consent holders will be referred to the Licensing and Safety Sub-Committee or relevant officer with delegated authority in line

with the Council's scheme of delegation with a view to determining whether the licence/consent should be revoked.

Right of appeal

- 1.18 Any applicant refused a licence on the grounds that they are not a suitable person, or who has had their licence revoked has a right of appeal to the Magistrates' Court within 21 days of the notice of decision.
- 1.19 There is no right of appeal against refusal or revocation of a street trading consent.

Conclusion

- 1.20 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a licence/consent. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence/consent. It is this Council's policy to consider the protection of the public above all else by ensuring all holders of a licence/consent are honest and trustworthy, will not be a threat to the public, and are competent in their role and able to communicate effectively. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

Appendix 7

Standard Licence Conditions (Subsidiary Terms)

1.0 Conduct of licence holder

- 1.1 The licence holder must ensure that all employees are made aware of the responsibility to promote the welfare of children, young people, adults with care and support needs and vulnerable persons and to protect them from harm. To this end a licence holder must ensure that all employees are made fully aware of the information contained in the policy in particular **Appendix 2** relating to child sexual exploitation and adult safeguarding.
- 1.2 Throughout the currency of the licence, the licence holder must continue to be a suitable person to hold the licence. In this respect, the licence holder must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a suitable person would reasonably place on a license holder.
- 1.3 In particular, during the currency of a licence, the licence holder must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions or fixed penalties;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.
- 1.4 The licence holder must notify the Council in writing, of any change of address and contact details which may occur during the currency of their licence.
- 1.5 The licence holder **MUST** at all times when undertaking the street trading activity:
- comply with all reasonable requests made by an authorised officer of the Council, emergency services, or any relevant authorised officer of the appropriate Highways Authority.
 - at all times maintain a valid third-party public liability insurance to the satisfaction of the Council and shall produce a valid certificate of such insurance when requested by an authorised officer of the Council.
 - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.
 - Behave in a civil and orderly manner towards all persons including, but not limited to, pedestrians, customers, the general public, other street users, police officers, officers and elected members of the Council.
 - Be courteous to customers.
- 1.6 The licence holder **MUST NOT**, at any time when undertaking the street trading activity:
- Use offensive, racist, abusive, profane or insulting language or behaviour.

- smoke (this includes electronic cigarettes).
 - leave their stall, van, barrow, cart, etc. unattended at any time.
 - trade outside the street and the days and times permitted by the licence.
 - trade using a street trading licence where there are other licence, consent, approval or registration requirements under any other statutory provisions.
 - assign or transfer the licence to any other person.
- 1.7 Where the licence holder is not in sole control of the stall, van, barrow, cart, etc. they must ensure that those persons left in charge of the stall, van, barrow, cart, etc or assisting are adequately trained to undertake the street trading activity.

2.0 Public Safety / Highway

- 2.1 The street trading activity must not obstruct any of the street in which trading takes place other than as granted by the licence.
- 2.2 The licence holder must undertake regular checks to ensure enough space is maintained in the street to prevent undue interference or inconvenience to other stall holders and persons using the street.
- 2.3 The street trading activity must not endanger any persons using the street.
- 2.4 The street trading activity must not damage the structure or surface of the street.

3.0 Public Order

- 3.1 The licence holder must take appropriate steps to manage and control customers waiting to be served to ensure that public order is maintained.

4.0 Avoidance of Public Nuisance

- 4.1 Cause or permit sound emitted from any radio/sound reproducing instrument or equipment to be an annoyance/nuisance to any person.
- 4.2 The street trading activity must not cause annoyance, nuisance or loss of amenity to occupiers in the vicinity by virtue of noise, odour, litter and disturbance or anti-social behaviour.
- 4.3 The licence holder must not operate a generator or other plant or equipment if it gives or is, in the opinion of an authorised officer of the Council, likely to give rise to nuisance to other persons and shall immediately comply with any direction of an authorised officer of the Council to mitigate or abate such nuisance.

5.0 Street Trading stall

[This will include a van, barrow, cart, caravan, individual item for sale (e.g. motor vehicles) etc.]

- 5.1 The licence holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant Health and Safety requirements.
- 5.2 The licence holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant hygiene standards.
- 5.3 Whilst trading the licence holder must at all times display in a conspicuous position the licence issued ensuring the licence holders name and licence number are fully visible to the public.
- 5.4 The size and type of stall or container must accord with the photographs/diagram, including the branding and advertisements, submitted as part of the licence application. Any alterations to the stall/container and branding or advertising must be notified to the Council and approval agreed prior to use.
- 5.5 The storage and use of fuel e.g. liquefied petroleum gas, petrol, calor gas etc. must comply with relevant safety requirements including, but not limited to, the number and method of securing full and empty gas cylinders. (The licence holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.6 Suitable and sufficient fire extinguishers shall be held and maintained on the stall, van, barrow, cart, etc.
- 5.7 All electrical installations shall comply with any relevant safety requirement. (The licence holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.8 The licence holder must, if requested by an authorised officer of the Council, arrange a test of any electrical or gas installation by a competent person and must submit a certificate of test to the Council.

6.0 Environmental Impact

- 6.1 At the end of the trading period the licence holder shall remove all waste resulting from the street trading activity and ensure that the surrounding area is left clean and tidy.
- 6.2 The licence holder must not dispose of waste in public waste bins.
- 6.3 The licence holder must provide adequate waste bins and ensure that throughout the period of trading the bins do not overflow.
- 6.4 Ensure any litter that is not adequately disposed of by customers is removed and the surrounding area is kept clean and tidy at all times.
- 6.5 The licence holder must not deposit on any street surface, verges or into surface water drains any solid or liquid refuse, wastewater or oil or other matter.
- 6.6 The licence holder must ensure that fuel, oil and any other waste does not leak onto the street, highway or verge or pollute any surface water or foul drainage system.

6.7 The licence holder must remove the Street Trading Stall from the approved site immediately upon the expiry of the licence.

7.0 Goods to be sold

7.1 The licence holder must not offer, display, sell or supply any article other than as specified in the licence.

7.2 The licence holder must ensure articles stored, offered, displayed, sold or supplied in such a manner to ensure that they meet all relevant hygiene standards.

Proposed Street Trading Policy 2023 to 2028

Appendix 8

Additional Licence/Consent Conditions for 'Motorways, Major trunk Roads, A and B Roads'.

These conditions will not apply when an event has the benefit of a road closure issued by the Council under Section 16a of the Road Traffic Regulation Act 1984.

- 1.0 Floodlighting, fairy/string/novelty lights or similar forms of illumination of the site are not permitted. Any other lighting provided shall be so positioned or controlled so as not to cause glare or annoyance to traffic on the highway or to neighbouring property.
- 1.1 Advance advertisement, by the placing of signs, whether attached to a vehicle or any description or otherwise, is not permitted.
- 1.2 Advertisements on the site shall be subject to the approval of the relevant Council department, the Highways Authority for the Strategic Road Network and their Agents.
- 1.3 In the interests of public safety, no outside eating facilities, such as tables, chairs, etc. shall be provided on the site without prior consent and must not represent or be likely to represent a substantial risk to the public or users of the highway.
- 1.4 The licence or consent holder shall make available adequate wash hand basin with hot and cold water for the use of food handlers only.
- 1.5 The licence or consent holder shall ensure that all vehicles, including trailers and caravans, that are the subject of the licence or consent left in or on the public highway, lay-by or adjacent verges comply fully with all relevant road traffic legislation including legislation relating to vehicle construction and use.
- 1.6 Vehicles of any description, including caravans, trailers etc. which are the subject of or are ancillary to the trading licence or consent, shall be kept in such a condition as to enable them to be capable of being towed off the site immediately.
- 1.7 For the avoidance of any doubt, any vehicle which requires alterations or operations, other than one or more of the following, shall not be regarded as complying with this condition;
 - Winding up or the raising of corner stays
 - Unplugging of generator connection
 - Disconnection of gas supply
 - Closing of any canopies or trading windows
 - Removal of any steps
 - Securing of internal contents
 - Hitching to a suitable towing vehicle and connection to the towing vehicles lighting system
- 1.8 The main activity shall not be the sale of alcohol.

- 1.9 The vehicle shall not be sited in a lay-by adjoining the highway in such a position that in the opinion of the Council and the appropriate Highways Agency any danger to other highway users or customers would be likely to arise. No vehicles or projections from vehicles, such as canopies, opening windows etc., shall restrict visibility or obstruct the path of vehicles entering or leaving the lay-by or on the highway.
- 1.10 Where no internal seating facilities are provided for the use of customers, any trading window shall be positioned so that it is parallel to and facing the nearside verge or pavement (if any) of the lay-by in which it is situated in order that customers do not have their backs towards the traffic on the adjacent highway itself.
- 1.11 A trader shall remove his vehicle, trailer or caravan from the approved site immediately upon the expiry of his trading licence or consent.
- 1.12 No vehicle, trailer or caravan on a licence or consent site shall be left on the site for a period in excess of 48 hours if trading is not taking place.

Appendix 9

Standard Consent Conditions

1.0 Conduct of consent holder

- 1.1 The consent holder must ensure that all employees are made aware of the responsibility to promote the welfare of children, young people, adults with care and support needs and other vulnerable persons and to protect them from harm. To this end a consent holder must ensure that all employees are made fully aware of the information contained in the policy in particular **Appendix 2** relating to child sexual exploitation and safeguarding adults.
- 1.2 Throughout the currency of the consent, the consent holder must continue to be a suitable person to hold the consent. In this respect, the consent holder must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a suitable person would reasonably place on a consent holder.
- 1.3 In particular, during the currency of a consent, the consent holder must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions or fixed penalties;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.
- 1.4 The consent holder must notify the Council in writing, of any change of address and contact details which may occur during the currency of their consent.
- 1.5 The consent holder **MUST** at all times when undertaking the street trading activity:
- comply with all reasonable requests made by an authorised officer of the Council, emergency services, or an authorised officer of the appropriate Highway Authority.
 - at all times maintain a valid third-party public liability insurance to the satisfaction of the Council and shall produce a valid certificate of such insurance when requested by an authorised officer of the Council.
 - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.
 - Behave in a civil and orderly manner towards all persons including, but not limited to, pedestrians, customers, the general public, other street users, police officers, officers and elected members of the Council.
 - Be courteous to customers.
- 1.6 The consent holder **MUST NOT**, at any time when undertaking the street trading activity:

- Use offensive, racist, abusive, profane or insulting language or behaviour.
 - smoke (this includes electronic cigarettes).
 - leave their stall, van, barrow, cart, etc. unattended at any time.
 - not trade outside the area of street and the days and times permitted by the licence.
 - not trade using a street trading consent where there are other licence, consent, approval or registration requirements under any other statutory provisions.
 - not assigned or transfer the licence to any other person.
- 1.7 Where the consent holder is not in sole control of the stall, van, barrow, cart, etc. they must ensure that those persons left in charge of the stall, van, barrow, cart, etc. or assisting are adequately trained to undertake the street trading activity.

2.0 Public Safety / Highway

- 2.1 The street trading activity must not obstruct any of the street in which trading takes place other than as granted by the consent.
- 2.2 The consent holder must undertake regular checks to ensure enough space is maintained in the street to prevent undue interference or inconvenience to other stall holders and persons using the street.
- 2.3 The street trading activity must not endanger any persons using the street.
- 2.4 The street trading activity must not damage the structure or surface of the street.

3.0 Public Order

- 3.1 The consent holder must take appropriate steps to manage and control customers waiting to be served to ensure that public order is maintained.

4.0 Avoidance of Public Nuisance

- 4.1 Cause or permit sound emitted from any radio/sound reproducing instrument or equipment to be an annoyance/nuisance to any person.
- 4.2 The street trading activity must not cause annoyance, nuisance or loss of amenity to occupiers in the vicinity by virtue of noise, odour, litter and disturbance or anti-social behaviour.
- 4.3 The consent holder must not operate a generator or other plant or equipment if it gives or is, in the opinion of an authorised officer of the Council, likely to give rise to nuisance to other persons and shall immediately comply with any direction of an authorised officer of the Council to mitigate or abate such nuisance.

5.0 Street Trading stall

[This will include a van, barrow, cart, caravan, individual item for sale (e.g. motor vehicles), etc.]

- 5.1 The consent holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant Health and Safety requirements.
- 5.2 The consent holder must ensure that the stall, van, barrow, cart, etc. satisfies all relevant hygiene standards.
- 5.3 Whilst trading the consent holder must at all times display in a conspicuous position the consent issued ensuring the consent holders name and consent number are fully visible to the public.
- 5.4 The size and type of stall or container must accord with the photographs/diagram, including the branding and advertisements, submitted as part of the licence application. Any alterations to the stall/container and branding or advertising must be notified to the Council and approval agreed prior to use.
- 5.5 The storage and use of fuel e.g. liquefied petroleum gas, petrol, calor gas etc. must comply with relevant safety requirements including, but not limited to, the number and method of securing full and empty gas cylinders. (The consent holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.6 Suitable and sufficient fire extinguishers shall be held and maintained on the stall, van, barrow, cart, etc.
- 5.7 All electrical installations shall comply with any relevant safety requirement. (The consent holder is responsible for ensuring that a competent person carries out the necessary installation and maintenance checks to ensure this condition is satisfied).
- 5.8 The consent holder must, if requested by an authorised officer of the Council, arrange a test of any electrical or gas installation by a competent person and must submit a certificate of test to the Council.

6.0 Environmental Impact

- 6.1 At the end of the trading period the consent holder shall remove all waste resulting from the street trading activity and ensure that the surrounding area is left clean and tidy.
- 6.2 The consent holder must not dispose of waste in public waste bins.
- 6.3 The consent holder must provide adequate waste bins and ensure that throughout the period of trading the bins do not overflow.
- 6.4 Ensure any litter that is not adequately disposed of by customers is removed and the surrounding area is kept clean and tidy at all times.
- 6.5 The consent holder must not deposit on any street surface, verges or into surface water drains any solid or liquid refuse, wastewater or oil or other matter.

- 6.6 The consent holder must ensure that fuel, oil and any other waste does not leak onto the street, highway or verge or pollute any surface water or foul drainage system.
- 6.7 The consent holder must remove the Street Trading Stall from the approved site immediately upon the expiry of the consent.

7.0 Goods to be sold

- 7.1 The consent holder must not offer, display, sell or supply any article other than as specified in the licence.
- 7.2 The consent holder must ensure articles stored, offered, displayed, sold or supplied in such a manner to ensure that they meet all relevant hygiene standards.

Proposed Street Trading Policy 2023 to 2028

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Appendix B

Document 1

Street Trading Policy 2023 – 2028

To: Licensing

Fri 29/07/2022 11:14

Good morning

Bridgnorth Town Council would like to make the following comments:

To include Severn Park (WV15 5AE), Crown Meadow (WV16 4HL) and Castle Grounds (WV16 4AB) in Bridgnorth as areas that are excluded from Shropshire Councils licencing arrangements.

We would wish to have the right to choose ourselves who, what and how we might award concessions on these sites from time to time.

Could you please acknowledge receipt of this email.

Kind regards

Interim Town Clerk

Bridgnorth Town Council

Document 2

Street Trading Policy 2023 – 2028

To: Licensing

Wed 03/08/2022 16:13

Dear Licensing

At Full Council on Monday 1st August 2022, Members considered the Street Trading Policy 2023-2028 and resolved:-

FC/131 SHROPSHIRE COUNCIL CONSULTATION – STREET TRADING

RESOLVED (unanimous) GG/TG

That the Town Council supports street trading being administered by councils at a local level.

Kind regards.

Admin Assistant

Ludlow Town Council

The Guildhall

Mill Street

Ludlow

Shropshire

SY8 1AZ

Document 3

Street Trading Policy 2023 – 2028

To: Licensing

Fri 12/08/2022 10:46

Dear Licensing

Thank you for your recent correspondence regarding the consultation on the Street Trading policy for Shropshire. I would like to formally confirm the details of our conversation that Oswestry Town Council requests that Cae Glas Park is an area where Street Trading consent does not have effect to enable the Cae Glas Charity to raise fees to offset the cost of running Cae Glas Park.

We trust that this is the information that you need at this stage.

Kind regards

Town Clerk

Oswestry Town Council

Document 4

Street Trading Policy 2023 – 2028 Consultation

To: Licensing

Thu 18/08/2022 15:07

- 1) I wish to comment on, and raise deep concerns about Shropshire Council's proposals for street trading licenses.
- 2) I want to stress from the start how essential street events are to protect and enhance the vitality and sustainability of so many small towns in Shropshire.
- 3) I had thought that this was appreciated and even encouraged by Shropshire Council.
- 4) This consultation brings that assumption into question.
- 5) The existing regime and the proposals have been made with no apparent analysis of the risks and suitable, workable controls; many of which are already well covered by other enforcement bodies and a highly litigious society.
- 6) There are famously, no spare resources at Shropshire Council to carry out core responsibilities; apart from a non specified licensing fee, how will this be paid for?
- 7) The proposals are highly bureaucratic and overbearing for the majority of traders who are micro businesses with little or no spare financial nor management resources.
- 8) It is clear that no assessment has been made on the effects on these businesses, indeed, it is clear that there is little or no understanding, nor thought about how these businesses will cope or even bother to participate in street events.
- 9) Should Shropshire Council charge fees that cover the cost of this proposed regime, it will almost certainly kill many events off entirely.
- 10) I believe very strongly that the whole thought process on this consultation is wrong and should be rethought in a way that understands the risks, understands that suitable controls are in place already, and understands that embarking on the suggested strategy poses severe threats to the commercial and cultural health of Shropshire communities.

Yours sincerely

Much Wenlock

Appendix C

Officer response to consultation responses received

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N or In Part]	Officer Comments Explanatory Notes
1	1	N	Comments noted - All requests to amend the streets where consent, licenced or prohibition apply will form part of a formal adoption process which is outside of this policy review. Appendix 1 of the policy document which contains a list of all consent, licenced or prohibited streets will be updated upon completion of the formal adoption process.
2	1	Y	Supportive comment noted.
3	1	N	Comments noted - All requests to amend the streets where consent, licenced or prohibition apply will form part of a formal adoption process which is outside of this policy review. Appendix 1 of the policy document which contains a list of all consent, licenced or prohibited streets will be updated upon completion of the formal adoption process.
4	1 to 5	In Part	Comments noted – All Town and Parish Councils have been consulted with specific reference to ‘Special Events’ as part of an initial informal consultation to inform the drafting of the policy document which was then formally consulted upon. All comments were considered when drafting the formal consultation policy document which resulted in an additional section of the policy specifically for ‘Special Events’.
4	6	In Part	Comments noted - Licensing fees are set annually and are calculated on a cost recovery basis. The process of setting Licensing fees includes the use of a financial modelling tool designed to calculate the costs for every process undertaken with an application. The law determines the processes required to be undertaken by officers from the initial receipt to the determination of the application and the modelling tool has been set up to take account of each

			process. The tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. In addition, the cost of enforcing the licensing regime against unlicensed operators is included in licence fees.
4	7 to 8	In Part	Comments noted - see response to paragraphs 1 to 5 above
4	9	N	Comments noted – see response to paragraph 6 above
4	10	In Part	Comments noted – see response to paragraphs 1 to 5 above

Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Initial Screening Record 2021-2022

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Street Trading Policy 2023 to 2028

Name of lead officer carrying out the screening
Mandy Beever, Transactional Management and Licensing Team Manager

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations
<p>The proposed Policy stems from provisions within the Local Government (Miscellaneous Provisions) Act 1982 and is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council. This will naturally lead to benefits for people in the nine Protected Characteristic Groupings as defined by the Equality Act 2010, because they are part of the wider community and because everyone is anticipated to benefit from the safeguarding provisions in place already that are being reinforced through this revised Policy.. The Policy will be a key tool that will drive street trading standards up for everyone.</p> <p>For all the groupings, the impact of the proposed Policy is rated as 'low positive'. However, in practice, with the exception of 'age' and 'disability' and those with caring responsibilities, thus potentially including the groupings of 'sex' and 'pregnancy and maternity', the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or</p>

enhance the impact beyond common sense considerations that will benefit all groupings.

Additionally, positive impacts are anticipated to accrue for our tenth grouping of consideration in Shropshire, of Social Inclusion. This is not least due to improvements anticipated for vulnerable individuals and households such as young people leaving care, and veterans and serving members of the armed forces, as well as low income households, rural households, and people living in fuel poverty.

This would include consideration of sightlines where street traders are in operation to aid those with caring responsibilities, whether of young children or of people with mental health problems, learning disabilities, or neurodiverse conditions, and consideration of practical accessibility matters for people with physical disabilities or those who may be pregnant.

In addition, as street traders may unintentionally cause intimidation or distress to vulnerable children and adults through the methods that they may choose to employ to attract business, such as loud voices, guidance will need to be given on this matter to people applying for licences. This may be a particular consideration for people with neurodiverse conditions such as autism, or with attachment disorders. Once traders are in operation, there is potential for any officer of the Council to help, e.g. attending social workers, by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the service area. This could help ensure effectiveness as well as efficiency of the new policy.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

With respect to 'age' and 'disability' groups and people with caring responsibilities, in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Use will be made of the Communications team to aid knowledge sharing about the arrangements and about the safeguarding measures that are in place.

Applicants and licence holders, including any who may not already be aware of the revision of this policy, as a result of the informal consultation undertaken from the 21 March 2022 to the 17 April 2022 and the formal consultation undertaken from 27 June 2022 to the 21 August 2022, will be made aware of the implementation through normal licensing processes. The policy will be available on the Council's website and promoted through appropriate social media channels. This will ensure that the street traders, together with the public and other relevant stakeholders, have ongoing access to the policy that clearly sets out the Council's expectations for applicants and licence holders over the next four years.

The public consultation has already helped the Council to modify the Policy. Members of the Strategic Licensing Committee will consider the revised Policy on the 7 December 2022 and will decide whether further consultation is necessary or whether they are in a position to agree that the Policy is adopted by the Council. The aim is for the Policy to be adopted no later than 1 April 2023.

The Policy will be the subject of continuous evaluation based on ongoing feedback from stakeholders and, if necessary, formally reviewed and considered by the Council's Strategic Licensing Committee and Council every 5 years. At the time of review all relevant stakeholders will again be consulted. Anyone may request a review of the Policy at any time.

There will be ongoing dialogue with street traders through direct contact as a result of the application process. This will provide the opportunity for the trade to provide feedback to the licensing team. A generic licensing telephone number and email address is and will continue to be generally publicised on the Council's website for stakeholders, including members of the public, to provide feedback on the impact of the changes made to the Policy.

In addition, street traders must display their licence/consent on their stall; this will highlight to members of the public that Shropshire Council is the issuing authority and can be contacted in the event of any complaint or other issue that they wish to raise. All feedback will be recorded either on the licensing database used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate. Professional leads within the licensing team will have a key role to play in understanding the impact of the Policy on street traders. Feedback will be sought from Members and Officers to inform the ongoing informal and, where necessary, any formal review of the Policy that will be undertaken in the future.

Whilst it is not currently very likely to occur, if the street trading function is delegated to any Town or Parish Council, the primary role to review and monitor the impact will rest with those Councils; however, Elected Members and MPs, in their role as community representatives/leaders will have a key role to play in understanding the impact of this particular element of the Policy on their communities. Feedback will be sought from Members and MPs to inform the review of any delegations. Any such delegation will require formal consideration and resolution by full Council and will be the subject of a separate ESHIA.

Associated ESHIAs

Street Trading Policy 2019 to 2023 (ESIIA undertaken in 2018)

ESHIA in relation to the development of the Council's Economic Growth Strategy and the Local Plan Partial Review also provide useful additional context for the




overall strategic policy of the Council towards economic growth as an integral element of place shaping approaches across the County, in which street trading plays its part.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

In addition to the Council’s corporate approach towards prioritising and measuring the overall outcomes that are set out in The Shropshire Plan (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within Environmental Protection Team in Regulatory Services, Public Health, Climate Change and Economic Growth Teams to assess the impact on both health and the environment.

Ongoing promotion and compliance with the Council’s Modern Anti-Slavery and Human Trafficking Statement and Policy will further enhance the overall positive impact of the revised Street Trading Policy.



Scrutiny at Part One screening stage

People involved	Signatures	Date
<p><i>Lead officer carrying out the screening</i></p> <p>Mandy Beever, Transactional Management and Licensing Team Manager</p>		<p>22 November 2022</p>
<p><i>Any internal service area support*</i></p> <p>Jessica Moores, Public Protection Officer (Professional)</p>		<p>22 November 2022</p>
<p><i>Any external support**</i></p> <p>Lois Dale, Rurality and Equalities Specialist</p>		<p>25th November 2022</p>

*This refers to other officers within the service area

*****This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues***

Sign off at Part One screening stage

Name	Signatures	Date
<p><i>Lead officer's name</i></p> <p>Mandy Beever, Transactional Management and Licensing Team Manager</p>		<p>22 November 2022</p>
<p><i>Accountable officer's name</i></p> <p>Mandy Beever, Transactional Management and Licensing Team Manager</p>		<p>22 November 2022</p>

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description
<p>Street trading is controlled through Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). The legislation is adoptive, which means that for it to take effect across the Shropshire Council administrative area, Shropshire Council ('the Council') must take certain formal steps to adopt the legislation. Once the legislation is adopted, the Council can then determine which streets if any, within its area are to be designated as licence, consent or prohibited streets.</p> <p>Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licenced or consent and they are defined as:</p> <ul style="list-style-type: none"> • 'Prohibited Street' means a street in which street trading is prohibited. • 'Licence Street' means a street in which street trading is prohibited without a licence granted by the council.

- ‘Consent Street’ means a street in which street trading is prohibited without the consent of the council

The Council’s existing Street Trading Policy came into effect on 1 April 2019 and is due to expire on 31 March 2023. It is essential that the Council has a revised policy from 1 April 2023 to ensure a robust framework continues to be in place to provide the basis upon which to deliver the Council’s street trading function, which is fundamental to protecting public safety.

The Policy requires updating to reflect the Council’s priorities and outcomes for 2023 – 2028, in relation to protecting people from harm, promoting health and managing the environment. In addition, ongoing improvements in licensing practices and procedures need to be embedded within the Policy to further strengthen the application process and to provide the foundations for robust enforcement to increase compliance.

The aim of the Policy is to ensure that the Council can properly regulate those who trade in the street and not from within a business premises.

Where a street has not been designated as either prohibited, licenced or consent, the Council has no regulatory responsibility under street trading legislation and, therefore, no permissions are required from the Council. However, street traders must always seek permission to use the land from the relevant land owner. This includes Shropshire Council’s Highways Service or Highways England where the land is a highway.

It is illegal to trade in those streets designated as prohibited streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a licence or consent street, traders must apply for a street trading licence or consent and be granted permission to trade. Within the Council, this process is undertaken by the Licensing Team. The permission to use land is separate from gaining permission to trade and as a result, prior to submitting an application a street trader must ensure they have permission to use the land from the land owner.

The preparation and publishing of a policy is not a legal requirement under street trading legislation, it is a practical way forward to achieve the desired rationalisation and alignment. It will also enable the Council to seek to ensure that safeguarding and environmental issues and any likely equality impacts are considered alongside economic factors and considerations to be made in pursuing efficiencies in our service delivery processes.

Aims of the new Policy

The proposed Street Trading Policy aims to:

- create a street trading environment which complements premises based trading, is sensitive to the needs of the public, provides diversity and

consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire;

- encourage applications from street traders that aim to promote a healthy lifestyle;
- ensure public safety, prevent public nuisance, prevent crime and disorder and protect children, young persons and adults with care and support needs from harm;
- reduce potential harm or exploitation which could occur through street trading by embedding safeguarding principles into the street trading regime, including setting out processes to enable the Council to adequately scrutinise the suitability of applicants;
- provide street traders with a fairer opportunity to challenge Council decisions;
- assist street traders to correctly apply for a street trading licence/consent;
- assist street traders to comply with relevant requirements once a licence/consent is granted;
- encourage local Town and Parish Councils to seek delegated authority to undertake the street trading function where they have a desire to do so;
- provide a clear, transparent and consistent approach to the control of street trading;
- provide a key reference document setting out the Council's position on street trading;
- assist Council officers to administer the application process fairly and efficiently;
- assist the Council to properly regulate street traders; and
- assist Council officers to enforce compliance with street trading controls more effectively.

Intended audiences and target groups for the service change
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The intended audiences and target groups are considered to be:
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- The communities of Shropshire, including those who live here, visit here, and work here, regardless of whether they may or may not purchase goods from street traders.
- Persons who wish to apply to undertake street trading
- Persons who hold existing licences or consents, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/consent holders
- Magistrates and judges hearing appeals or judicial reviews against Council decisions
- Shropshire based Town and Parish Councils
- Premises based traders and market stall holders, particularly those in areas where street trading is likely to occur
- National Association of British Market Authorities
- National Farmers' Retail and Markets Association
- National Market Traders Federation
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shropshire Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Highways, including Environmental Maintenance
- Highways England
- Chief inspector of West Mercia Police
- Police and Crime Commissioner
- Shropshire Fire and Rescue Service
- Shropshire Business Board

- Shropshire MPs
- Shrewsbury BID
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership
- Voluntary Groups/Organisations
- Government Departments and Agencies

The above list is not intended to be exhaustive or in order of priority. It may be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Feedback, over the life of the existing policy, from the street traders, from licensing officers/managers, from enforcement and investigation officers and from other stakeholders that has been recorded and collated on an ongoing basis.
- Officer feedback in relation to the difficulties encountered when administering and enforcing the street trading regime.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and vulnerable adults.
- Ongoing discussions with Town and Parish Councils that indicate there may be a desire from some to take on the street trading function at a more local level.

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the review of the Street Trading Policy. This is a group of Councillors drawn from across the whole of the Shropshire area.

The Members of the Committee considered and approved a draft Policy for formal public consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 22 June 2022 at Agenda Item 7

[Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#)

The public consultation in respect of the Policy was undertaken over an 8 week period from 27 June 2022 to the 21 August 2022.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website, direct engagement by email, or face-to-face discussion was undertaken with:

- Street traders who currently have or have previously held street trading consents
- Parish and Town Councils (via Shropshire Association of Local Councils)
- Highways England
- Shropshire Council Highways

The draft Policy aims to demonstrate a clear and consistent approach to the control of street trading.

Despite the steps taken to publicise the consultation the response was limited.

Views have also been sought to determine whether the existing prohibited and consents streets are fit for purpose given the very different economic climate within which street trading is now undertaken compared with the climate that existed when the legislation was originally adopted over thirty years ago by the previous District and Borough Councils.

Following feedback from Bridgnorth Town Council and the Cae Glas Charity in Oswestry, existing street designations have been amended and new streets designated as streets/areas where consent or licence does not have effect for Street Trading purposes in accordance with Schedule 4 of the 1982 Act. This includes, Severn Park (WV15 5AE), Crown Meadow (WV16 4HL), Castle Grounds (WV16 4AB) in Bridgnorth and Cae Glas Park in Oswestry.

The draft Policy has been amended to reflect these changes.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>

Age (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				positive ✓
Disability (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				positive ✓
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				neutral ✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				neutral ✓
Pregnancy and Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				positive ✓
Race (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				neutral ✓
Religion and belief (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				neutral ✓
Sex (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				positive ✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				neutral ✓
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to				positive ✓

be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				
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Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
<p>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>				<p>positive</p> <p>✓</p>
<p>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>				<p>positive</p> <p>✓</p>
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space</p>				<p>positive</p> <p>✓</p>

or climate change mitigation? .				
Will there be a likely change in <i>demand</i> for or access to health and social care services? For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services? .				neutral ✓

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

The proposed Policy stems from provisions within the Local Government (Miscellaneous Provisions) Act 1982 and is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council.

Based on the positive impact that the change will bring in relation to the human rights of both applicants and their customers, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8).

On this basis, the recommendation contained in this report are compatible with the provisions of the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications.

The proposed Policy will naturally lead to benefits for the Protected Characteristic Groupings simply because they are part of the wider community.

The proposed Policy will be a key tool that will drive street trading standards up for everyone.

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. It would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may

occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government. The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.–You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

3. Council wide and service area policy and practice on health and wellbeing

We are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g.

pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.



<u>Committee and Date</u>
Strategic Licensing Committee
7 December 2022

<u>Item</u>
<u>Public</u>

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing – Team Manager
e-mail: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Synopsis

- 1.1 This report gives details of the licences issued and the variations that have been made between 1 September 2022 and the 31 October 2022 and a summary of applications considered by the Committee.

2. Executive Summary

- 2.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or regarding general and public health licences.
- 2.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle, and operator licences.
- 2.3 This report gives details of the licences issued and the variations that have been made between 1 September 2022 and the 31 October 2022 and a summary of applications considered by the Committee.

3. Recommendations

- 3.1 That members note the position as set out in the report.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 This is an information report giving Member's information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

5. Financial Implications

5.1. There are no financial implications associated with this report.

6. Climate Change Appraisal

6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

7. Background

7.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.

7.2 Officers use their delegated powers in a number of situations, including where:

- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
- b) The application has met the Council's policy criteria for accepting an application.
- c) There are vehicle applications for new or renewal licenses and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
- d) There are driver's applications for new or renewal licences and refusal, suspension, or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
- e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.

7.3 The table in **Appendix A** shows the complete range of licences issued by the licensing team during the period of 1 September 2022 and the 31 October 2022. During this period the total number of licences processed was 1059.

7.4 The Table in **Appendix B** shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 September 2022 and the 31 October 2022.

7.5 The Table at **Appendix C** shows that there were two Licensing Act Sub Committee premise hearings held between the 1 September 2022 and the 31 October 2022.

7.6 Following the decision at the Strategic Licensing Committee on 18 March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's

licence or a vehicle licence or any matter concerning a private hire operator's licence.

The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	1		1			
Renew						
Conduct						
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New			1	1		
Renewal	1	1				
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct						

8. Conclusions

- 8.1 During the period captured in this report the workload for the Licensing team has continued to be high. The team have worked together to answer all the queries, support businesses and maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Richard Marshall, Portfolio Holder for Highways and Regulatory Services

Local Member

Cover all areas of Shropshire

Appendices:

Appendix A – Licences processed between 1 September 2022 and the 31 October 2022.

Appendix B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 September 2022 to the 31 October 2022.

Appendix C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 September 2022 to the 31 October 2022.

APPENDIX A

Licences processed – from the 1 September 2022 to the 31 October 2022.

General Licensing	Renewal Period	Total
Acupuncture Personal	For life	
Acupuncture Premises	For life	
Activities Involving Animals Licence	Up to 3 years	18
Caravan Sites	For life	2
Mobile Homes Fit and Proper Person Register	Up to 5 Years	2
Cosmetic Piercing Personal	For life	17
Cosmetic Piercing Premises	For life	8
House to House Collection	For the period applied for, no longer than 12 months	6
House to House Exemption Order	Exemption certificate is issued by the Home Office	7
Scrap Metal Site (new/renewal)	3 Years	
Scrap Metal Collector (new/renewal)	3 Years	
Sex Establishment Licence	1 Year	
Sex Shop Licence	1 Year	
Street Collection	Covers the dates applied for	23
Street Trading Licence (new/renewal)	1 Year (daily licence also available which covers maximum of 7 days in a 12-month period)	3
Tattooing Personal	For life	
Tattooing Premises	For life	
Electrolysis Personal	For life	
Electrolysis Premises	For life	
Dangerous Wild Animals	2 Years	
Zoo	New licences last 4 years, upon renewal they can be granted for 6 years	
Distribution of Free Printed Matter	7 consecutive days, 28 consecutive days, 1 year – dependent on what is applied for	
Storage of Explosives	1 Year	3
Year-round Fireworks Sales	1 Year	
Pavement Licence	1 Year	15
Pavement Permit	1 Year	17
Total Applications General		121

Taxi Licensing	Renewal Period	Total
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Hackney Carriage	N	1 Year	3
Hackney Carriage	R	1 Year	10
Joint HC/PH Driver	N	Up to 3 Years	21
Joint HC/PH Driver	R	Up to 3 Years	23
Private Hire Operator	N	Up to 5 Years	9
Private Hire Operator	R	Up to 5 Years	2
Private Hire Vehicle	N	1 Year	46
Private Hire Vehicle	R	1 Year	91
Hackney Vehicle Transfer		For period left on existing licence	1
Private Hire Vehicle Transfer		For period left on existing licence	19
Private Hire Licensee Transfer		For period left on existing licence	
Trailer Licence		1 Year	
Total Taxi Applications			225

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	5
Hackney Carriages	2
Total Surrendered Vehicles	7

Licensing Act 2003	Renewal Period	Total
Club Premises Certificate	For Life	
Personal Alcohol (variation/new)	For Life	55
Premises Licence	For Life	6
Temp Event Notice no Alcohol	For the dates applied for	
Temp Event Notice with Alcohol	For the dates applied for	219
Minor Variation Application	For Life	2
Designated Premises Supervisor (DPS) Change/Variation	For Life	25
Disapply DPS	For Life	
Premises Licence Transfer Application	For Life	10
Annual Fee	Due each year on anniversary of granting of original licence	337
Notification of Interest	For Life	
Premises Licence with Alcohol - Full Variation	For Life	1
Premises Licence without Alcohol - Full Variation	For Life	
Total Licensing Act Applications		655

Gambling Act 2005	Renewal Period	Total
Bingo Premise Licence	For Life	
Betting Premise Licence (other than track)	For Life	
Betting Premises Licence (track)	For Life	
Licensed Premise Gaming Machine Permit	For Life	
Notification of Intent to have gaming machines	For Life	
Prize Gaming Permit	10 Years	
Club Machine Permits	10 Years	
Club Gaming Permit	10 Years	
Occasional Use Notice	For the dates applied for	
Temporary Use Notice	For the dates applied for	
Adult Gaming Centre	For Life	
Small Society Lotteries	For Life	7
Change of Promoter	As necessary	
Annual Fee	Due each year on anniversary of granting of original licence	44
Family Entertainment gaming machine permit	10 Years	
Total Gambling Act 2005 Applications		51
Total Applications		1052
Total Surrendered Vehicles		7

APPENDIX B

Licensing and Safety Sub-Committee Meetings from 1 September 2022 to the 31 October 2022.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C

Licensing Act Sub-Committees.**Hearings held for licensed premises from 1 September 2022 to the 31 October 2022.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
23 September 2022	Shrewsbury Flaxmill Malting Dye House and Mill Experience Shop, Spring Gardens, Shrewsbury, SY1 2SZ	New Premises Licence	Peter Broomhall Mike Isherwood Kevin Pardy	Licence Granted	N/A
3 October 2022	Shrewsbury Flaxmill Malting Dye House and Mill Experience Shop, Spring Gardens, Shrewsbury, SY1 2SZ	New Premises Licence	Garry Burchett Nigel Lumby Kevin Pardy	Licence Granted	N/A