

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

18 June 2024

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LICENSING SUB-COMMITTEE (TAXIS, PRIVATE HIRE, AND STREET TRADING CONSENT MATTERS)

A meeting of the Licensing Sub-Committee (Taxis, Private Hire, and Street Trading Consent Matters) will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 26 June 2024 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Licensing Sub-Committee (Taxis, Private Hire, and Street Trading Consent Matters)
(Councillors David Fowles, Mark Harris, Julia Judd, Ian Watson and Michael Vann)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**

To receive any apologies for absence.

The quorum for the Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent Matters) is three Members.

2. **Substitute Members**

To note details of any substitution arrangements in place for the Meeting.

3. **Declarations of Interests**

To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.

4. **Minutes (Pages 3 - 4)**

To approve the minutes of the meeting held on 29 June 2023.

Procedure for Licensing Hearings (Pages 5 - 8)

5. **Application for a Street Trading Consent (Pages 9 - 56)**

Purpose

To consider an application for a Street trading consent made by Frederik Jacobs for The Old Mill, Mill Lane, Lower Slaughter.

Recommendation

That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:-

- Grant a Street Trading Consent in the terms of the application
- Grant a Street Trading Consent for a temporary period
- Grant a Street Trading Consent with additional conditions
- Refuse the application for a Street Trading Consent

(END)

Agenda Item 4

Licensing Sub-Committee (Taxis, Private Hire, and Street Trading Consent Matters)
29/June2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Licensing Sub-Committee (Taxis, Private Hire, and Street Trading Consent Matters) held on Thursday, 29 June 2023.

Councillors present:

Mark Harris
Julia Judd

Michael Vann
Ian Watson

Officers present:

Marie Barnes, Lawyer

Helen Blundell, Interim Head of Legal Services,
Head of Legal

Kevin Dunford

Ana Prelici, Democratic Services

4 Election of a Chair

The Committee was invited to nominate a Chair.

Councillor Mark Harris was proposed by Councillor Michael Vann and seconded by Councillor Ian Watson.

RESOLVED: To elect Councillor Mark Harris as Chair for the 2023/24 municipal year .

Voting Record - For- 4, Against-0, Abstentions-0, Absent- 1

5 Election of Vice-Chair

The Committee was invited to nominate a vice-chair.

Councillor Julia Judd as Vice-Chair was proposed by Councillor Mark Harris and seconded by Councillor Ian Watson.

RESOLVED: To elect Councillor Julia Judd as Vice-Chair for the 2023/24 municipal year.

Voting recorded For 4, against 0, abstentions 0, absent 1

6 Apologies

Apologies were received from Councillor Dilys Neill, who was substituted by Councillor Ian Watson.

Councillor David Fowles sent apologies after the meeting, owing to a medical emergency.

The Committee discussed the quorum for the meeting, this was three members, so the Head of Legal and Democratic Services Officer confirmed the quorum as being met.

7 **Declarations of Interest**

There were no declarations of interest from members or officers.

8 **Matter Exempt from Publication**

As the substantive item on the agenda was classified as exempt, it was proposed that the Committee move into private session.

RESOLVED: That the Committee excludes the public and press for the remainder of the meeting under section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Voting Record - For- 4, Against-0, Abstentions-0, Absent- 1

9 **Application for a Private Hire Driver's Licence**

RESOLVED: That the Sub-Committee GRANTED the application.

The meeting commenced at 2.02 pm and closed at 2.21 pm

Chair

(END)



Licensing Sub-Committee (Taxis, Private Hire and Street Trading Matters) Procedure for determining application

Each application that comes before the Sub-Committee will be determined on its own merits, and the licensing authority will take its decision based on:

- the merits of the application;
 - the Council's Hackney Carriage And Private Hire Policy And Street Trading Policy
 - Hackney Carriage and Private Hire and Street Trading Policy, a copy of which of which can be obtained from the Licensing Team
1. The Chair opens the Meeting, introducing the Members of the Sub-Committee and Officers to the Applicant(s) and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
 2. The Council is committed to taking decisions in an honest, accountable and transparent fashion but, on occasion, may find it necessary to exclude members of the public and Press in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 and/or local policy.
 - a) Street Trading hearings shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (section 100A(4) Local Government Act 1972) is concerned and the Sub Committee considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
 - b) Taxi and Private Vehicle licensing hearings will usually be considered in private as cases coming before the Sub-Committee involve information related to an individuals. Most taxi and private hire licensing hearings will therefore be treated as confidential and not for publication.
 3. The Licensing Officer outlines the application, any relevant representations and relevance to the Council's Hackney Carriage and Private Hire Policy and Street Trading Policy and statutory guidance.
 4. Members may ask any relevant questions of the Licensing Officer.
 5. The Licensing Officer introduces the Applicant(s) (if present) and the Chair invites them, or the person representing the Applicant, to present their application to the Sub-Committee and to clarify any information arising from the Officer's outline, if necessary.
 6. Members may ask relevant questions of the Applicant(s) regarding the application.

7. The Chair invites those parties, including any interested parties and/or responsible authorities, making representations to address the Sub-Committee in turn.
8. Members may ask any relevant questions of those parties making representations.
9. The Applicant(s) may ask any relevant questions of those parties making representations.
10. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant(s) to address the Committee.
11. Members may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.
12. Any parties who have made representations may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.
13. The Chair invites the Applicant(s) and any parties making representations, to briefly summarise their points if they wish.
14. The Chair ascertains that all parties are satisfied they have said all they wish to say.
15. The Sub-Committee debates the application and makes its decision; it may retire to do so, if appropriate.
16. Where a decision is made at the Meeting, the Chair notifies the Applicant(s):-
 - of the decision;
 - the reasons for the decision;
 - any Conditions placed on the licence (if granted), and the licensing objectives they relate to;
 - the rights of appeal, and that the decision will be confirmed in writing as soon as practicable following the Meeting, and within the statutory timescales.

NOTES

- a) All references to the Sub-Committee relate to the five Members appointed by the Planning and Licensing Committee. However, a Sub-Committee could decide not to exercise its delegated authority and refer an application to the Planning and Licensing Committee for determination, or to the Council (as the Licensing Authority). In such cases, references to 'the Sub-Committee' shall relate to the Committee or the Council, as appropriate.
- b) All references to the Licensing Officer refer to the appropriate Licensing Officers.
- c) All references to the Applicant(s) refer to the Applicant(s), the licensee or their representative.
- d) Hearings will take the form of a discussion led by the Sub-Committee throughout which Members, the Applicant(s) and, if appropriate, Officers and other parties, may ask questions.

- e) Parties who have made representations will be invited to address the Sub-Committee in the following order, where applicable:-
- Gloucestershire Constabulary
 - Officers of the Council in capacity as Responsible Authorities (health and safety, planning and pollution) (For Street Trading Matters only);
 - Interested Parties;
 - Ward Member(s)
- f) In order to avoid repetition, parties are requested to appoint a spokesperson to address the Sub-Committee where a number of the same, or similar representations, are being made.
- g) Decisions will generally be taken regardless of whether the Applicant(s) is present. All notices and representations received from absent parties will be considered.
- h) Information which has not been produced prior to a Meeting will not be considered unless with the agreement of the Sub-Committee and all relevant parties present.
- i) Any changes in the membership of the Sub-Committee will be announced by the Chair at the start of the Meeting.
- j) The Council has the right to exclude parties disrupting this Meeting, at its discretion.

Housekeeping Matters

- Mobiles phones must be switched off or set to silent;
- No smoking throughout the building or anywhere on the site;
- In the event of the fire alarm sounding, Officers will direct you to the meeting point
- Please ensure that you mute your desk microphone whilst not speaking and raise your hand if you wish to speak. The meeting will follow the procedures closely so please ensure that you have read this.

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Agenda Item 5



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 26 JUNE 2024
Subject	APPLICATION FOR A STREET TRADING CONSENT
Wards affected	Bourton Vale
Accountable member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Report author	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Summary/Purpose	To consider an application for a Street trading consent made by Frederik Jacobs for The Old Mill, Mill Lane, Lower Slaughter.
Annexes	Annex A – Copy of the Application. Annex B – Plan of the site, location, and examples of proposed vehicle. Annex C – Copy of representations. Annex D – Copy of Street Trading Conditions Annex E – Copy of Street Trading Policy
Recommendation(s)	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <ul style="list-style-type: none"> • Grant a Street Trading Consent in the terms of the application • Grant a Street Trading Consent for a temporary period • Grant a Street Trading Consent with additional conditions • Refuse the application for a Street Trading Consent
Corporate priorities	<ul style="list-style-type: none"> • Delivering good services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Highways - Gloucestershire County Council Food Safety and Health and Safety – Cotswold District Council



	Gloucestershire Police, Ward Member and Parish Council, Public Notice for 28 days at the site
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1. BACKGROUND

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 allows applicants to apply for a Street Trading Consent (STC)
- 1.2 The Applicant, Frederik Jacobs, have applied for a STC for The Old Mill, Mill Lane, Lower Slaughter, Gloucestershire, GL54 2HX. The Licensing Authority is satisfied that the Application was duly made, the correct notification process was followed, and the Application was appropriately advertised. If granted, the Applicant is seeking a 12-month Consent.
- 1.3 The Application seeks to position a converted horse trailer on the private property located at the Old Mill to provide hot & cold beverages, ice cream, packed snacks, and sandwiches.

Wednesday to Friday : 10:00 – 17:00

Saturday and Sunday : 9:00 – 17:00

Peak season of July, August and September : 7 Days a week

A copy of the Application is attached in **Annex A**.

2. SITE DESCRIPTION

- 2.1 A copy of the site plan and location are attached in **Annex B**.

3. REPRESENTATIONS

Responsible Authorities

- 3.1 The Planning Department has requested the applicant review their permissions and apply if necessary. This action does not affect the application for a STC.

No representations have been received from any other Responsible Authorities.

Town Council and Residents

- 3.2 The Town council have not submitted a representation. 18 resident representations have been received concerning this application, and are attached in **Annex C**.



3.3 Under Cotswold District Council's Street Trading Policy, there are 3 Licensing Objectives:

- (a) Public safety
- (b) Public Order
- (c) Preventing nuisance or annoyance

3.4 Any Consent issued is subject to the Standard Conditions. A copy of Cotswold District Council's Standard Conditions is attached in **Annex D**.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising directly from this report.

5. LEGAL IMPLICATIONS

5.1 The powers to control street trading within the Council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

5.2 The Council has adopted powers in the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading through a Street Trading Consent scheme.

5.3 There is no right of appeal against the refusal to grant a Street Trading Consent. However, an aggrieved Applicant may seek a Judicial Review of the Council's decision.

5.4 In light of the implications of the Human Rights Act 1998, the Sub-Committee must give the Applicant and other interested parties a fair hearing and consider this application paying special attention to the principle of proportionality between the protection of individual rights and the interests of the community at large.

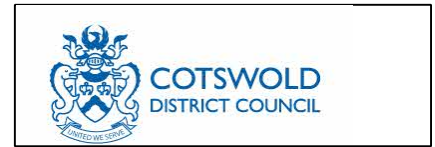
6. BACKGROUND DOCUMENTS

6.1 None.

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Local Government (Miscellaneous Provisions) Act 1982

Grant of street trading consent



I/We HEREBY APPLY for the grant of a Street Trading Consent in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Please fill in this form in BLOCK CAPITALS

Application type:

NEW

RENEWAL

GRANT NUMBER:.....

APPLICANT DETAILS (for ALL applicants)

Surname	(Mr / Mrs / Miss) Jacobs	Forenames	Frederik
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Address	[REDACTED]	Post code	GL54 2HX
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National Insurance No. or proof of eligibility to work in the UK)	[REDACTED]	Date of Birth	[REDACTED]
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NOTE: The applicant will be required to produce documents to establish identity i.e. photo driving licence or passport and one original proof of address issued within 3 months of the date of Street Trading application e.g. utility bill (gas , electric), bank statement, mortgage statement.

Home Telephone No.	[REDACTED]	Mobile No.	[REDACTED]
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Email Address	[REDACTED]
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Surname	(Mr / Mrs / Miss)	Forenames	
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Address		Post code	
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National Insurance No. or proof of eligibility to work in the UK)		Date of Birth	
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NOTE: The applicant will be required to produce documents to establish identity i.e. photo driving licence or passport and one original proof of address issued within 3 months of the date of Street Trading application e.g. utility bill (gas , electric), bank statement, mortgage statement.

Home Telephone No.		Mobile No.	
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Email Address	
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TRADING SITE DETAILS

Full details of site(s) on which you wish to trade. <i>NOTE: Please enclose a location map marking the site boundary with a Red line.</i>	It is the intention to position a converted horse trailer on the private property located at The Old Mill, Lower Slaughter, GL54 2HX. The property is wholly owned by the applicant.
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If your application is for a mobile street trader (e.g. ice cream trader) - list all Parishes in which you wish to trade.	
---	--

PERIOD OF TRADING

Is this application for the whole Consent Year (i.e. 1 st April to 31 st March)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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If NO, please state what period	
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What days do you propose to trade	Generally Wednesday - Sunday. During the peak season of July, August, September (7 days a week)
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During what hours	Wed - Fri: 10:00 - 17:00 // Sa & Su: 9:00 - 17:00
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CURRENT STREET TRADING CONSENT	
Do you hold a current Street Trading Consent	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, for which site	
When was the Consent granted	
When does the Consent expire	

VEHICLE / STALL DETAILS	
Mobile <input type="checkbox"/>	Static <input checked="" type="checkbox"/>
Full description of vehicle, stall or container to be used in connection with trading. NOTE: If details not available, supply drawing or brochure of proposed unit.	Custom made horse trailer conversion, in line with attached renderings and sample photos.
Dimensions of unit.	2.9m length, 1.5m width, 1.7m height
Vehicle registration number.	n/a
NOTE: Include colour photograph of vehicle / stall showing any signage.	

ARTICLES FOR SALE	
What articles do you wish to trade in. <i>(Please give full details)</i>	Hot & cold beverages, ice cream, packed snacks, sandwiches

WASTE REMOVAL & TOILET PROVISION	
Details of the provision for removal of waste (including disposal of waste water).	Existing drainage at The Property to be utilised for disposal of waste water. Arrangements for waste collection to be made either via regular weekly council collection or private organised service.
Arrangements for access to toilet facilities.	No access to toilets facilities. All F&B offering to be intended for take away consumption. Next available toilets The Slaughters Country Inn.

PREVIOUS HISTORY	
Have you ever been refused a Street Trading Consent in this or any other area.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please give details	

PUBLIC NOTICE	
Upon submission of the application, the applicant must affix the prescribed Public Notice (provided by the Council) in the location they wish to trade, for a period of 28 days. This must remain in place until the application has been determined.	
Date Public Notice displayed in trading location.	

DECLARATION	
I declare that I/we have checked the information given on this application form and to the best of my/our knowledge and belief it is correct. I/we am/are aware of the Council's Standard Conditions applicable to all Street Trading Consents and agree to comply with them.	



NOTES

This application will not be considered unless accompanied by the following items:

Valid public liability and public indemnity insurance cover for not less than £5,000,000.

Completed Street Trading Consent application form

Location map showing the site boundary marked with a Red line.

Colour photograph of vehicle / stall showing any signage

(Full fee payable upon determination of the application)

The completed application should be returned to:

Business Support –Licensing

Cotswold District Council

Trinity Road

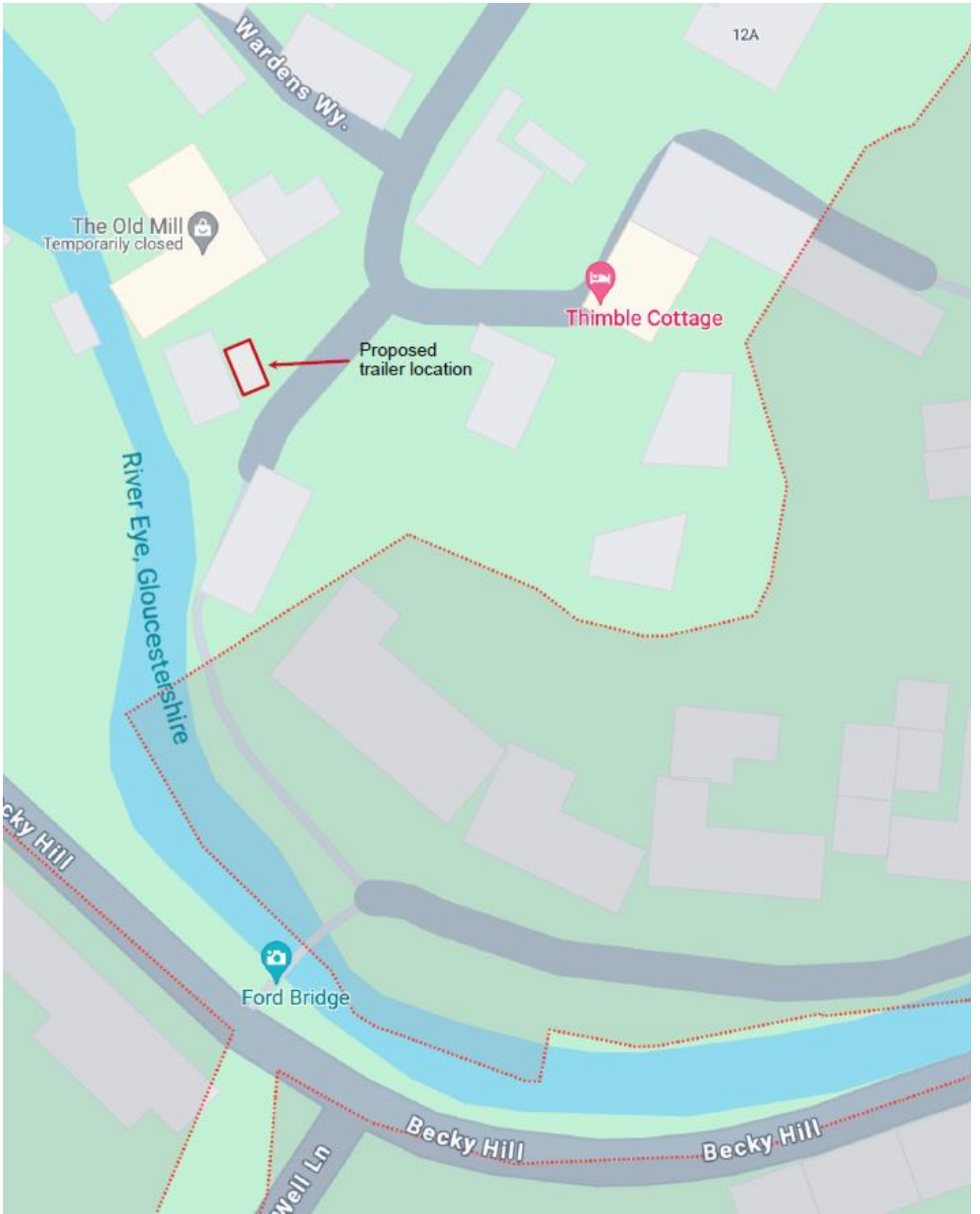
Cirencester

GL7 1PX

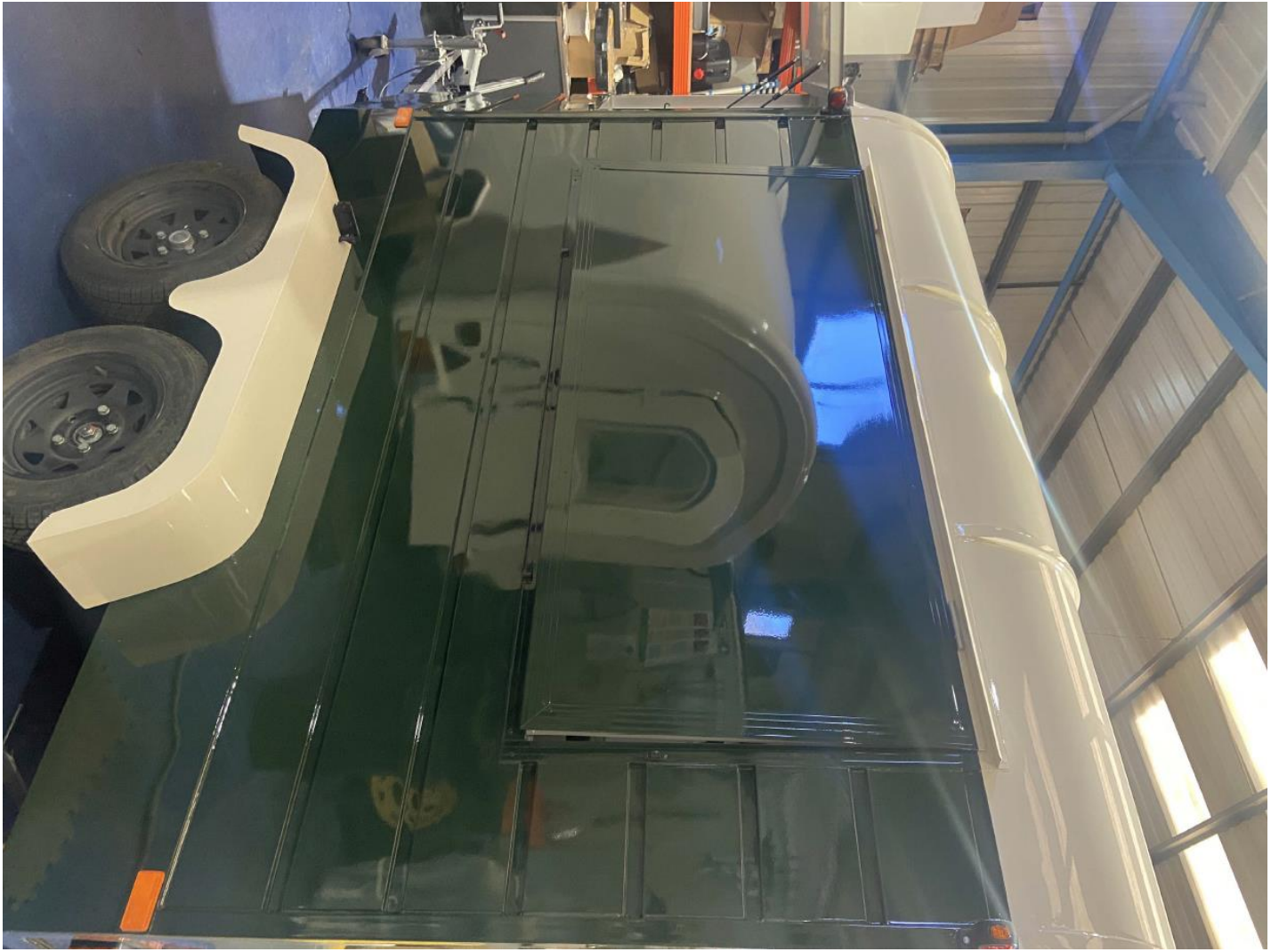
Data Protection Statement

We will only use your personal information gathered for the specific purposes of your application. We will not give information about you to anyone else or use information about you for any other purpose, unless the law allows us to. Further privacy information can be found on our website.

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C/24/00404/STC - The Old Mill – Representations

Residents

A Bowler

The application referenced above made by Pappalou Limited in relation to The Old Mill, Mill Lane, Lower Slaughter GL54 2HX seeks to obtain consent from Cotswold District Council to carry out Street Trading in order to sell specific articles or goods.

In summary the application seeks to obtain consent to trade or operate as follows:- Hours of Trading Wednesday to Friday 10.00 to 16.00.

Saturday and Sunday 09.00 to 17.00.

Articles for Sale

Take away hot and cold drinks.

Baked Goods

Sandwiches

Snacks

Pre portioned Ice creams.

With regards to the above I am writing to register my objection to the application on the basis of location, environmental impact, nuisance, the creation of significant volumes of food, drink and packaging waste, the increased risk of littering, air and noise pollution, public safety, disruption and potential public disorder caused by over crowding and the potential increased health risk caused by vermin.

The published Cotswold District Council Street Trading policy dated 18th December 2014 highlights the key objectives or considerations as being public safety, prevention of obstruction to public walkways, the maintenance of public order and the prevention of crime or disorder, the prevention of nuisance and annoyance to residents and the general public caused by noise, odour or fumes, litter and waste.

In addition the location of the site or premises is a principle consideration when reviewing the suitability of a Street Trading Consent and highlights the following:- Safety of street users including pedestrians and traffic.

Safety of customers or members of the public using the street trading unit.

The potential risk of obstruction or interference, inconvenience or nuisance caused to members of the public, residents or others.

The potential risk of nuisance caused to others by noise, congestion or fumes or odours.

The number of other businesses providing similar articles for sale in close proximity to the premises (Old Mill) or within a wider geographic area (Bouton on the Water).

The area surrounding The Old Mill unfortunately creates a natural “bottle neck” or restricted access to pedestrians and road users.

The main road leading to the premises namely Mill Lane is a no through road with no parking due to the introduction of double yellow lines to both sides of the carriageway and terminates with a limited turning circle adjacent or directly outside The Old Mill.

The access issue is compounded further by two converging footpaths and a narrow single raised walkway which runs alongside the Mill Pond and the river.

The introduction of a number of Street Trading Units serving food, drink and ice creams outside the Old Mill would act as an attraction to visitors and make the already difficult ingress and egress from the area close to the river more difficult to navigate and it would also increase the potential for disagreements or arguments between members of the public and residents who would be trying to access their property.

It would also increase the risk of a potential accident in the area adjacent to the Mill Pond and the river as the narrow stone path can become slippery when wet or icy.

The existing road network and associated vehicle and traffic/parking scheme within Lower Slaughter has been developed based upon the number of residential dwellings and local occupants and an assessment of the influx of visitors/tourists at peak times.

Unfortunately the road network and surrounding areas can be easily overwhelmed by a sudden influx of visitors and the recent Bank Holiday proved to be a case in point as vehicles were double parked, parked over or in private driveways and seemingly dumped anywhere with little or no regard to private property or other road users and this would only worsen or increase in regularity if the application for the Street Trading Consent for The Old Mill was approved.

The details contained on the displayed Application are extremely vague or limited and don't define specific items such as location of the trading units, the number of street trading units, how the units are to be operated and if they are operated by the owner or if they are franchised or subcontracted, what is defined as "sandwiches" and "baked goods" as these could be open to interpretation, how the volume of waste will be mitigated and or managed, how often will the waste or rubbish be collected, will the articles for sale be produced on the premise or will they be purchased off site and delivered.

With regards to The Old Mill the previous owners operated a cafe and an ice cream vending area or parlour within the confines of the existing building without the need to utilise any external or outside area.

The management of waste, noise or air pollution and nuisance was therefore contained within the existing building and not allowed to migrate out into the surrounding area.

In addition the previous owners lived on the premises and therefore had a high regard to safety, security and minimisation of the impact on others and also had regard to the historic nature and importance of The Old Mill as a local landmark and building of historic significance.

The previous owners proved that the business could operate without the need of a Street Trading Consent and I would therefore suggest that the new owners focus their time and efforts on renovating and refurbishing the existing premises to enable the original cafe and ice cream sales area to be utilised as part of their future business model and sales offering to the members of the public.

On occasions I have been fortunate enough to attend a number of organised agricultural, horticultural and equestrian events or fairs and unfortunately without exception the areas allocated to the provision of food and drink by "street traders" have been very poorly managed in relation to noise, air pollution (smells and odours), public nuisance and the control and removal of waste and food packaging/litter.

Given the potentially wide reaching issues and damaging effect the requested Street Trading Consent would generate I would respectfully suggest that the Application be rejected on the basis of it being an inappropriate use of the premises given its location and historic importance, the lack of infrastructure in the location to deal with the potential influx of customers, the impact on the local road network, the increased health and safety risk, public

nuisance, the environmental impact generated and caused by the significant increase in disposable waste, increased levels of noise and air pollution and the potential increase in public nuisance or disorder.

T Stirling

I wish to object to the above application for a street vending licence.

Mill Lane is very narrow and a street based food and beverage outlet will cause further difficulties for residents and a risk to public safety.

G Papadikis

I very much look forward to a new coffeeshop at the Lower Slaughter Mill but I object to the Application for a Street Trading licence, even temporary.

I object to this application on the grounds of Public Nuisance and Public Safety.

Public Nuisance

Unlike with a coffee/restaurant space, it will not be possible to regulate and limit the numbers of people, litter, noise, food smells nor provide customers access to washing/toilet facilities(there are no public facilities in the village).

The proposed location of the truck is very close to residential properties and as the proposal is to serve hot products, customers will consume their 'take away' food within the immediate locality. There is no public seating in the area and the truck would increase noise and litter as well as crowding around properties in the immediate vicinity and likely throughout the village as customers search for a spot to consumer their 'take away'.

The village already has a problem with litter damaging the natural landscape including the river, banks and hedgerows. There are very few public bins which are always full. The addition of takeaway litter from a food truck would be inevitable, in spite of best mitigation efforts and would further damage the natural environment.

The leftover food waste and exposed food- contaminated rubbish poses a substantial risk of vermin, which is a concern for public health and hygiene.

Public Safety

The proposed location of the truck is unsuitable as it is next to the river slipway by the Mill wheel, and by a very narrow path between a property wall and the river. This is a dangerous spot for additional crowding, posing an increased risk to children and those with mobility issues.

Theresa Cowan

I am the owner of Pound Cottage in Lower Slaughter and object to the application of selling food and drinks at The Mill. The village is a quintessential unspoilt Cotswold village and has been delighting visitors for decades.

Adding a commercial outlet will add no benefit to the village just increase the revenue for The Mill Shop it will also Add to litter being dumped in the river and around the village.

I strongly object to the application

Stuart & Gillian Thomas

We strongly object to the take away nature of the proposal for a vehicle parked next to the Mill and the issue of any street trading licence for the reasons set out below.

The application notice confirms the intention to sell:-

Take away hot and cold drinks

Baked Goods

Sandwiches

Snacks

Pre proportioned Ice cream

It also states

Existing drainage at The Property to be utilised for disposal of waste water.

Arrangements for waste collection to be made either via regular weekly council collection or private organised service.

and

No access to toilets facilities. All F&B offering to be intended for

take away consumption. Next available toilets The Slaughters Country Inn.

For many years the previous owners and their tenant were able to run a cafe and ice cream business successfully from inside the property boundary located in the Mill and adjacent building, whilst successfully utilising part of the garden as the cafe area. During that time they were able to control waste within the property and vermin associated with the river remained predominantly around the river. Due to the parking restrictions in Mill Lane the majority of traffic to the facility was on foot with only limited impact on the highway.

We would have no objection to a similar operation which could be accessed from the entrance off the adjacent pedestrian right of way to Upper Slaughter, without the need for a street trading licence.

Reasons for Objection:-

1. Waste and public nuisance

The take away nature of the offer will result in a significant increase in waste and public nuisance and is likely to result in vermin travelling further away from the river. The village is saturated with tourists for a significant part of the year and the waste bins in the village are constantly full to overflowing during the busy tourist season. We therefore strongly object to the take away nature of the proposal as we would expect uncontrolled waste to have a significantly detrimental effect on both the village and the surrounding countryside. There is no realistic consideration of waste management in the application. Even if “industrial waste bins” are located adjacent to the mill, with their detrimental effect on the setting of a grade 2 listed building, there is a risk that pedestrians on foot are likely to dispose of waste in other locations in an uncontrolled manor. The existing waste bin number and location will be inadequate to cope with the additional waste this take away facility will generate and we do not believe that introducing additional bins in a sensitive conservation area is acceptable.

2. Highways- vehicle location, health and safety and traffic issues

There is no consideration on impact of the proposal on vehicle circulation at the restricted dead end of Mill Lane which is a “no through road”.

Lower Slaughter has a traffic order banning coach access to the village other than to service the hotels directly. In addition there are extensive double yellow lines to prevent illegal parking. Both constraints are to ensure that at all times there is access for emergency vehicles to the village including to the Mill. Unfortunately due to the limited available parking and the un-policed nature of the parking it is often very difficult for visitors to find parking spaces.

There are a significant number of minibuses visiting the village and once the location as a fast food offering becomes general knowledge it is likely that vehicle trips, particularly minibus trips will increase significantly along Mill Lane to the Mill. We therefore expect this to lead to considerable congestion particularly at the dead end of Mill Lane due to reduced circulation space resulting from the parked vehicles, increases in pedestrian numbers and increased traffic flows including increased service and waste vehicles. In combination these issues may compromise the ability of emergency vehicles to access the adjacent Malt House Lane and adjacent properties. There appears to be no consideration of vehicle manoeuvres/tracking in this restricted area. If any vehicles (particularly service and waste vehicles) that

are incapable of turning due to traffic congestion, have to then reverse up Mill Lane, this will introduces an unacceptable health and safety consideration to a “no through road” There are a number of young children who live in the lane.

3. Precedent

The Parish Council have historically resisted the granting of any street vending licence in the village primarily for reasons of health and safety due to the potentially adverse traffic issues that currently exist. The access requirements for emergency vehicles are of paramount importance. No other street trading licence has been granted as a consequence and approval of this proposal would set an unacceptable precedent.

4. Setting

The parking of a retail vehicle permanently outside the Mill, which is considered to be both one of the most iconic buildings in the Cotswolds, and a grade 2 listed building in the middle of an important conservation area would be totally at odds with the setting. The infrastructure is already effectively in place for trading from within the property.

5. Drainage and associated public health and safety considerations

The statement, “ Existing drainage at The Property to be utilised for disposal of waste water” is of concern. The Thames Water drainage system includes a pumping station and the system struggles to cope with the existing drainage, having to regularly rely on tankers at the Pumping Station. Any proposal either internal or external should include a detailed consideration of the effluent being discharged into the system and its management. **Please note that the manhole immediately adjacent to the proposed food outlet overflows with sewage from Upper Slaughter onto the adjacent tarmac at times of persistent rainfall, apparently acting as an overflow to the combined drainage system.**

Peter & Linda Bailey

As a property owner in Lower Slaughter we would like to register our objection to the above application to locate a static trailer selling, 7 days a week, takeaway drinks/food and ice cream outside the old mill, a listed building, in Lower Slaughter which is located in an area of outstanding natural beauty. We object on the following basis:

- increased noise and nuisance to adjacent properties with disruption caused by large numbers of people queuing and consuming take away food and drink in a small village
- increased littering from packaging used
- increased demand for public toilet facilities which are not available in the village to customers
- already there are sufficient facilities providing food, drink and ice cream in what is a small unspoilt village which also provide toilet facilities to their customers
- the siting of the trailer is inappropriate and too close to residential properties

In conclusion we strongly object to the proposals.

Ann & Derek McGrath

We would like to put forward a formal complaint about the horsebox trailer which has asked for a Street trade license for in front of the Old mill GL54 2HX.

The Mill is of Historical Interest & we feel that the beautiful Facade would be marred by the Commercial Trailer.

Having food & beverages sold from the outside the mill will cause untold rubbish, noise, nuisance, public safety.

The mill is not providing toilet facilities & as the owner already has permission to sell ice creams and other foods inside the mill and contain the rubbish within we think this is the way forward & will keep the Old Mill Pristine.

If you allow this to go forward there will be litter throughout Upper & Lower Slaughter.

The Parking is already fractious as we have double yellow lines and people visiting park anywhere they like even in our driveways so any more traffic will be horrendous as the turning circle in front of the mill will be terrible.

Mr and Mrs Dore, Mr D.Godfrey

With reference to the application for a converted horse trailer to be sited at the above address for the sale of hot and cold drinks, ice cream, wrapped snacks and sandwiches -

As full-time (and long term) residents of the village we have two (2) concerns:

Litter - there are not enough bins at present. Even if more bins are forthcoming, normal weekly council collection will not be sufficient, particularly over weekends and Bank Holidays.

With the sale of wrapped food litter will only increase around the village and along roads and footpaths.

Lack of lavatory on site - is it presumed that the hotel is happy to open its facilities to all, or will the wider area be further utilised as a public convenience ?

Sandra Wood

I wish to register a complaint against this being granted.

Reasons being,

1. Residents that live in very close proximity to the trading will suffer with people consuming their purchase virtually on their doorstep.
2. The River is a popular place for Tourists and no doubt in good weather will sit on the river bank where Cottages are located within feet of said bank causing noise and pollution
3. Rubbish will be left behind as the bins (if provided) will soon be overflowing and sadly not everyone in fact very few take their rubbish away with them. Can we be sure rubbish will not end up in the river.
4. There are no toilet facilities.
5. Parking is at a premium in the village and at the moment double yellow lines are not adhered too as it is.
6. The Old Mill is situated at the end of Mill Lane. This lane has signage stating it is a No Through Road and No Parking .It is Access only. This is ignored by drivers and they "think" they can park or drop passengers off.If food is available no doubt they will wait for their passengers.Residents access to their property will be blocked.
7. Lower Slaughter is a top tourist village for its outstanding beauty please let us keep it so.

A comment to end with is think about the impact of volume of tourists and parking especially bad parking has on all Emergency Vehicles if needed in the Village.

Robert Ayers

Pappaloul Ltd/The Old Mill Lower Slaughter C/24/0040/STC is applying for a Street Trading Licence and as a Resident of Lower Slaughter I have concerns and wish to object.

The Old Mill is at the end of Mill Lane which is for access only and a no through road. Visitors driving already ignore the sign for this and if its known that there is a "food wagon" they will park and the only place for doing this is outside the gateways to residents parking and garages.

Those buying food and drinks will then eat their purchase outside Cottages that are in very close proximity to the van which in itself is a concern.

They will make their way to the River and sit along the bank and there are Cottages only a few feet away. The Residents have to cope with the noise and no doubt litter. The bins in the Village already get full to overflowing so the mess will be even worse.

There is water life in the river and its very possible litter could end up in the river and causing harm to said life.

There are no toilet facilities in the Village.

Emergency vehicles will have problems getting to their call out.

A point to make which is already happening is that cars and larger vehicles are parking on double yellow lines, on corners and other in appropriate places.

A "Food Wagon " in the Village will have many knock on negative effects.

I am registering a complaint against this application.

Jane & Glyn Davenport

With regard to the application C/24/00404/STC we would like to make representation of our concerns as a close neighbour of the applicant.

LITTER. Our village has only one litter bin positioned some 400m distant from the proposed trading site. It has been noted in periods of high visitor numbers that the current provision is totally inadequate. We would therefore hope that more bins, strategically placed would be a condition of the approval. Bearing in mind the public image of this popular tourist destination in the AONB, we would therefore hope that the siting of these bins would be discreet and also not impact upon residential dwellings.

NOISE POLLUTION. Due to the undeniable popularity of Lower Slaughter for tourists, the village can at times be overrun by visitors. The siting of the street stall will naturally create a hub for these visitors to congregate. For those residents living within close earshot such as ourselves, the possible increase in numbers will inevitably increase noise levels. We trust that appropriate signage would be evident.

RIVER FRONTAGE WEAR and TEAR. The grass verge along the river bank on the approach to and from The Mill would inevitably attract visitors seeking the perfect spot to consume their refreshments. The additional footfall would only increase wear to these vulnerable areas.

David Thornton

We would like to raise an objection to the above application for a street trading licence in Lower Slaughter:

1. Selling takeaway food from a truck will cause excessive noise and nuisance for immediate neighbours as people will congregate to consume close to the point of purchase and it is a narrow residential area.
2. Although bins for packaging litter etc. from customers will no doubt be provided at point of purchase (although there is no evidence of this in the application), inevitably, as products are consumed en route from the food truck to customers' vehicles, litter will end up in the street, river and in neighbours' gardens.
3. A food truck at the end of Mill Lane will encourage vehicle traffic to use this no-through-road, causing parking and congestion issues for residents of that road.
4. Bourton on the Water has recently excluded large coaches from parking in their town, meaning a greater likelihood of these vehicles attempting to disembark their passengers in surrounding villages. Lower Slaughter has no room or facility for such vehicles, and a food truck in Mill Lane will provide further incentive for coaches to attempt these risky manoeuvres.
5. Although this project is proposed as a temporary initiative until the Mill cafe is reinstated, it appears there has been little urgency so far in concluding this, indeed no planning permission has apparently been applied for nor granted, and so we may expect that the truck will be in situ for many years. We have no objection to a cafe and eating facilities within the site as in previous years as that keeps visitors consuming products largely within the property.
6. We are concerned about toilet facilities for the customers of food and drink. It seems unlikely they would be readily welcomed to the pub's loos if they are not spending money in the pub.

Julie Godwin

I wish to object to application C/24/00404/STC for the following reasons:

Public nuisance

This outlet is going to be located alongside a disused/vacant Mill where there are vermin - including rats which already have a natural foothold in the immediate environment. A food outlet selling hot and cold beverages, ice cream, packed snacks and sandwiches will further encourage more rats and other vermin into this residential area.

There is no public seating near the outlet, customers will choose to sit on the nearby verges and/or the river banks and village green/grass which are already significantly damaged during the summer months by visitors – this outlet will contribute to the use of the

banks/grass areas for the consumption of purchases made and therefore further the erosion.

There is no parking in this area and both Mill Lane and Copshill Road have yellow lines along its length, this proposed outlet will add to the existing parking pressures in the village. The remaining parking in the village is already at dangerous levels and poorly respected.

The proposed location for the food outlet is in the centre of a residential area which will be affected by the noise and smells which such a facility will create.

There are no public facilities in the village such as you would find at an established food outlet.

There are already insufficient rubbish bins in the village to cope with the current levels of rubbish – it is already a very big problem during the summer months due to the amount left by the current volume of visitors. As the customers of the proposed outlet are unlikely to consume their purchases in that specific area, their litter will travel with them as they walk and contribute to the damage that is already being done to the village environment, river, fora and flora with food waste, empty cups, wrappers and containers.

Public safety

There are walkways in the area around The Mill which are unsafe, particularly adjacent to the Mill. The path has a high level of use and is used by walkers, pushchair users, cyclists and people with mobility difficulties. The presence of the horse box and its customers will add further congestion to this difficult pinch point and there is significant risk of the public being injured because of the location of the outlet.

There have been sewage leaks from the inspection cover immediately outside the intended location of the horsebox which has discharged directly into the river in the last 12 – 18 months.

[REDACTED]

Jean-Marc Valat and Sandra Banos

We are writing to register our objection to application C/24/00404/STC for the below reasons:

- Limited information available on the application
- Location
- Environmental impact
- Nuisance, waste and pollution
- Public safety and health risk

The information available in the application is very limited and do not provide any guidance on the specific type of food that will be on sale and its operation (direct by the Mill or third parties), on site purchase, take aways and/or deliveries.

The Mill is a Grade 2 listed building in an idyllic and popular touristic location. A food and drink converted horse trailer outside will not fit into the natural and beautiful location. Access to the Mill is by foot only and the village is not ready for additional litter, on foot visitors and car access. Although, there are dead end and double yellow signs, non-local cars venture in and drive in and out of Mill Lane on a regular basis, endangering tourists, children, residents and pets. Adjacent paths, often narrow, can get wet, muddy and icy. Visitors in the village are greater during weekends and bank holidays.

The environmental impact to the area of outstanding natural beauty would be:

- The wastage created by wrappings, cups, plastic, cutlery, napkins and others around the Mill and its vicinity.
- The pollution from the above ending up in the river, the fields, the gardens and ingested by local animals
- The influx of tourists and people visiting the village and spending more time than the infrastructure of the Mill and also the village can cater for. No Toilets, nor hand washing facilities or baby changing rooms are found in the application nor in the village.
- Lack of car park. The village is already struggling with parking spaces and parking is not available by or next to the Mill.

The nuisance to the public and residents from the street food trailer will be noise, pollution, litter, waste. One cannot put aside the added risk of crime and disorder that can arise by this "attraction".

I do not believe there are or will be, nor can I see any explanation in the application, about safety measures that are, or will be, put in place for the public and residents.

The previous owners used to have a coffee place trading at the back of the Mill, contained within their walls. I believe that this would be acceptable as the facility is already setup for trading.

Given the above reasons, we are asking you to reject the application.

Laura Evans

I am writing to object to the proposed takeaway-food van in Lower Slaughter, on the grounds that it will:

- a) cause litter to be strewn around the village - a conservation area in an AONB
- b) attract vermin
- c) increase the volume of visitors clogging up a narrow residential area
- d) cause visitors to stay longer and create even more traffic issues in a village already struggling with cars parked in narrow lanes and on yellow lines every weekend.

A takeaway operation is completely different from the cafe run by the previous operators of the Mill, because the food preparation and consumption was inside and controlled. Takeaway food will be packaged (meaning litter) and those who buy it will be eating it outside in a residential area. Lower Slaughter is NOT a commercial zone like Bourton-on-the-Water, it is a residential village, and a tiny one at that. There is no justification for imposing this on these beautiful and natural surroundings - they need to be protected from such a barefacedly commercial enterprise.

Jeanette Winterson

I object to this application on the following grounds .

The Mill has sold foodstuff in the past but from the inside as an operating shop and cafe . They were refused an ice cream stall outside years ago.

By all means let the new owners trade from indoors . A food truck outside will be smelly , noisy , busy, produce loads of litter and encourage tourists to eat on the river bank and elsewhere outside the homes of residents .

It will interfere with the reasonable privacy of those who live in a residential area . This is not a commercial zone .

There is also a health and safety issue re the very narrow path around Mill Cottage that drops directly into the river .

The new owners did not consult the residents and have always pretended they intend to live there as a family home . This is just the kind of cynical extraction capitalism that is ruining our countryside . People who live here should have more rights than people who visit for the day and people who want to make money out of the place

Sarah Sahota

I would like to add an objection to the application above.

As a resident of Mill Lane, Lower Slaughter I am concerned for the following reasons:

- the nature of the items being sold will create lots of rubbish which could attract rats
- more noise and congestion around the narrow lane by the Mill/river
- likelihood of more traffic into Mill Lane with nowhere to park as the road has double yellow lines along most of it

The Old Mill could adequately cater to those needs indoors (as it did with the previous owner) so I do not see the requirement for the vending area outside.

Margaret Reynolds

I object to this application

A food truck outside will be entirely detrimental to the peace and quiet enjoyment of all the residents - but most of all those nearby.

Lower Slaughter is not a theme park but a place where people live.

The resulting litter (all too inevitable) will be bad for the village and the wildlife.

Please refuse the application.

END

STANDARD CONDITIONS FOR STREET TRADING CONSENTS

1. A Street Trading Consent is valid only for the period specified on the Consent.
2. The Consent Holder must pay the fee in full prior to trading.
3. Street trading is limited to the days of the week and between the hours stated in the Consent.
4. The valid identification disc or card issued by Cotswold District Council must be displayed on the trading unit in a conspicuous place, and must be clearly visible to the public.
5. The Street Trading Consent relates to the permitted vehicle/stall only.
6. The Consent Holder must ensure that the stall/vehicle is positioned only in the allocated space in the location for which the Street Trading Consent is issued.
7. The Council must approve any changes to or replacement of the stall or vehicle.
8. The Consent Holder must not use the site for any other purpose other than that of the operation of the Street Trading Consent.
9. The Consent Holder must not carry on their trade in such a way as to cause obstruction of any street or to endanger persons using the street or cause any nuisance or annoyance.
10. The Consent Holder and/or his/her employees must only sell or offer for sale those goods specified in the Consent granted to the Consent Holder.
11. The Consent Holder's vehicle/stall must be kept in a clean, safe and well maintained condition.
12. Every static street trading vehicle/stall must be removed from the site at the end of the trading day unless otherwise agreed by the Council.
13. Holders of mobile Street Trading Consents must not trade in one place for more than 30 minutes at a time and must not return to the same location within a period of two hours.
14. The Consent Holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier, and they must leave the site and its immediate vicinity clear of refuse at the completion of trading.
15. No water or waste material must be discharged on to the highway or any adjacent property.
16. When trading from a layby, the Consent Holder must leave a maximum usable space to allow safe ingress and exit for vehicles.
17. No free-standing signs, for example. 'A' boards, are to be displayed on the street. No free-standing seating, tables, chairs, sunshades or other unapproved items are to be displayed.
18. No television, radio or other device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
19. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
20. A Street Trading Consent cannot be transferred or sold to another person.
21. The sub-letting of a Street Trading Consent location is prohibited unless otherwise agreed by the Council.

22. The Consent Holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle.
23. The Consent Holder must comply with the Equality Act 2010, ensuring they do not discriminate, harass or victimise customers or staff during the course of their trading. They will also ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
24. The Consent Holder must have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle or stall, and any additional equipment under their control.
25. These general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional Conditions may be required and will be displayed and listed on the Street Trading Consent.
26. The Consent Holder may terminate a Street Trading Consent by giving written notice to the Council.
27. Consent may be revoked by the Council at any time.

Failure to Comply with these Conditions

If the Consent Holder fails to comply with any of the Conditions attached to a Street Trading Consent, the Consent may be revoked. The Consent Holder may also be prosecuted for trading outside the location or times specified in the Street Trading Consent.

Additional Conditions (Where Applicable)

1. Where gas cylinders are used, a valid Gas Safety Certificate is required to ensure the safety of all gas appliances
2. Where the vehicle/stall has a 240 volt electrical system, a valid Electrical Installation Certificate is required.
3. A serviceable fire blanket and suitable fire extinguisher(s) must be provided at all times.
4. A basic first aid kit must be provided.
5. A mobile phone must be available for use.
6. All staff involved in the preparation of food must hold a current Level 2 Food Safety Certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
7. No signs or objects, for example, tables and chairs, are to be placed on the highway or the site without prior approval by the Council.
8. No generator must be used without the consent of the Council.
9. Where seating is provided for consumption of food on site, toilet facilities must be made available.
10. The Consent Holder must make arrangements to ensure that all persons connected with the operation of the vehicle/stall have the means and opportunity to visit suitable toilet facilities, when necessary.

(END)

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Street Trading Policy

This policy was adopted by Cotswold District Council at the meeting of Council on 16 December 2014 and will be reviewed five years from that date unless previously amended.

Version: 18/12/14



COTSWOLD
DISTRICT COUNCIL

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Glossary

The Council - Cotswold District Council

District - The district of Cotswold District Council

Licensing Sub-Committee - The Sub-Committee established by the Council to determine applications for Street Trading Consent

The Applicant - The trader who has submitted an application for a Street Trading Consent

Consent holder - A person or Company to whom the consent to trade has been granted by the Council

Street trading - The selling, exposing or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any service in a street

A street - Includes any road, footway, beach or other area to which the public have access without payment; and part of a street and a service area as defined in Section 329 of the Highways Act 1980

Representation - A comment made in response to an application

Licence street - A street in which street trading is prohibited without a licence granted by a district council (NB: there are currently no Licence Streets in the Council's District)

Consent street - A street in which street trading is prohibited without the consent of the council

Street Trading Consent - A permission to trade, which is granted by the council, pursuant to paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 subject to conditions and the payment of a fee

A Roundsman - An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman

A Pedlar - A pedlar is a trader who must:

- be 17 years and above
- travels and trades on foot carrying to sell or exposing for sale; procuring orders or selling or offering for sale; goods wares or merchandise
- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- carry all goods for sale
- hold a valid pedlar's certificate, issued by a Chief Constable of Police

Authorised Officer - An Officer authorised by the Council to act in accordance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982

Activities not requiring consent - Trading:

- as a pedlar under a Pedlar's Certificate
- at an established Charter or statutory market
- in a trunk road picnic area
- as a news vendor where only newspapers or periodicals are sold
- at a petrol filling station or shop
- at a premises used as a shop or in a street adjoining premises and as part of the business of the shop [e.g. street café]
- as a Roundsman (i.e. delivering pre-ordered goods to customers)
- from a licensed highway area
- under a Street Collection Permit for charitable purposes

1.0 The Policy

- 1.1 The powers to control street trading within the Council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'. The Council has adopted powers in the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading through a Street Trading Consent scheme.
- 1.2 This policy sets out the framework for the management of street trading in the area of Cotswold District Council.
- 1.3 The Council recognises the valuable contribution that street trading can make to the local culture and economy and the services that street traders provide to residents and visitors.
- 1.4 The Council is committed to improving the support provided to small businesses, ensuring there is no unnecessary burden placed on them and they are provided with sufficient guidance and advice.
- 1.5 This document sets out the street trading objectives the Council will use when they consider applications for Street Trading Consents. It sets out the Council's general expectations to how an application for street trading is determined.
- 1.6 The policy supports the Council's commitment to work in partnership with other agencies, and avoiding duplication with other statutory controls.
- 1.7 In determining this policy, the Council has consulted the following:
 - Gloucestershire Constabulary
 - Gloucestershire Fire and Rescue Service
 - Gloucestershire County Council Highways
 - Gloucestershire County Council Trading Standards
 - Parish and Town Councils
 - Parish Meetings
 - Current street traders
- 1.8 In addition the Council's regulatory and enforcement services have been consulted. These include:
 - Development Services
 - Environmental Services
 - Economic Development
 - Leisure and Communities
 - Legal and Property Services
- 1.9 This policy will be reviewed every five years. If required, periodic updates may be undertaken following the consultation process.

2 Legislation

2.1 The Act sets out a number of definitions and provisions.

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. The Act makes certain activities exempt from the requirement to hold a Street Trading Consent. The exempt activities are:

- (a) Trading as a Pedlar under the authority of a Pedlar’s Certificate granted under the Pedlars Act 1871.
- (b) Any trade in a market or fair held under a charter which has been granted or established by statute. This exemption does not apply to car boot sales and informal markets which have been set up.
- (c) Trading in a trunk road picnic area provided under the Highways Act 1980 (section 112). Motorway service areas fall within this exemption.
- (d) Trading as a news vendor (where the only articles sold or offered for sale are newspapers and periodicals).
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business or shop. This exemption enables people operating petrol stations to offer a range of goods on their forecourt and for shop keepers to offer goods outside their shop premises (for example a display of fruit and vegetables outside a greengrocers or plants/flowers outside a florists).
- (f) Offering or selling things as a Roundsman. For these purposes a “Roundsman” is a person who follows the round of his customers to take orders and deliver the pre-ordered goods of his customers. Case law has established that mobile ice cream sales are not exempt from street trading controls.
- (g) The use for trading under the Highways Act 1980 (Part VIIA Section 115B) of an object or structure (such as a booth or kiosk) placed on, in or over a highway.
- (h) The operation of facilities for recreation or refreshment provided under of the Highways Act 1980 (Part VIIA Section 115C);
- (i) Street collections for charitable purposes authorised by a street collection permit (issued under regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916)

2.2 Schedule 4 defines a “street” as any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980. This statutory definition of “street” is clearly wider than the dictionary definition of that word.

2.3 A Consent Street is a street in which street trading is permitted only if the consent of the local authority has first been obtained.

2.4 All streets within the Council’s District are designated as Consent Streets.

3 Licensing process and delegation of functions

3.1 The Council's aim is to provide a clear, consistent licensing service for applicants and consent holders. The setting and any revisions to this policy will be submitted with recommendations from the Licensing Committee to Full Council for consideration and approval.

3.2 The Council's relevant Licensing Sub-Committee:

- determines the application for a Street Trading Consent (where valid representations are made against the application)

When determining an application for the grant, renewal or revocation of a Street Trading Consent a Licensing Sub-Committee may:

- (a) Grant consent to the applicant as applied for
- (b) Grant consent to the applicant subject to modifications to any of the following matters:
 - The days on which trading can take place
 - The times during which trading can take place
 - The location(s) where trading can take place
 - The articles that can be traded
 - The conditions attached to the Consent
 - The duration of the Consent
- (c) Refuse to grant the Consent
- (d) Revoke an existing Consent

3.3 The Public Protection Manager and Licensing Officers are authorised to:

- (a) issue Street Trading Consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982.
- (b) vary the conditions attached to an existing Street Trading Consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
- (c) refer to Licensing Sub-Committee
 - for a review of an existing Street Trading Consent where there has been a substantiated complaint about an existing street trader or the trader has breached the conditions of the Street Trading Consent.
 - refer new applications for street trading consents to the Licensing Sub Committee where a valid representation has been made.

4 Street Trading Objectives

4.1 The following street trading objectives will be considered in deciding whether or not a Street Trading Consent will be granted and on what conditions:

(a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public e.g. obstruction of a street or a danger to persons using the street, obstruction to key sight lines for CCTV cameras, obstruction for emergency vehicles.

(b) Public Order

Whether the street trading activity represents, or is likely to represent, a risk to public order. Gloucestershire Constabulary will be consulted on all applications regarding public order.

(c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public e.g. from noise, odour, fumes, litter or waste.

5 Application advice for new applicants

5.1 Advice for New Applicants

New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.

5.2 Planning Permission

5.2.1 It is the responsibility of the applicant to identify the location(s) in which they wish to trade.

5.2.2 Private land is regarded as a 'street' if the public have access without payment. Written permission should be obtained from the land owner for the business to operate from that location.

5.2.3 Units which are moved on and off a site on a regular basis will require a Street Trading Consent.

5.2.4 Units which are permanently based on a site (even if they are capable of being moved) may need planning permission. If planning permission is granted for a permanent unit then it may not require a Street Trading Consent.

5.3 Site location

5.3.1 The following will be considered when determining suitability of the site for a static trader:

- Safety of other street users including traffic and pedestrians
- Safety of customers using the street trading unit
- Potential for obstruction, interference, inconvenience or nuisance to other street users including, other traders, traffic and pedestrians
- Potential for nuisance to residents and other businesses for example noise and/or smell
- Number of existing street traders in any one street

5.3.2 The A419 and A417 are designated as trunk roads. Road Management Services (Gloucester) Ltd [RMS] will not approve any street trading applications for laybys or slip roads along the A417 and A 419.

5.3.3 The Council may in exceptional circumstances grant more than one Street Trading Consent in a layby.

5.3.4 The Council will generally consider an application for a Street Trading Consent in respect of any Council owned car park only after consent to trade under the relevant Parking Order has been obtained.

5.4 Premises Licence

Street traders that serve hot food or hot drink at any time between 11.00pm and 05.00am will require a Premises Licence that authorises late night refreshment under the Licensing Act 2003.

5.5 Food Safety

The applicant should be able to demonstrate that all food handlers are appropriately trained / experienced. Food hygiene training certificates should be available for food handlers.

The applicant must provide evidence to demonstrate the food business is registered with a local authority.

5.6 Health and Safety

A valid gas safety certificate for all gas appliances should be available for inspection. Certificates must be issued by a Gas Safe registered engineer who holds the relevant competencies (commercial/catering and liquefied petroleum gas). As a minimum catering gas appliances should be inspected and tested every 12 months.

6 Submitting an application

6.1 All applicants must be 17 years of age or above. An application for consent must be made on the Council's standard form.

Applications forms:

- May be downloaded from the Council's website
- Electronic applications can be made through the Council's website

6.2 Two types of Street Trading Consent are issued; static and mobile

- (a) A static Street Trading Consents is issued for a trader who remains in one place during trading.
- (b) A mobile Street Trading Consent is issued to a trader who wishes to move from place to place. In order to meet the criteria for mobile consent a trader generally must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours.

6.3 All applications for the grant of a new Street Trading Consent site must include:

- (a) Completed application form
- (b) Where the proposed trading is from a specified location, a location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the site boundary with a red line.
- (c) Where the proposed trading is on a mobile basis, a list of Towns/Parishes in which trading is proposed to take place providing details where possible of the streets.
- (d) Colour photographs of the vehicle/stall showing any signage. If the vehicle/stall has not been constructed submit supplier drawings/brochure.
- (e) Valid insurance certificate for £5,000,000 public liability and public indemnity cover.
- (f) Documents to establish the applicant's identity i.e. photo driving licence or passport and one original proof of address issued within 3 months of the date of consent application e.g. utility bill (gas , electric), bank statement, mortgage statement.

6.4 For a new application the applicant must affix a prescribed Public Notice (issued by the Council) Appendix I in the location they wish to trade upon submission of the application for a period of 28 days. This must remain in place until the application has been determined.

7 Consultation Period

- 7.1 All new applications will be subject to a 28 day consultation period. The consultation period commences on the next working day following the receipt of the full application.

The consultation will seek the views of the following:

- Relevant Parish/ Town Council/Parish Meeting
- Councillor(s) for the Ward(s) concerned
- Gloucestershire Constabulary
- Gloucestershire Fire and Rescue Service (where applicable)
- Gloucestershire County Council Highways
- Gloucestershire County Council Trading Standards
- Planning and Development Services – Cotswold District Council
- Public Protection - Cotswold District Council
- Any other person(s) or bodies the Council deems relevant
- Consideration will be given to all written Representations, which are not irrelevant, frivolous, or vexatious.

8 Determination of application

Determining applications with no valid representations

- 8.1 A Street Trading Consent will be automatically granted if the application meets the Street Trading Objectives and there are no valid representations.

Determining applications through mediation

- 8.2 If the application does not meet the Street Trading Objectives, or there are valid representations Officers will contact the applicant to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced.
- 8.3 If changing the application and/or introducing additional conditions can resolve the representation and/or street trading objectives a Street Trading Consent will be issued.

Determining applications where mediation has not resolved the representations

- 8.4 If making changes to the application or introducing additional conditions cannot resolve the street trading objectives and/or representation the application will be referred to Licensing Sub-Committee.

9 Decisions

- 9.1 Where an application is referred to the Licensing Sub-Committee as a result of a valid representation being made, it will determine each application on its own merits. Applicants and the person/agency making the representation will be invited to attend. Members of the Licensing Sub-Committee will consider the information submitted as part of the application and give due consideration to persons making a representation.
- 9.2 Following the determination of an application, the Licensing Section will notify the applicant of the decision in writing within ten working days of the decision.
- 9.3 All Street Trading Consents are subject to the Council's standard conditions. Individual applications may be approved subject to additional conditions. Additional conditions form part of the Street Trading Consent and must be complied with at all times.
- 9.4 A Consent may be refused on any reasonable grounds. (LG(MP)A Paragraph 7(3) of Schedule 4). Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.
- 9.5 There is no statutory right of appeal against refusal to issue a Street Trading Consent or against conditions that may be included in a Street Trading Consent.
- 9.6 A person aggrieved by a decision of the Council may make an application to the High Court for Judicial Review of the decision. For further information on potential grounds for Judicial Review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

10 Conditions

- 10.1 The Council will apply standard conditions to all Street Trading Consents. Appendix 2 contains the Council's approved standard conditions. Additional conditions may be attached to individual consents if the circumstances warrant this, provided the conditions are reasonable and relevant to the Consent. (LG(MP)A Paragraph 7(7) and (8) of Schedule 4)
- 10.2 The conditions attached to the Consent can be varied. In the interests of fairness any proposed variation will be notified in advance to the consent holder (LG(MP)A Paragraph 7(6) of Schedule 4)

11 Duration of Street Trading Consent

- 11.1 Street Trading Consents are issued for a period of 12 months from the date of grant.
- 11.2 A Street Trading Consent may be surrendered at any time. It shall then cease to be valid.

12 Short Term Consents

- 12.1 Street Trading Consents are generally issued by the Council on an annual basis. Seasonal trading consents may be considered for a 6 month period e.g. mobile ice cream vehicles. A short term Consent may be granted for a period of up to 7 days.
- 12.2 The process is the same as for an annual Consent.

13 Renewals

- 13.1 Applications for renewal must be submitted no later than 6 weeks prior to the expiry date of the current Consent. Renewal applications made after this date will not be valid and a new application will have to be made. No trading may take place until the new Consent is issued.
- 13.2 The application form for the renewal of a Street Trading Consent site must be accompanied by:
- Street Trading Consent fee (in full)
 - Evidence of valid public liability and public indemnity insurance cover of not less than £5,000,000
- 13.3 Renewal applications will be automatically granted provided the following criteria have been met;
- no substantiated complaints have been received in the previous 12 months which relate to the Street Trading Objectives [refer to paragraph 4.0]
 - no relevant enforcement action has been taken against the applicant or persons working for the applicant
- If the criteria are not met the renewal will be subject to the same procedure as new application.

14 Transfers

- 14.1 A Street Trading Consent cannot be transferred or sold to another person.
- 14.2 Whilst the subletting of a Street Trading Consent location or pitch will ordinarily be prohibited, the Council may permit sub-letting in the case of a Consent granted to a Town or Parish Council where it is satisfied that the Town or Parish Council has, or will put in place, satisfactory measures to ensure that any individual/ organisation to whom they sublet will comply fully with the conditions subject to which the Town or Parish Council's Consent was granted.

15 Revocation

- 15.1 A Street Trading Consent may be subject to revocation during the 12 month consent period. Any valid Representation made against the Consent holder or persons working on behalf of the Consent holder will be referred to the Licensing Sub Committee to determine whether the Consent should be revoked. (LG(MP)A paragraph 7(10) of Schedule 4)
- 15.2 There is no right of appeal to the Magistrates Court against the revocation of a Street Trading Consent.

16 Markets

- 16.1 Charter markets are outside the scope of the Street Trading Policy.

17 Community and charity events

- 17.1 The Licensing Committee resolved in March 2013 that the following types of events should be exempt from the requirement to pay a Street Trading Consent fee;
- Fetes, carnivals or similar community based and run events of short duration (less than 1 day), e.g., Christmas lights switch-on events
 - Non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity, educational organisation or community-based organisation.
- 17.2 This policy further requires that the following criteria must be met in order to qualify for the exemption;
- Traders cannot trade at the location for more than 1 day or return to the location more frequently than once in any four week period
 - Traders must be pre-booked by the organisers
 - Submission of a Returns form within 28 days of the event – detailing monies raised and details of the charity, educational or community based organisation that the monies have been passed to
- 17.3 This exemption includes community car boot sales.
- 17.4 For 'hybrid' events that are part community or charity based the fee will not be reduced.
- 17.5 The fee may be waived by Officers in consultation with the Chair and Ward Councillor(s). Where necessary, the application for the waiver of the fee will be referred to Licensing Sub-Committee for determination.

18 Selling a vehicle on a street

- 18.1 A Street Trading Consent is required where vehicles are placed on a street and advertised for sale. This includes any vehicle displaying signs that name an individual or business; or displays notices/signs intended to sell the vehicle.

19 Fees

- 19.1 Fees will be set for the granting and renewal of a Street Trading Consent. The fees will be fixed by the Council on a full cost recovery basis and reviewed annually. The level of fees applicable takes into account the administrative cost of issuing the consent and the cost of Council Officers to ensure compliance with the conditions in the consent.
- 19.2 Where trading ceases during the term of a Street Trading Consent, or the consent is revoked a part refund on a pro-rata basis may be issued if appropriate. Details of the current fees can be found on the Council's website.
- 19.3 Street Trading Consent fees must be paid in full before trading commences.

20 Enforcement

- 20.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 20.2 The Licensing Section aims to work closely with other enforcement authorities when dealing with issues related to street trading.
- 20.3 Where licensable activities are conducted without a Street Trading Consent or where conditions are breached, the Council will gather evidence and take enforcement action as required.
- 20.4 The Act creates an offence of trading in a Consent Street without a Street Trading Consent punishable by a fine of up to £1000 on conviction by the Magistrates' Court.

21 Contacts

- 21.1 Commercial Team - Licensing Section
Public Protection
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX
01285 623000
licensing@cotswold.gov.uk
- 21.2 The Council has a corporate complaints procedure, copies of which are available from the Council Offices or on the Council's website www.cotswold.gov.uk

Appendix I: Public Notice

NOTICE OF APPLICATION FOR A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold etc.)	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Cotswold District Council for a Consent to carry out street trading at above location.</p>	
<p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and of the application may be inspected at: Cotswold District Council Licensing Team Trinity Road Cirencester Gloucestershire GL7 1PX Between 09:00a.m. and 16:00 (Monday to Friday except public holidays) Email: licensing@cotswold.gov.uk</p>	
<p>Any person wishing to make representations about this application may do so in writing to Cotswold District Council no later than: (no later than 28 days from the date of application)</p>	

Appendix 2

Standard conditions for Street Trading Consent

1. A Street Trading Consent is valid only for the period specified on the Consent.
2. The Consent holder must pay the fee in full prior to trading
3. Street trading is limited to the days of the week and between the hours stated on the Consent.
4. The valid identification disc or card issued by Cotswold District Council must be displayed in a conspicuous place, clearly visible to the public on the street trading unit.
5. The Street Trading Consent relates to the following vehicle/stall only:
6. The Consent holder must ensure that the stall/vehicle is positioned only in the allocated space in the location for which the Street Trading Consent is issued.
7. The Council must approve any changes to or replacement of the stall or vehicle.
8. The Consent holder must not use the site for any other purpose other than that of the operation of the Street Trading Consent
9. The Consent holder must not carry on their trade in such a way as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance
10. The Consent holder and/or his employees must only sell or offer for sale those goods specified in the Consent granted to the Consent holder
11. The Consent holder's vehicle/stall must be kept in a clean, safe and well maintained condition
12. Every static street trading vehicle/ stall must be removed from the site at the end of the trading day unless agreed by the Council.
13. Holders of mobile Street Trading Consent must not trade in one place for more than 30 minutes at a time and must not return to the same location within 2 hours.
14. The Consent holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier and must leave the site and its immediate vicinity clear of refuse at the completion of trading.
15. No water or waste material must be discharged on to the highway or any adjacent property.
16. When trading from a layby leave a maximum usable space permitting safe ingress and exit for vehicles.
17. No free standing signs e.g. 'A' boards must be displayed on the street. No free standing seating, tables, chairs, sunshades or other unapproved items are to be displayed.
18. No television, radio or other device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
19. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
20. A Street Trading Consent cannot be transferred or sold to another person.
21. The sub-letting of a Street Trading Consent location is prohibited unless agreed by the Council.
22. The Consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent holder may employ any other person to assist in operating the stall/vehicle.
23. The Consent holder will comply with the Equality Act 2010, ensuring they do not discriminate, harass or victimise customers or staff during the course of their trading. They will also ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

24. The Consent holder must have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle, or stall and any additional equipment under their control.
25. These general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the Street Trading Consent.
26. The Consent holder may terminate a Street Trading Consent by written notice to the Council.
27. Consent may be revoked by Cotswold District Council at any time.

Failure to comply with these conditions

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

Additional conditions (where applicable)

1. Where gas cylinders are used a valid gas safety certificate is required to ensure the safety of all gas appliances
2. Where the vehicle or stall has a 240 volt electrical system a valid electrical installation certificate is required.
3. A serviceable fire blanket and suitable fire extinguisher/s must be provided at all times.
4. A basic first aid kit must be provided.
5. A mobile phone must be available for use.
6. All staff involved in the preparation of food must hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
7. No signage or objects (e.g. tables/chairs) must be placed on the highway or the site without prior approval by the Council.
8. No generator must be used without the consent of the Council.
9. Where seating is provided for consumption of food on site toilet facilities must be made available
10. The Consent holder must make arrangements to ensure that all persons connected with the operation of the vehicle/stall have the means and opportunity to visit suitable toilet facilities when necessary.

This document can be produced in Braille, large print, audio tape and in other languages.

If you would like a copy in one of these formats, please phone the Print and Design Department on 01285 623215.