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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council



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**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 7 September 2017

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 14 September 2017 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Application for Grant of Street Trading Consent 3 - 18
4. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

SE Baldwin

PA Davies

DK Edwards

Councillors

DRW Lewis

DG Owen

AA Pucella

Councillors

JE Williams

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

14 SEPTEMBER 2017

REPORT OF THE CORPORATE DIRECTOR, OPERATIONAL AND PARTNERSHIP SERVICES

APPLICATION FOR GRANT OF STREET TRADING CONSENT

1. Purpose of Report.

- 1.1 To determine an application for the grant of a street trading consent for the Family Zone, The Esplanade, Porthcawl for “Elvis” merchandise and for food outlets in John Street and on The Esplanade during the Elvis Festival weekend of the 23/24 September 2017. The application has been submitted by Porthcawl Elvis Festival Ltd. This matter is referred to Sub-Committee for determination, in view of the objections raised by the highway authority.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None.

3. Background.

- 3.1 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading in the County Borough. For the purposes of the Act street trading is defined as “the selling or exposing or offering for sale of any article (including a living thing) in a street.”

- 3.2 A street includes

“(a) any road, footway, beach or other area to which the public have access without payment...”

When adopting the designation of consent streets and a street trading policy, the Licensing Committee was advised of the High Court in the case of WEST BERKSHIRE DISTRICT COUNCIL v PAINE (2009) which clarified the scope of the definition of a street. The judgement outlined that it was important to keep in mind the purpose of the 1982 Act, namely that it enabled a local authority to regulate sellers who operated without premises and itinerant traders so that it could assess the suitability of sellers; assess what nuisance or obstruction they might cause; and ensure consumer protection. The judgement concluded that whether premises were private property was an immaterial consideration for the purposes of considering what constituted a street for the purposes of Sch.4 paragraph 1(1)(a) of the 1982 Act. Therefore the key consideration for the local authority was whether the public could go to a place without having to make a payment and not whether they did so go.

- 3.3 The current application process requires the applicant to provide information to enable an assessment to be carried out as to the suitability of the applicant, and to

ensure that consideration may be given as set out in Paragraph 7 of Part III Schedule 4 of the Act, to conditions to prevent:

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise)

3.4 The policy governing the grant and renewal of applications, and the application process was approved by the Licensing Committee on 4 October 2011 (Minute 91). The resolution identified that all streets in the County Borough shall be designated as consent streets e.g. one where consent from the local authority is needed before street trading may commence.

4. Current situation / proposal

4.1 The application has been circulated to South Wales Police, the Council's Highways Department, Transportation and Engineering, Planning Department, Town Centre Manager, Property Department, Public Protection Department, Streetworks Department, Rights of Way Department, Parks and Playing Fields Department and Porthcawl Town Council. The application was also advertised on Bridgend County Borough Council website.

4.2 The Manager of the Highways Network, Bridgend County Borough Council raised initial concerns about granting the organisers permission to trade on the highway. The lack of such permission would mean that any street trading consent, if granted, could not take effect. A number of meetings have been held and correspondence exchanged on the logistics and organisation of the Festival, including the Council's Events Safety Advisory Group. However, the objection trading on the highway has not been withdrawn. The relevant correspondence from the Manager of the Highways Network is attached as Appendix A. A copy of the plans outlining the required areas for the Street Trading Consent is attached as Appendix B. A copy of the Council's Street Trading Policy is attached as Appendix C.

4.3 In addition, to the criteria referred to in paragraph 3.3 of the report, and the policy in place. The following specific paragraphs of the policy are relevant to this application:

Paragraph 2.2:

"2.2 For the purposes of this document, the term relevant representations means, representations made by a statutory or enforcement agency, Council department, or a person who is likely to be affected by the trading. Relevant representations could include matters relating to obstruction of the street, danger to persons using it or nuisance or annoyance, whether to persons using the street or otherwise, factors which are set out in the Act."

Paragraph 4.1:

"The aim of the policy is to encourage vibrant town centres and minimise nuisance in residential areas. The overriding policy is that each application will be determined on its merits. However, there will be a presumption of refusal, following relevant

representations on certain grounds connected to the potential for public safety, road safety, nuisance, obstruction, visual intrusion, litter, and noxious smells.”

Paragraph 4.4:

“In addition, there will be a presumption of refusal of consent if the following factors apply:

- a. The sale of vehicles from or adjacent to the highway other than from premises with the appropriate planning consents in place
- b. Trading in close proximity to schools, playgrounds or other community facilities regularly used by children where representations are received that the trading will result in road safety issues, impact on safe routes to schools, or anti-social behaviour and litter.
- c. Trading that will result in anti-social behaviour and litter
- d. Trading that is likely to obstruct the free flow of traffic and pedestrian movement or otherwise cause a hazard to other road users
- e. Trading that will lead to the contravention of any traffic regulation order or advice given in the Highway Code
- f. Trading that takes place in narrow or restricted areas where the activity would cause congestion or impact on public safety
- g. Trading that takes place in areas requiring servicing, deliveries or emergency access
- h. Trading that will have a detrimental effect on the character of an area”

Paragraph 5.1:

“5.1 The granting or renewal of a street trading consent is subject to standard and/or special conditions relating to such issues as:

- Obstructions
- Nuisance or annoyance
- Location of trading
- Operation times
- Litter control
- Any other conditions as are reasonable and proportionate to include consent being limited to a single location.”

Paragraph 6.3:

“6.3 The applicant will be responsible for obtaining any other permissions, including permissions from the planning and highway authority and the land owner’s consent to trade on the street. The applicant will be required to provide written confirmation of the land owner’s consent to trade on the street.”

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation

7. Financial Implications.

7.1 None. The fee for the grant of the consent has been paid.

8. Recommendation.

8.1 The powers available to the Sub-Committee are as follows:-

8.1.1 To grant the consent subject to the standard conditions and any other conditions the Sub-Committee deems reasonably necessary.

8.1.2 To refuse the application.

Andrew Jolley

Corporate Director Operational and Partnership Services

7 September 2017

Contact Officer: **Yvonne Witchell**
Team Manager Licensing

Telephone: (01656) 643643

E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Application for Street Trading Consent
Council's Street Trading Policy

Sharon Jones (Licensing)

Subject: FW: Elvis Festival ESAG Meeting
Attachments: Street Trading TEN Pic 1.jpg; Street Trading TEN Pic 2.jpg

Subject: RE: Elvis Festival ESAG Meeting

All,
Apologies for missing the meeting earlier as I had other commitments.

I have received further information via Paul Rees regarding what was discussed and a copy of the updated plan from the Elvis event organiser (which I have attached). I have also had an opportunity to discuss certain issues with Ian David.

As I have previously stated a highway authority are not permitted to allow trading on the highway, and therefore the highways department cannot provide such permission as has been requested from the event organiser via licensing.

In speaking to Ian David he advised me that the previous discussions with the organiser revolved around the family area only and recalls no discussion in regard to permission to erect stalls to serve refreshments and/or merchandise which seems to be the case now. The family area is not an issue in that no goods are being sold from what has been explained to date and as such no trading takes place, although from the latest plans submitted this has now been removed. Also whilst a number of the stalls have been shown as in the area subject to the temporary closure there is also one unit that has been identified as outside of the official closure area and sits in the area where traffic are expected.

I have also been advised that the TEN area includes a trailer/stage to be placed on the footway area. No details have been provided previously regarding this, and no details as to how the stage will be laid out and what protection is to be provided for the footway when the structure has been erected. Before permission can be given for its placement, this information will need to be provided. Previous correspondence in regard to this area was "..... to set up a sound system in the small 'pulpit' situated within the Esplanade railings" No mention of a stage/trailer was referred to previously.

Thanks

Jason Jenkins

Rheolwr y Rhwydwaith Priffyrdd | Manager Highways Network
Y Gyfarwyddiaeth Cymunedau | Communities Directorate
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From: Jason Jenkins
Sent: 07 September 2017 17:16
To: Yvonne Witchell <Yvonne.Witchell@bridgend.gov.uk>
Cc: Kevin Mulcahy <kevin.mulcahy@bridgend.gov.uk>
Subject: FW: Licensing Committee - Elvis

Yvonne,

Sorry it's a bit late but here are the Highways Departments comments..

The highway authority has been asked to provide permission for units/stalls to be placed on the highway to allow the selling of goods/merchandise/food in Porthcawl as part of the Elvis festival.

In consideration of this request the highway authority need to be mindful of its responsibilities under Section 130 of the Highways Act 1980 which places a duty on the highway authority " to assert and protect the rights of the public to the use of the highway..." Any items including booths or stalls , mobile catering units etc. placed on the highway would be considered to be an obstruction, and the owner can be prosecuted under section 137 and 148 of the Highways Act 1980, and units removed under section 149. The amount of space taken up is not actually relevant, the duty of the highway authority is to ensure that the highway is kept free of obstruction. The highway authority would take action normally when such obstructions are considered to be causing a danger to the highway user and/or a nuisance.

Under the licensing procedure the licensee is requested to seek permission from the owner/controller of the area they wish to site a unit, to allow the licence to be processed. In the situation of placement on a highway, permission would have to be sought from the highway authority, as such and based on the legislation referred to above, the highway authority do not provide such permission.

However, It is recognised that there is provision under the Local Government Miscellaneous Provisions Act 1984 schedule 4 for licences to be issued to allow the placement of goods/stalls etc on consented streets.

Whilst the highway authority are guided by the provisions of section 130 of the highways act 1980, if the committee are minded to grant a licence under the Local Government Miscellaneous Provisions Act 1984 schedule 4 the highway authority would request that the licence be restricted to the curtilage of extent and duration of the events temporary traffic order, that nothing restricts the passage of emergency vehicles along the carriageway, insurance cover is provided for damages arising from the undertaking to the highway and any of its assets and timings appropriate to the avoidance of nuisance are considered within the conditions of the licence.

Thanks

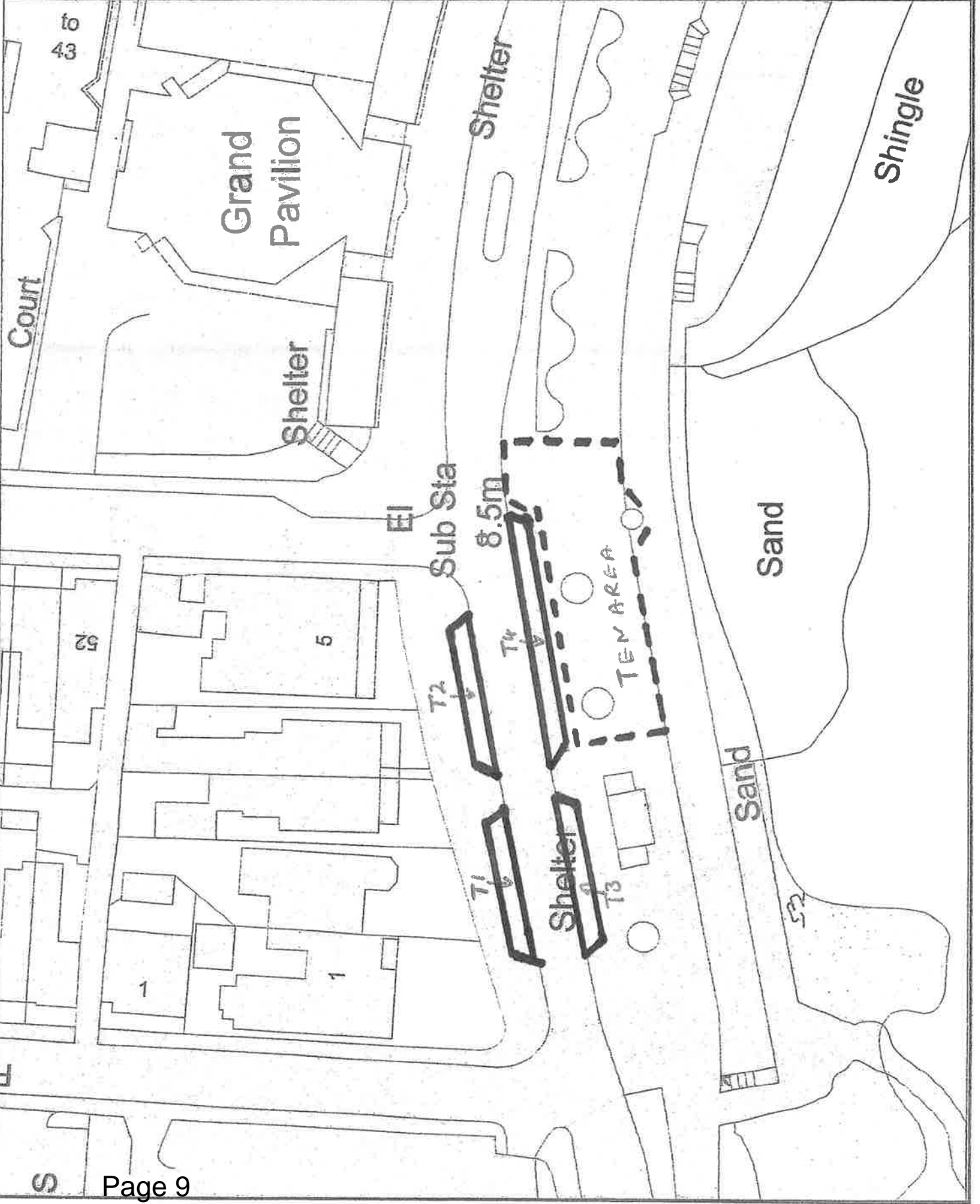
Jason Jenkins

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Bridgend County
Borough Council

**Y Gyfarwyddiaeth
Cymunedau
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Directorate**

**Ian David
Arweinydd Tîm Gwaith Stryd
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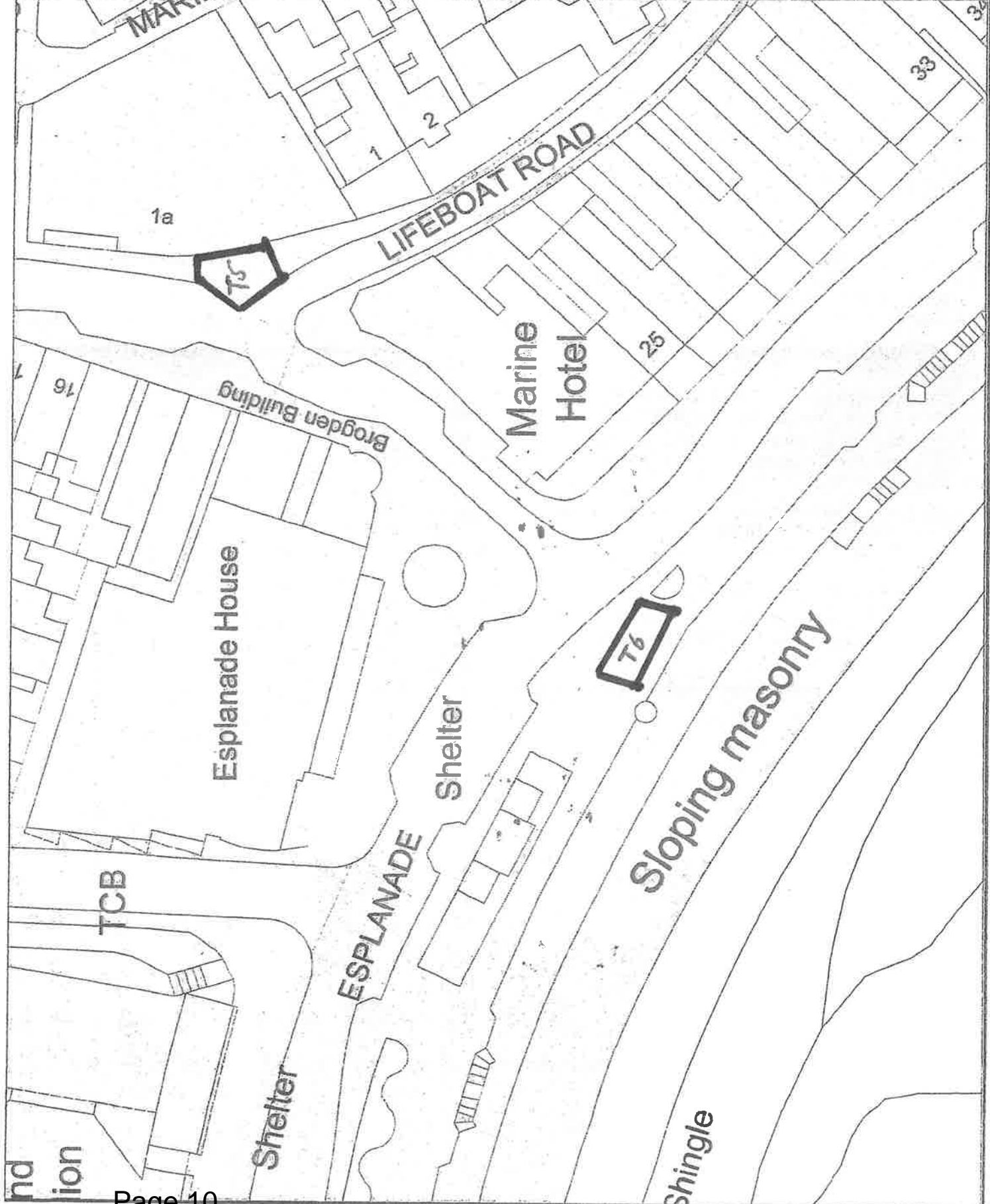
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BRIDGEND COUNTY BOROUGH COUNCIL STREET TRADING POLICY

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 4

1.0 Definition of Street Trading

- 1.1 Street Trading is the offering, exposing or selling of articles for sale (including living things). This means that the legislation covers the advertising and offering of items for sale although it is restricted only to goods and not to services.
- 1.2 Street Trading involves the actual sale of goods, and not just an agreement to sell goods; that is, the goods need to be physically present and title in the property must pass as part of the contract transacted between the trader and the buyer.

2.0 Exemptions from Street Trading controls include:

- Trading by person acting as a pedlar with a pedlar's certificate granted under the Pedlars Act 1871.
- Markets or fairs, where there is statutory authority to hold the market or fair (such as by way of Royal Charter).
- Trading in a trunk road picnic area provided by the Secretary of State under S112 of the Highways Act 1980.
- Trading as a news vendor (only newspapers or periodicals may be sold and no stall or receptacle may be larger than 1.0m by 1.25m by 2.0m high and does not stand on the carriageway).
- Trading carried on at petrol filling stations or on their forecourts.

- Trading at premises used as a shop, or in a street adjoining those premises and which is part of the shop's business.
- Selling things, or offering or exposing them for sale, as a rounds man.
- The use for trading facilities or recreation or refreshments under the Highways Act 1980, such as pavement cafes.
- Activities where trading takes place as part of street collections authorised by S5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, for charitable and benevolent purposes.
- Street trading is also prohibited on special roads, such as motorways, motorway service areas, and principle trunk roads and a 'street' as defined in the Highways Act 1980 as including any road, footway, beach or other area to which the public have access without payment.

2.1 The following street trading activities have been deemed to not require the consent of Bridgend County Borough Council:

- Trading at outdoor school fetes, school carnivals, school car boot sales or other non-profit making events. Any commercial vendor attending such events will be required to hold a street trading consent.
- Trading at community fun days or similar events organised by non-profit making organisations. Any commercial vendor attending such events will be required to hold a street trading consent.
- Sales of articles by residential occupiers within the curtilage of their properties

2.2 For the purposes of this document, the term relevant representations means, representations made by a statutory or enforcement agency, Council department, or a person who is likely to be affected by the trading. Relevant representations could include matters relating to obstruction of the street, danger to persons using it or nuisance or annoyance, whether to persons using the street or otherwise, factors which are set out in the Act.

3.0 Introduction

3.1 This policy covers street trading within the Bridgend County Borough area. The granting of the street trading consents is made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 – Street Trading. (The Act).

3.2 For the purpose of this policy, the Council shall be comprised of two zones – Town Centre zones being the Bridgend, Porthcawl and Maesteg town centres and an Outer Zone comprising any other part of the County Borough. Consents will normally be issued for a specific site and will not be transferrable.

3.3 For the purpose of the policy, all streets within the Bridgend County Borough have been designated as consent streets as defined in the Act. For the purposes of this Act a street is defined as any road, footway, beach or other area to which the public has access without payment. The designation includes any part of a street, and all

forecourts, roads, footways or other areas adjacent to the streets for a distance of thirty metres.

- 3.4 Subject to statutory exemptions a street trading consent is required for the sale of any goods in the streets (as defined in paragraph 3.3) to which members of the public have access to without payment.
- 3.5 A separate application process applies to the sale by retail of alcohol and/or the provision of any regulated entertainment associated with trading and for permission to trade from specific pitches and for trading on any part of the pedestrianised town centre areas or any maintainable highway. The grant of a consent does not guarantee that other types of permission or application required will be granted automatically and event organisers are urged to contact the Council at the planning stage to discuss their event in more detail.
- 3.6 The Council must be mindful of the operation of any existing market, the commercial shops in the Town Centres and existing festivals and events. The Council may restrict the sale of goods by street traders to types which are not in direct competition with shops, sales outlets or other street traders in that immediate vicinity.

4.0 Town Centre and Outer Zone policy

- 4.1 The aim of the policy is to encourage vibrant town centres and minimise nuisance in residential areas. The overriding policy is that each application will be determined on its merits. However, there will be a presumption of refusal, following relevant representations on certain grounds connected to the potential for public safety, road safety, nuisance, obstruction, visual intrusion, litter, and noxious smells.
- 4.3 In the town centre zones, applications for consents involving the following goods from sole traders not connected to a Council approved themed event or festival will normally be refused, if relevant representations are made:
 - Posters or similar items
 - Sports goods, household goods and clothing
 - Fish and meat from commercial vans or stalls
 - Food vendors (burger vans, ice cream vans etc)
- 4.4 In addition, there will be a presumption of refusal of consent if the following factors apply:
 - a. The sale of vehicles from or adjacent to the highway other than from premises with the appropriate planning consents in place
 - b. Trading in close proximity to schools, playgrounds or other community facilities regularly used by children where representations are received that the trading will result in road safety issues, impact on safe routes to schools, or anti-social behaviour and litter.
 - c. Trading that will result in anti-social behaviour and litter

- d. Trading that is likely to obstruct the free flow of traffic and pedestrian movement or otherwise cause a hazard to other road users
 - e. Trading that will lead to the contravention of any traffic regulation order or advice given in the Highway Code
 - f. Trading that takes place in narrow or restricted areas where the activity would cause congestion or impact on public safety
 - g. Trading that takes place in areas requiring servicing, deliveries or emergency access
 - h. Trading that will have a detrimental effect on the character of an area
- 4.5 The type of goods to be sold at themed events such as food festivals or seasonal events may include those included in the above list, but subject to approval by the Town Centre Manager.
- 4.6 There will be a presumption of grant for applications for consent for ice cream tricycles subject to a limit of a maximum of six being issued per annum in the Porthcawl Zone.
- 4.7 For all other outer areas of the County Borough, each application will be dealt on its merits but there will be a presumption of refusal of consent in the following circumstances:
- a. The sale of vehicles from or adjacent to the highway other than from premises with the appropriate planning consents in place
 - b. Trading in close proximity to schools, playgrounds or other community facilities regularly used by children where representations are received that the trading will result in road safety issues, impact on safe routes to schools, or anti-social behaviour and litter.
 - c. Trading that would will result in anti-social behaviour and litter or noxious smells
 - d. Trading which would obstruct the free flow of traffic and pedestrian movement or otherwise cause a hazard to other road users
 - e. Trading that will lead to the contravention of any traffic regulation order or advice given in the Highway Code
 - f. Trading in narrow or restricted areas where the activity would cause congestion or impact on public safety
 - g. Trading in areas requiring servicing, deliveries or emergency access
 - h. Trading which will have a detrimental effect on the character of an area

5.0 Street Trading Consent conditions

5.1 The granting or renewal of a street trading consent is subject to standard and/or special conditions relating to such issues as:

- Obstructions
- Nuisance or annoyance
- Location of trading
- Operation times
- Litter control
- Any other conditions as are reasonable and proportionate to include consent being limited to a single location.

5.2 Street trading consents are available for a maximum of 12 months and will be issued pro rata where requested.

6.0 Application criteria

6.1 Applicants for street trading consents have a public interface, often with children and vulnerable persons. Applicants will therefore be required to submit a current (a maximum of 28 days old) "subject access search" from the Police National Computer (PNC) or other approved Criminal Record Disclosure before consent is issued and for every assistant involved in the operation of the consent. A copy of the criteria to be used in the assessment of convictions is set out below. The Licensing Sub-Committee will determine applications from persons with unspent criminal convictions and other cases where an applicant is considered unsuitable to hold a consent.

6.2 Applications may be submitted in hard copy or electronically and must include a plan showing the location of proposed trading, a description of the goods to be sold, the contact details of the consent holder and vendors and, where trading takes place from a stall, cart or vehicle, a photograph of said stall, cart or vehicle. The Council will also request any other information deemed necessary and reasonable to determine the application.

6.3 The applicant will be responsible for obtaining any other permissions, including permissions from the planning and highway authority and the land owner's consent to trade on the street. The applicant will be required to provide written confirmation of the land owner's consent to trade on the street.

6.4 Applicants are advised to apply at least eight weeks in advance of the event.

6.5 The level of street trading fees will be reviewed annually as part of the normal budget exercises. Any default in payment in fees will render the consent void.

7.0 Consultation

7.1 Following receipt of an application for a street trading consent the Council will consult (where applicable);

- The South Wales Police
- Group Manager Highways
- Group Manager Transportation
- The planning authority

- Bridgend County Borough Council Town Centre Manager
- Bridgend County Borough Council Property Department
- Bridgend County Borough Council Public Protection Department
- Bridgend County Borough Council Streetworks Manager
- Local Chamber of Trade or other similar representative group
- Public Consultation will be via the Council's website www.bridgend.gov.uk
- Head Teachers – close to application site

8.0 Appeals process/redress

- 8.1 The legislation does not make provision for an appeal to be brought against the refusal of a consent. Redress in the first instance should be sought via the Group Manager Public Protection or via the Council's Corporate Complaints service. More details of this service can be accessed at www.bridgend.gov.uk

9.0 Food premises registration

- 9.1 Although not forming part of this policy applicants are reminded of the need to register food businesses with the local authority. Registration involves completing an application form. There is no charge for registration but new businesses must register at least twenty eight days before they intend to open so as to enable appropriate advice to be given by Council officers. More information can be accessed at publicprotection@bridgend.gov.uk

10.0 "Grandfather" rights

- 10.1 Following the adoption of this policy, the Council will depart from the above criteria in order to give special consideration to applications from existing traders in areas where controls did not previously exist who can provide evidence of long standing or permanent trading from a site, providing they are in possession of the land owner's permission and all other relevant permissions relating to the trading operation. Consent to trade in the following goods, or in the following locations is likely to be refused in the following circumstances:
- a. The sale of vehicles from or adjacent to the highway other than from premises with the appropriate planning consents in place
 - b. Trading in close proximity to schools, playgrounds or other community facilities regularly used by children where representations are received that the trading will result in road safety issues, impact on safe routes to schools, or anti-social behaviour and litter.
 - c. Trading that will result in anti-social behaviour and litter
 - d. Trading that is likely to obstruct the free flow of traffic and pedestrian movement or otherwise cause a hazard to other road users
 - e. Trading that will lead to the contravention of any traffic regulation order or advice given in the Highway Code
 - f. Trading that takes place in narrow or restricted areas where the activity would cause congestion or impact on public safety

g. Trading that takes place in areas requiring servicing, deliveries or emergency access

h. Trading that will have a detrimental effect on the character of an area

11.0 Enforcement

11.1 The Council will adopt a risk based approach to enforcement and regulation and follow the Council's enforcement protocols. The aim of the approach is to ensure proportionality, consistency and transparency. It is likely that trading associated with small scale charitable events will be subject to a "light touch" approach to regulation and traders will be given a reasonable period of time to apply for the necessary consents. Advice and sources information will be provided to organisers via the Council's website or via other means where requested.

12.0 STATEMENT OF POLICY IN RESPECT OF THE LICENSING OF EX-OFFENDERS IN RESPECT OF STREET TRADING CONSENT APPLICATIONS

12.1 The following is a description of the Council's general approach to certain categories of offences but each case will be dealt with on merit. The main considerations in each case will be the safety of the public, the fact that traders do not trade from premises and may therefore have unsupervised access to the public, and in particular the young and vulnerable. In all cases, greater weight will be given to convictions where the victim was a young or vulnerable person and those relating to trading, counterfeiting or similar offences.

12.2 Dishonesty

Members of the public using a street trading outlet expect the holder and his/her assistant to be honest and trustworthy. For this reason a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely to be granted a street trading consent where the application is made within 3 to 5 years of a conviction for dishonesty of any kind.

12.3 Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commission of an offence involves loss of life, a street trading consent will normally be refused.

In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

12.4 Misuse of Drugs

A very serious view will be taken of convictions relating to the supply or importation of drugs and is likely to result in the refusal of a consent.

For a conviction relating to the possession of drugs the applicant should be free of conviction for at least 5 years at the date of the application depending on the circumstances.

12.5 Sexual and indecency offences

As the holders of street trading consents and their assistants may have access to unsupervised children or the vulnerable applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will be refused a street trading consent.

12.6 Motoring convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent is a suitable person. Each case will be dealt with on its merits with greater weight being given to convictions attracting a disqualification.

12.7 Formal cautions and fixed penalty notices

For the purposes of these guidelines, the Council will treat relevant Formal Cautions and fixed penalty notices as though they were a conviction before the courts.

12.8 The policy shall also apply to any person who assists the consent holder to trade.

This policy is available in Welsh and in other formats on request

Date of issue: November 2011

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