

Public Document Pack

25 August 2017

Our Ref Hitchin Committee 08.17
Your Ref.
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To: Members of the Committee: Councillor Nicola Harris (Chairman), Councillor Ian Albert Vice-Chairman), Councillor Judi Billing, Councillor Paul Clark, Councillor Elizabeth Dennis, Councillor Simon Harwood, Councillor Bernard Lovewell, Councillor Alan Millard, Councillor Frank Radcliffe, Councillor Ray Shakespeare-Smith, Councillor Adrian Smith, Councillor Martin Stears-Handscorn and Councillor Richard Thake

You are invited to attend a

MEETING OF THE HITCHIN COMMITTEE

to be held in the

**PETER MORRISON HALL, BENSLOW MUSIC SCHOOL,
BENSLOW LANE, HITCHIN**

On

TUESDAY, 5 SEPTEMBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 27 JUNE 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 27 June 2017	(Pages 1 - 14)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public including: 1. Hammersmatch; 2. Hitchin Town Twinning; 3. Rhythms of the World.	
6. FEASIBILITY STUDY RE LINK ROAD OFF STOTFOLD ROAD UPDATE To receive a verbal update from County Councillors Judi Billing and Derrick Ashley regarding the feasibility study regarding a link road off Stotfold Road.	
7. HIGHWAYS MATTERS The Chairman to lead a discussion regarding Highways Matters	

- 8. GRANTS AND COMMUNITY UPDATE** (Pages
REPORT OF THE COMMUNITIES MANAGER 15 - 24)
- To update the Committee on the activities and actions of the Communities Officer, to advise on the current expenditure and balances of the delegated budgets and to consider applications for grant funding.
- 9. CONSULTATION IN RELATION TO THE PROPOSED STREET TRADING POLICY 2018 - 2025** (Pages
REPORT OF THE LICENSING MANAGER 25 - 56)
- To comment upon the proposed Street Trading Policy for the Council, particularly in relation to any matters specific to Hitchin.
- 10. HITCHIN TOWN CENTRE MANAGER**
To receive an oral presentation from the Hitchin Town Centre Manager
- 11. UPDATE ON THE GREEN SPACE STRATEGY - PLAY AREAS**
To receive an update from Councillors Simon Harwood and Martin Stears-Handscomb regarding the work they have been undertaking regarding play areas
- 12. UPDATE FROM THE MEMBER OF PARLIAMENT FOR HITCHIN AND HARPENDEN** (Pages
To receive an update from Bim Afolami, Member of Parliament for Hitchin and Harpenden. 57 - 58)
- 13. WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS**
To receive any oral reports from Members regarding Ward matters and Outside Organisations.
- 14. ITEMS FOR DISCUSSION AT FUTURE MEETINGS**
To receive suggestions for Items to be discussed at future meetings from Members of the Committee

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

HITCHIN COMMITTEE

MEETING HELD IN THE WESTMILL COMMUNITY CENTRE, JOHN BARKER PLACE.
HITCHIN ON TUESDAY, 27TH JUNE, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Nicola Harris (Chairman), Councillor Ian Albert (Vice-Chairman), Judi Billing, Paul Clark, Elizabeth Dennis, Alan Millard, Frank Radcliffe, Ray Shakespeare-Smith and Richard Thake*

In Attendance:

Andy Godman (Head of Housing and Public Protection), Kate Voice, Claire Morgan (Communities Officer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting 15 members of the public.

4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Simon Harwood, Bernard Lovewell, Adrian Smith and Martin Stears-Handscomb.

5 MINUTES - 7 MARCH 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 7 March 2017 be approved as a true record of the proceedings and be signed by the Chairman.

6 MINUTES - 18 MAY 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 18 May 2017 be approved as a true record of the proceedings and be signed by the Chairman.

7 NOTIFICATION OF OTHER BUSINESS

No other business had been notified.

8 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman thanked all who had attended Town Talk.
- (2) The Chairman welcomed all present, particularly those who had attended to give a presentation;
- (3) The Chairman asked the Committee to join her in thanking former Councillor Allison Ashley, who had decided to stand down as a Councillor, for all of her work in Hitchin and North Hertfordshire over many years as a Councillor.

Members unanimously agreed with the proposal;

- (4) The Chairman welcomed Councillor Ray Shakespeare-Smith back to the Committee;
- (5) The Chairman thanked Councillor Judi Billing for her Chairmanship of the Committee during the 2016/17 Civic Year;

- (6) The Chairman informed those present that, in accordance with Council policy, the meeting would be audio recorded;
- (7) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

RESOLVED: That former Councillor Allison Ashley be thanked for all of her work in Hitchin and North Hertfordshire over many years as a Councillor.

9 PUBLIC PARTICIPATION - 8TH OUGHTON SCOUTS

Mrs Erica Lang thanked the Chairman for the opportunity to address the Committee on behalf of the 8th Oughton Scouts and gave a verbal presentation regarding their activities.

Mrs Lang informed Members that they wished to say thank you for the grants received from the Hitchin Committee last year and to inform Members how the grant supported activities.

This Scout Group was fairly new, having been open for almost 4 years and was continuing to grow with many children coming from the Westmill area.

The grant helped the groups to buy lots of camping equipment including tents and cooking equipment, which had then enabled them to attend the District Activity Weekend in May 2017.

All of the Beavers, Cubs and Scouts attended the weekend and stayed under canvass, which for many of them was the first time they had been camping.

As a thank you, the children had put together a brochure describing their weekend, which was circulated to the Members.

Some of the children then informed Members what activities they did during the weekend and what they enjoyed including:

- The weekend was very exiting and inspirational;
- The activities were fun;
- Lots of people enjoyed roasting marshmallows;
- It was fun sleeping in the tent and waking up in the morning with damp clothes.

Mrs Lang informed Members that this was the first time that they had been to a District event and that it was good for the children to be able to mix with other groups around Hitchin, which had whetted their appetite to so more camping and attend more District events.

She concluded by reiterating her thanks for the grant funding, that had made such a huge difference to the children and to the leaders.

Members asked which camp site they visited on the District Wide Event

Mrs Lang advised that the District Wide Event took place at Bromham in Bedfordshire

Members commented that it was fantastic to get feedback from groups that had received funding.

A Member drew attention to the Scout Day that would be happening in Hitchin Town Centre on Saturday 1 July 2017 and encouraged everyone to attend with their children.

The Chairman thanked Mrs Lang for her presentation.

10 PUBLIC PARTICIPATION - HITCHIN OUTDOOR POOL

Mr Charles Bunker thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding Hitchin Outdoor Pool.

Mr Bunker informed Members that he went swimming on a very busy day for the pool and was upset that approximately 40 percent of the pool was roped off and not able to be used.

Following this visit, he had posted an article regarding his experience on social media, which had received 693 engagements and 309 comments.

He hadn't realised the extent of the concerns regarding the pool until people stopped him in the Town Centre to comment on his article and some of the feedback had been about how, 50 years ago, the swimming pool had been a great social leveller.

There were four things that Hitchin was recognised for being, the Church, the market square, the view from Windmill Hill and the 80 year old Outdoor Pool that characterised the Town and at which he, had many years ago, spent a summer as a lifeguard.

Mr Bunker stated criticisms were not aimed at the staff, who worked extremely hard, but he was concerned that the pool was not being looked after by the management and gave the following examples of areas of concern:

- Dirty water in the pool that resulted in 40 percent being roped off as unusable;
- Dirty lavatories.

One of the reasons given for dirty water was sun cream, and he acknowledged that more people used sun cream as a matter of course than 50 years ago, but stated that if proper maintenance was carried out for instance care of filters and with the installation of modern technology, clean water was possible.

However there was a more basic problem that could help prevent dirty water in that the paths had not been swept for weeks and there was no longer a footbath to clean your feet before entering the pool,

He expressed concern regarding the change in the Health and Safety culture that had resulted in removal of the diving boards and the prevention of lilos and balls in the pool which meant there was nothing for children to play with in the pool and it was no longer fun.

There used to be a large area of grass for children to play on whilst not swimming and this had been gradually reduced over time and there was now no direct access from the grass to the pool. Mr Bunker suggested that a small piece of Butts Close be integrated into the swimming pool to enable swimmers to play games on.

Members re-iterated that the increased use of sun cream did indeed have an effect on the visibility of the water and therefore the safety when swimming.

They advised that the Manager of the pool was more than happy to have a users forum meeting and reminded people that, in the past, the pool used to close for two hours to enable cleaning to take place and that patrons had to pay again to use it in the afternoon, whereas it currently remained open all day.

In respect of Mr Bunker's comments regarding children not having fun at the pool, Members refuted this and commented that the children who used the pool did have a lot of fun.

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Members acknowledged that there may be improvements that could be made, but also noted that usage rates was weather dependent and that when the sun went in the pool usage reduced dramatically.

They commented that Health and Safety was vital and should not be dismissed and noted that no complaints had been made to the Council regarding these issues.

The Chairman thanked Mr Bunker for his presentation.

11 PUBLIC PARTICIPATION - ST FAITHS CHURCH SMALL TALK CARER AND TODDLER PROJECT

Prior to consideration of the item Councillor Alan Millard declared a declarable interest as his grandchildren enjoyed attending St Faiths. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

Rev Melanie Crowley and Ms Mary Goose, St Faiths Church, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding their Small Talk Carer and Toddler Group grant application as follows:

Small Talk was a group for pre-school children and their carers that had been running for approximately two years and was open on Thursday mornings during term time.

The aims of the group were strictly non-educational but rather sought to provide a space where children and their carers could be happy, where the children could play the carers have a cup of coffee and both could form new friendships.

The laid back atmosphere and the choice of toys and crafts that weren't loud and competitive had made it a very attractive group.

Mrs Goose informed Members that, although the group was held in St Faiths it was a completely non-religious group.

Activities included play, crafts and singing, but some of the current toys and equipment, which had been donated, were in need of replacement, particularly the very old wooden chairs.

The aim was to purchase brightly coloured plastic chairs in different sizes, make more of the baby area with a couple of new rugs and buy more toys such as jigsaws.

Members asked whether they had any of their own funds to put towards these purchases.

Mrs Goose advised that they charged each family a small amount each week that was used for running costs and therefore they did not have any savings to use.

St Faiths contributed to the group by providing the room, heat, light etc at no charge and any monies collected were paid to St Faiths towards heating costs.

The Chairman thanked Rev Crowley and Mrs Goose for their presentation.

12 PUBLIC PARTICIPATION - HITCHIN SENIOR CITIZENS

Prior to consideration of the item Councillor Richard Thake declared a declarable interest as he was the Council's representative on Hitchin Senior Citizens. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

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Prior to consideration of the item Councillor Alan Millard declared a declarable interest as he was a member of Hitchin Senior Citizens. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

Mrs Mick Furr MBE, Hitchin Senior Citizens, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding their grant application.

Mrs Furr informed Members that Hitchin Senior Citizens was formed in the 1950s and that she had been involved with them for about 40 years.

In the early days there were about 15 groups catering for older people, over the years people socialised less and less and the groups reduced.

Last year the running costs amounted to £3,600 with the grant of £2,600 from this Committee in 2016/17 covering room hire, transport and insurance costs.

When Bancroft Hall closed they moved to Westmill Community Centre and now have a membership of 70 – 80 people who enjoy a Lunch Club, a Strength and Stability Exercise Group and support with transport through Helping Hands.

This year they were asking for £2,000 as they had sufficient other funds to cover the rest of the costs for the current year.

The Chairman thanked Mrs Furr for her presentation.

13 PUBLIC PARTICIPATION - FAMILY MATTRES

Prior to consideration of the item Councillor Richard Thake declared a declarable interest as the person representing this organisation at the meeting was a long term family friend. He advised that this would not affect his ability to determine the application for grant funding and therefore he would remain in the room for the presentation and any debate and would take part in the vote.

Ms Charmaine Rogers, Family Matters, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding their grant application.

Ms Rogers informed Members that she ran Family Matters met at the Children's Centre on Friday mornings throughout the year.

The group was started, with the support and encouragement of several Councillors, following Homestart losing their funding and had been very successful

Family Matters was about encouraging and enabling parents, who did not traditionally access mainstream services and confidence building and structure for the children.

Referrals were taken from the Children's Centre, Health Care Visitors, GPs and Children's Services.

During term time parents attended with their children, aged under five, and this continued during the school holidays, which could be an expensive time for parents.

Parents were likely to be on a low income and may not have received parenting examples or advice. They may be struggling with several young children and may be a single parent. Each family were asked for a contribution of £1 per week.

It was important that parents accompanied their children in order to learn parenting skills and about healthy eating.

Every week the group supported parents and children with arts and craft, cookery and other indoor activities as well as trips outside for picnics and to go swimming.

Members asked for clarification regarding the total cost of the project.

Ms Rogers advised that the project cost was approximately £820.

The Chairman thanked Ms Rogers for her presentation.

14 GRANTS AND COMMUNITY UPDATE

The Communities Officer presented the report of the Strategic Director of Finance, Policy and Governance entitled Grants and Community Update and drew attention to the following:

Budgets

The amount of unallocated funds available in the 2017/18 Discretionary Budget was £19,600, there was a further £15,300 carried forward from the 2016/17 Civic Year.

Any grants awarded would be allocated from the 2016/17 carry forward amount until it was depleted, at which point the 2017/18 funds would be utilised.

Grants Policy

Members commented on the effects of the revised grants policy and the creative steps that Area Committees had to take to ensure that groups received sufficient funding to continue operating during the years when they were ineligible to apply for grant funding

RESOLVED:

- (1) That all grants be allocated from the 2016/17 carry over amount of £15,300, until it is depleted;
- (2) That the budgetary expenditure, balances and carry forwards from the Development Ward Budgets as set out in Appendix A – Hitchin Area Committee budget for 2017/18 be noted;
- (3) That the Committee endorses the actions taken by the Community Officer to promote greater community capacity and well-being for Hitchin;

REASON FOR DECISION: To keep Members of the Committee apprised of the latest developments in community activities in Hitchin.

15 GRANT APPLICATION - HITCHIN SENIOR CITIZENS

Prior to consideration of the item Councillor Richard Thake declared a declarable interest as he was the Council's representative on Hitchin Senior Citizens. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

Prior to consideration of the item Councillor Alan Millard declared a declarable interest as he was a member of Hitchin Senior Citizens. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

The Communities Officer reminded Members that Hitchin Senior Citizens had received a grant in January 2016, but this was prior to implementation of the current Grants Policy and therefore did not prohibit them for applying for funding this year.

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Members acknowledged that, under the revised Grants Policy, groups were only able to apply for grant funding every two years and commented that Hitchin Senior Citizens would be unlikely to be able to continue operating without this source of funding.

They discussed that, to ensure the continuation of this valuable and appreciated group, consideration should be given to increasing the amount requested.

It was also suggested that Hitchin Senior Citizens be encouraged to apply to County Councillors for grant funding from their Locality Budget.

It was proposed and seconded that grant funding of £3,000 be awarded to Hitchin Senior Citizens

RESOLVED:

- (1) That grant funding of £3,000 be awarded to Hitchin Senior Citizens from the 2016/17 Discretionary Budget as funding towards the cost of venue hire for a two year period;
- (2) That the Communities Officer be requested to signpost this organisation to their County Councillors to consider funding from their Locality Budget.

REASON FOR DECISION: To improve services provided by local organisations and groups which are accessed by the community.

16 GRANT APPLICATION - ST FAITHS SMALL TALK CARERS AND TODDLER GROUP

Prior to consideration of the item Councillor Alan Millard declared a declarable interest as his grandchildren enjoyed attending St Faiths. He advised that, as this was not a pecuniary interest, he would remain in the room during the presentation and any debate and would take part in any vote.

The Communities Officer informed Members that St Faith's had not made any request for grant funding since 2009.

RESOLVED:

- (1) That grant funding of 500 be awarded to St Faiths from the 2016/17 Budget as funding towards the cost of replacing old wooden furniture and the purchase of new toys for the Small Talk Carers and Toddlers Group;
- (2) That the Communities Officer be requested to signpost this organisation to their County Councillor to consider funding from their Locality Budget.

REASON FOR DECISION: To improve services provided by local organisations and groups which are accessed by the community.

17 GRANT APPLICATION - FAMILY MATTERS

Prior to consideration of the item Councillor Richard Thake declared a declarable interest as the person representing this organization at the meeting was a long term family friend. He advised that this would not affect his ability to determine the application for grant funding and therefore he would remain in the room for the presentation, any debate and would take part in the vote.

The Communities Officer reminded Members that Family Matters had received grant funding within the last two years, but this was prior to implementation of the current Grants Policy and therefore did not prohibit them for applying for funding this year.

Family Matters was a valuable group that supported disadvantaged families by providing education regarding parenting skills and how to enjoy being a parent.

Members acknowledged that this group would be unable to apply for further funding for a period of two years and discussed whether or not to increase the amount awarded to help ensure that the service continued.

It was also suggested that Hitchin Senior Citizens be encouraged to apply to County Councillors for grant funding from their Locality Budget.

RESOLVED:

- (1) That grant funding of £1.230 be awarded to Family Matters from the 2016/17 Discretionary Budget as funding towards the cost of a summer holiday programme for children aged up to 10 years for two years;
- (2) That the Communities Officer be requested to signpost this organisation to their County Councillor to consider funding from their Locality Budget.

REASON FOR DECISION: To improve services provided by local organisations and groups which are accessed by the community.

18 HOMELESSNESS IN HITCHIN

The Head of Housing and Public Protection Service and the Housing Options Manager gave a verbal update regarding homelessness in Hitchin.

The Head of Housing and Public Protection informed Members that the Housing Team were aware that homelessness was increasing across Hertfordshire and that rough sleeping in Hitchin was also more frequent

The Housing Options Manager informed Members that they had recently commissioned the Haven to carry out a small project to ascertain the level and backgrounds of the rough sleepers across North Herts.

In Hitchin this project had identified 5 rough sleepers, most of whom were known to the night shelter with many having complex needs including drug and alcohol dependency and mental health issues which made them difficult to engage with.

The night shelter aimed to engage with the drop in service at Christ Church as well as with drug and alcohol support agencies.

In respect of the Housing Options Service, once a rough sleeper had been made known to the team, a team member would provide some outreach work and attempt to engage with that person to look at their options for housing whether it be private rented or short term hostel accommodation.

The Head of Housing and Public Protection Service advised that, in respect of the community safety issues, officers were liaising with Hertfordshire Constabulary regarding the proportionate use of enforcement powers.

They were also working on a joint working protocol with the Police to ensure that they deal with any criminality associated with a rough sleeper and that the Community Safety Team use their powers regarding anti-social behaviour where necessary.

He advised that a lot of hostels and shelters in Hertfordshire required complete abstinence but rough sleepers often found this difficult and therefore they were working with the Director of

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Public Health to commission separate accommodation for those who were unable to abstain in the short term.

Members acknowledged the work being undertaken in respect of rough sleepers, but expressed some concern about those who were living in doorways and refused to move, sometimes becoming threatening to residents.

The Council was empowered to serve Community Protection Notices where there was evidence to support their use.

Members asked how long the Community Protection Notices lasted and whether individuals could return once they had lapsed.

The Head of Housing and Public Protection Service stated that many of the issues raised were straight forward criminal offences, which the Police are empowered to act on. Where behavior causes fear and distress this would be dealt with by the Council, but the primary driver was to try to engage with the person and get them into accommodation so that they could access support services..

A Member commented that there was a large under spend in the budget set aside to accommodate people in bed and breakfast accommodation and queried whether this money could be used to tackle some of the homelessness issues.

The Head of Housing and Public Protection clarified that there was not a separate budget for bed and breakfast accommodation.

The Authority would be receiving additional funding associated with the implementation of Homeless Reduction Act 2017 when it would become a duty for Council's to deal with single people who were homeless.

Members were being offered briefing sessions on 4 July 2018 regarding the provisions of the Act and the funds that would be coming to the Authority. A report would be presented to Cabinet in September 2017 that would set out the proposals on how this money would be spent.

Members noted the comments regarding the difficulty in engaging with rough sleepers with alcohol and drug related problems and the difficulty caused by hostels expecting abstinence. It was suggested that a "wet" hostel was key to solving this problem and would be a significant step in helping not only rough sleepers, but the residents in the Town as well.

Members acknowledged the excellent work carried out by the housing and homelessness teams.

The Chairman thanked the Head of Housing and Public Protection Service and the Housing Options Manager for their presentation.

19 HITCHIN TOWN CENTRE MANAGER

Prior to the item being discussed Councillor Judi Billing declared a declarable interest as she was a Director of Hitchin Initiative, She advised that, as this was an information item without any decisions being made, she would remain in the room and take part in any discussions.

Prior to the item being discussed Councillor Nicola Harris declared a declarable interest as she was the NHDC representative on Hitchin Initiative, She advised that, as this was an information item without any decisions being made, she would remain in the room and take part in any discussions.

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Mr Keith Hoskins, Hitchin Town Centre Manager, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding the issues and activities in Hitchin Town Centre and drew attention to the following:

Hitchin Festival

The Hitchin Festival was due to start on 1 July 2017 and programmes were available.

There had been a cancellation, but conversely an addition had been made to the programme, which was very varied with 43 events.

These events included:

- Scout it Out, with activities including a zip wire in the market place;
- The Girl Guides Vintage Tea Afternoon;
- St Mary's Craft Fair;
- Historic Town Walk;
- Summer Saxes;
- Independents Day;
- World Food and Music Day;
- And many more.

The Dell

There were six covenants covering the Dell and surrounding land.

In 1952 Hitchin Urban Council granted money to make the Dell an open air theatre as part of the Festival of Britain celebrations.

It ceased operation as it was not well used, but came back into operation from the early 1990s until approximately 1999.

The Queen Mother Theatre, Bancroft Players and local business were all keen to reinstate the open air theatre, which would be a nice attraction for the Town.

It was time to sit down together and get this project moving.

Planning Applications

There was a planning application to turn the toilet block in Portmill Lane into a coffee shop.

The new retail unit across the road was going to be a deli and coffee shop and surveys undertaken indicated that there was a need for covered cycle and motorcycle parking, which would be a better use of this building, situated next to a car park.

A Member commented that there had been a previous application for this site to be used as offices.

NHDC was obviously keen to market the toilet block, and Hitchin should be making the Planning Department aware of any project needs so that they could be incorporated into any Section 106 agreement.

Garage Block, Rear of Garrison Court

NHDC was offering the garage block at the rear of Garrison Court for sale.

This should be used for museum storage in order to free up Charnwood House for other uses.

Riverside Walk

Several years ago Hitchin Initiative offered funding to provide a bridge near Jill Grey Place across to the rear of the Sun Hotel in order to progress the completion of the Riverside Walk.

This money was still available and a way forward needed to be found.

Members were concerned at the delay and asked that officers be asked to email all Members of this Committee with an update on the current position and be asked to move this project forward.

Flagpole

There had been some discussion about relocating the flagpole, however officers had now decided that the flagpole was no longer fit for purpose.

It would be good to have a flagpole in Hitchin.

A Member confirmed that there was no impediment to this Committee allocating funding toward the cost of a flagpole and would ask fellow Members to support any application that was made for this. Despite this permission would still need to be sought for actually placing a flagpole.

British Legion

Mary Prowse, the British Legion collector would be retiring this year. She was well know in the town and had a large army of volunteers who, over a six week period last year, collected over £38,000 in Hitchin.

Mr Hoskins appealed for someone to take over this position so that Hitchin could continue to contribute to the Poppy Appeal,

Homelessness

It was acknowledged that there were some people who were excluded from night shelters due to drug and alcohol dependency.

It was however intimidating for people in the Town to be confronted by rough sleepers and being asked for money.

The Authority should consider implementing a Public Spaces Protection Order.

Hitchin BID Annual Meeting

The Annual Meeting of Hitchin BID would take place on 27 September 2017 and this meeting would act as the launch for the renewal ballot campaign, with the ballot due in January 2019 and would provide an exhibition on car parking options.

Town Centre

Economically the Town remained vibrant.

There were some empty units in Hermitage Road, however units in Bancroft were being filled.

The Chairman thanked Mr Hoskins for his presentation.

RESOLVED:

- (1) That a decision be made as to where a flagpole should be placed in Hitchin and permission be sought to do so, following which this Committee would consider a grant application for the costs of purchasing and raising a flagpole;
- (2) That this Committee consider what capital projects were required in the Town Centre and request that the Planning Department include them as part of any Section 106 agreement associated with planning applications made in the area'
- (3) That the Senior Estates Surveyor be requested to email all Members of this Committee with an update on the current position regarding the proposed bridge at Jill Gray Place and be asked to take whatever actions are required to move this project forward.

REASON FOR DECISION: To improve the services and infrastructure within Hitchin Town Centre.

20 NORTH HERTFORDSHIRE MUSEUM AND COMMUNITY FACILITY IN HITCHIN TOWN HALL

The Committee received an Information Note regarding the North Hertfordshire Museum and Community Facility at Hitchin Town Hall.

21 WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS

Bench outside Hitchin Town Hall

Councillor Billing advised that there had been some requests to replace the bench outside of Hitchin Town Hall from residents of Elmside Court.

The initial response from officers had not been encouraging, with many reasons given as to why this should not be replaced, which she had challenged.

The Committee and Member Services Officer advised that she had since receive and email from the Contracts and Projects Manager stating that consideration was being given to placing a bench outside of Hitchin Town Hall, providing it was the right style of bench and that Hitchin Committee paid for the purchase and installation.

Once the style of bench had been ascertain and quotes received, the Contracts and Project Manager would liaise with the Communities Officer to bring an application for funding to this Committee,

Westmill Community Centre

Councillor Frank Radcliffe praised the work undertaken regarding the new Westmill Community Centre and reminded Members that the new floodlit Multi Use Games Area was now complete and was being managed by the Community Centre.

Update on Work regarding Play Areas

Councillor Ian Albert reminded Members that the Committee had, at the last meeting of this Committee resolved:

“That this Committee consider how it can take a leading role to keep play areas open and investigate whether they can express an interest in running some of the play areas within Hitchin; and

That Councillors Simon Harwood and Martin Stears-Handscomb be authorised to represent the Hitchin Committee when making enquires regarding all aspects related to the above.”

Councillor Stears-Handscomb had provided a written summary of the work that he and Councillor Harwood had undertaken so far, which had previously been sent to Members and was available in hard copy this evening.

Councillors Harwood and Stears-Handscomb would give a further update at the next meeting of this Committee.

Councillor Elizabeth Dennis informed Members that, one of the play areas due for closure was Rosehill in Walsworth.

Many members of the community were extremely unhappy at the potential loss of this play area and had been evidence gathering to support a demand that this particular play area remain open.

Tuesday, 27th June, 2017

She advised that she would provide a further update regarding Rosehill and other play areas at the next meeting of the Committee.

RESOLVED: That Councillors Harwood and Stears-Handscomb be requested to give a further update on the work undertaken regarding Play areas at the next meeting of this Committee, due to be held on 5 September 2017.

REASON FOR DECISION: To enable the Hitchin Committee to consider ways in which it can support play areas in Hitchin.

22 ITEMS FOR DISCUSSION AT FUTURE MEETINGS

No suggestions were made at this meeting, however the Chairman asked Members to email her with any topics.

The Chairman advised that she had invited Bim Afolami MP to the meeting of this Committee due to be held on 5 September 2017.

The Chairman asked Members if they wished to invite the County Councillors to the next meeting to discuss Highways and infrastructure.

Members noted that there had not yet been a Highways Liaison Meeting in this Civic Year. The meeting usually planned for May had been postponed due to the General Election, but a meeting was being arranged.

The meeting closed at 9.05 am

Chairman

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HITCHIN COMMITTEE 6 SEPTEMBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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	8
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TITLE OF REPORT: GRANTS & COMMUNITY UPDATE

REPORT OF THE COMMUNITIES MANAGER
EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT AND RURAL AFFAIRS

PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 To advise the Committee on the current expenditure and balances of the Area Committee budgets.
- 1.2 To bring to the Committee's attention details of recent requests received for Area Committee Grant Funding, made by community groups and local organisations, which conform to the Authority's Grants Policy approved by Cabinet on June 14th 2016.
- 1.3 To advise the Committee of the activities and schemes with which the Community Officer has been involved.
- 1.4 To bring to the Committee's attention some important community based activities that will take place during the next few months.

2. RECOMMENDATIONS

- 2.1 That the Committee considers allocating £2000 to provide a bench outside of the Hitchin Town Hall for any one who may need to rest on their journey up Brand Street as outlined in 8.1.1
- 2.2 That the Committee endorses the actions taken by the Community Officer to promote greater community capacity and well-being for Hitchin.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure the Committee is kept informed of the work of the Community Officer.

3.2 This report is intended to inform Members of the financial resources available to the Committee. It draws attention to the current budgetary situation by assisting in the effective financial management of the Area Committee's budget. This ensures that all actions are performed in line with the Authority's Financial Regulations, the Council's Constitution, and the guidance of the existing Grants policy as agreed by Cabinet in June 2016.

3.3 The awarding of financial assistance to voluntary organisations and the use of discretionary spending allows the Committee to further the aims of the Corporate Plan.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 There are no alternative options being proposed other than those detailed within the text of this report. However in the course of debate at committee, Members may wish to comment and offer additional views on any of the items included within this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Consultation with Members has occurred in connection with the allocation of funds for Community Projects

5.2 Consultation with the respective officers and external bodies/groups has taken place with regard to funding proposals for Area Committee Funds.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

7.1 Members are asked to note the information detailed in Appendix A Hitchin Area Committee Budget Spread sheet, which relates to the Area Committee budget balances for 2017/18.

7.2 The spreadsheet also details pre-allocated sums carried forward from the previous financial years, including balances and past expenditure relating to the allocated and unallocated Area Capital Visioning Budgets available to the Committee.

8. RELEVANT CONSIDERATIONS

8.1 Update on Community Engagement

8.1.1 Bench outside Hitchin Town Hall and update on North Herts Museum

Officers have agreed to the installation of a bench outside Hitchin Town Hall for the community to use, in particular older people or those with disabilities who may need to rest half way walking up Brand Street. Officers are currently looking at different types of benches in order to select one that will fit well in the space and blend with the design of the building. It was suggested by members at the last meeting in June that they would be willing to consider providing funds to cover the cost of purchase and installation of the bench. However, at the time of writing the costs have not been provided but members may be minded to allocate an amount from the budgets in order that funds are available when needed.

The public have enjoyed the opportunity to have a private view of the new museum with tours of the facility that have been mostly fully booked. It is hoped that the Contracts & Project Manager will be able to update the committee further on both of these matters at the next meeting in December.

8.1.2 Westmill Community Centre and Sports Facility

To celebrate the first anniversary of the opening of the centre Westmill Community Association are working in partnership with Rhythms of the World and all the centre's regular hirers to put on a community event taking place on Saturday 30th September from 2pm.

Family arts activities will be available during the afternoon and a music event in the evening.

8.1.3 North Herts Minority Ethnic Forum

The North Herts Minority Ethnic Forum based in Hitchin at Unity House on Winbush Road is planning to extend the premises to the rear in order to have more space and increase participation.

The Communities Officer has been liaising with their chief executive in order to advice on suitable funding streams to assist with the project.

She also facilitated a meeting between the NHMEF and Howard Cottage Housing Association who are the landlords of the building in order to get their agreement for the work to take place.

8.1.4 Hitchin Hackspace

Hitchin Hackspace have now signed the lease and taken possession of the former toilet block at Bancroft Recreation ground. They will be seeking funding to assist with the conversion of the building. They may be applying for some revenue funds for equipment via the Area Committee budgets and possibly will apply to the Community Facilities Capital Grant fund towards the building work.

8.1.5 Art Work Based on Windmill Hill

The Communities Officer liaised between NHDC Grounds Maintenance officers and Hitchin Initiative on behalf of the locally based artist David Johnson. Mr Johnson who has visual impairment wished to place his sculpture representing large scale braille titled 'To big to feel' on Windmill Hill. The piece needed relocating from its previous location at the campus at the Royal Holloway College, Egham in Surrey.

The sculpture was moved with financial assistance from the Hitchin Initiative and installed with the permission of the Grounds Maintenance Service Manager.

The local community have been interacting with the sculpture on the hill and on occasion the pieces have been moved around, but Mr Johnson attends to it daily by putting the dots back into position. The sculpture will be in place until approximately mid September.

8.1.6 Waste & Recycling Survey

The Authority has received over 6500 responses from the Waste & Recycling Survey, across East and North Herts residents. The majority of these are via social media. The results of the survey will be analysed and collated in advance of Cabinet meeting in October.

8.2 **Highways Matters**

This section is included within the community update report for each committee cycle to facilitate debate and enable appropriate feedback on any of the proposed or listed Highways related schemes.

Any new proposals or revised schemes will be forwarded to the respective Herts County Councillor for consideration who will in turn report back and advise the Committee accordingly.

9. **LEGAL IMPLICATIONS**

9.1 The Terms of Reference in relation to Area Committees confirm that they may establish and maintain relationships with outside bodies/voluntary organisations which include discretionary grant aid/financial support but excluding grants for district-wide activities. The Committee has delegated powers, as a body, to allocate discretionary budgets and devolved budgets within the terms determined by the Council and outlined in the current Grant Policy agreed by Cabinet in June 2016.

9.2 Section 1 of the Localism Act 2011 provides a General Power of Competence which gives local authorities the powers to do anything:-

- An individual may generally do
- Anywhere in the UK or elsewhere
- For a commercial purpose or otherwise, for a charge or without a charge
- Without the need to demonstrate that it will benefit the authority, its area or person's resident or present in its area.

9.3 Section 137 Local Government Act 1972 provides specific authority for the Council to incur expenditure on anything which is in the interests of and will bring direct benefit to its area. This includes a charity or other body operating for public service.

10. FINANCIAL IMPLICATIONS

- 10.1 As outlined in Appendix A Committee budget 2017/18:-
The agreed budget for this financial year is £19,600. In addition to £15,300 carried forward from 2016/17 equates to a total amount of £34,900 for the provision of Community Development Grants. As outlined in recommendation 2.2 all spending should be allocated from the carry over amount until it is depleted at which point funding shall be allocated from the 2017/18 budget.
- 10.2 At the last meeting of the Committee held in June £7,230 grant funding was allocated and provided to 4 community groups from the £15,300 carry forward amount. This leaves a current carry forward from the 2016/17 budget of £10,570.
- 10.3 The Capital Visioning funds are now all either spent or allocated to redevelopment projects in Bancroft Gardens of which £7,810 has been spent on the project the remainder of which is intended to be utilised within the current financial year..

11. RISK IMPLICATIONS

- 11.1 There are no relevant risk entries that have been recorded on Covalent, the Council's performance and risk system. Individual events should have their own risk assessments in place to mitigate any health and safety issues. Whenever a request for grant funding for equipment is received, the recipient of the funding will be advised to obtain insurance for the item to avoid a repeat request for funding in the event of the equipment being stolen or damaged. There are no pertinent risk implications for the Authority associated with any items within this report.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 All projects that are assigned area committee funding are assessed to ensure that they do not negatively impact on any part of the local community. The only deviation to this is where a minority or marginalised group may specifically receive funding or allocation of resources to address a particular area of need or 'gap' in provision.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no pertinent Human Resource implications associated with any items within this report.

15. APPENDICES

- 15.1 Appendix A - 2017/18 financial year budget sheet

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 Review of Policies and Procedures for Financial Assistance to Voluntary and Community Organisations, November 2002.
- 17.2 Review of Grant Policy Cabinet June 2016

HITCHIN AREA COMMITTEE BUDGET 2017/18

BUDGET BROUGHT FORWARD FROM 2016/17

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget
Capital Visioning	£26,403	£26,403	£7,810	£18,593	£0
Memorandum of Understanding	£5,000	£5,000	£0	£5,000	£0
Central Area Grants	£17,800	£7,230	£7,230	£0	£10,570
Total	£49,203	£38,633	£15,040	£23,593	£10,570

HITCHIN AREA COMMITTEE BUDGET 2017/18

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget
Central Area Grants	£19,600	£0	£0	£0	£19,600
Total	£19,600	£0	£0	£0	£19,600

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HITCHIN AREA COMMITTEE BUDGET 2017/18

CAPITAL VISIONING	Funding	Project	Allocated	Date Allocated	Spent	Outstanding	Unallocated Budget		Comments
	£26,403	Bancroft Gardens	£26,403	15.08.06	£7,810	£18,593			Allocation at beginning of 11/12 £30,000 reduced by £3,597 to reallocate to other projects - agreed on 13.09.11
Total	£26,403		£26,403		£7,810	£18,593	£0		

	Funding	Project	Allocated	Date Allocated	Spent	Outstanding	Unallocated Budget		Comments
Pre allocated Funds Brought Forward from 2016/17	£5,000	Revenue Contribution to Bancroft Gardens	£2,400		£0	£2,400			
		Revenue Contribution to Bancroft Gardens	£2,600		£0	£2,600			
Total	£5,000		£5,000		£0	£5,000	£0		

DEVELOPMENT BUDGETS

Central Area Grants	Funding	Project	Allocated	Date Allocated	Spent	Outstanding	Unallocated Budget		Comments
Pre allocated Funds Brought Forward from 2016/17	£17,800	The Living Room	£2,500	07.03.17	£2,500	£0			
		Family Matters	£1,230	27.06.17	£1,230	£0			
		Small Talk - St Faith's Church	£500	27.06.17	£500	£0			
		Hitchin Senior Citizens	£3,000	27.06.17	£3,000	£0			
Total	£17,800		£7,230		£7,230	£0	£10,570		

DEVELOPMENT BUDGETS

Central Area Grants	Funding	Project	Allocated	Date Allocated	Spent	Outstanding	Unallocated Budget		Comments
Base Budget 2017/18	£19,600								
Total	£19,600		£0		£0	£0	£19,600		

**HITCHIN COMMITTEE
5 SEPTEMBER 2017**

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

9

TITLE OF REPORT: CONSULTATION IN RELATION TO THE PROPOSED STREET TRADING POLICY 2018-2025

REPORT OF: THE LICENSING MANAGER
EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to provide members of the Hitchin Committee with an opportunity to comment on the proposed Street Trading Policy, in particular in relation to any matters specific to Hitchin.

2. RECOMMENDATIONS

2.1 That the Hitchin Committee notes the report and provides any comments it wishes to be considered as part of the consultation process.

3. REASONS FOR RECOMMENDATIONS

3.1 A thorough discussion as to the suitability of the proposed Street Trading Policy, particularly with input from the Area Committees as well as the public consultation, will enable a fully informed decision to be made by the Council.

3.2 To ensure that the Policy remains appropriate and strikes a balance between proportionate regulation and ease of access to applicants.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 There are no alternative options to consider as the Policy needs to be periodically reviewed to ensure it remains fit for purpose.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Council will be undertaking a public consultation regarding the adoption of a policy concerning trading in publicly accessible places

- 5.2 The consultation will take place between 1 September and 31 October 2017. The consultation will invite the following to comment on the Policy:
- All existing street trading permit holders;
 - Hertfordshire Constabulary
 - NHDC Councillors
 - NHDC Legal Services
 - All existing consent holders
- 5.3 The Executive Member for Housing and Environmental Health is aware of the public consultation and will be kept fully informed of all consultation responses.
- 5.4 Upon completion of the public consultation, officers will prepare a report to be considered by the Licensing and Appeals Committee detailing all consultation responses and the proposed policy (including any amendments as a result of the consultation).
- 5.5 The Licensing and Appeals Committee have the option of making any amendments before recommending a final policy to Cabinet, who have the authority to adopt policy on behalf of the Council.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.
- 7.2 On 26 April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.
- 7.3 Street trading is defined as *“the selling or exposing or offering for sale of any article, including a living thing, in a street.”*
- 7.4 Streets are further defined as *“any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990.”* It is important to note that there is no reference to land ownership and so street trading legislation would also apply to privately-owned areas such as supermarket car parks, business parks, etc.

- 7.5 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- (i) Prohibited Streets
those which are not open to street traders;
 - (ii) Consent Streets
where street trading is prohibited without local authority consent;
 - (iii) Licence Streets
where trading is prohibited without a local authority licence
- 7.6 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on summary conviction, to a fine of up to £1000.
- 7.7 There are a number of exemptions provided in the Act that are not to be considered street trading:
- (i) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871:
 - (ii) a market trader operating at a Charter or licensed market venue;
 - (iii) trading at a Charter Fair;
 - (iv) trading as a news vendor selling only newspapers and /or periodicals:
 - (v) trading at a petrol filling station;
 - (vi) trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business;
 - (vii) trading as a roundsman;
 - (viii) where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway;
 - (ix) charitable street collections authorised by the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- 7.8 The granting of permissions for the placing of tables and chairs outside of a business providing refreshment, or the placing of advertising boards outside of any business, is provided for by section 115 of the Highways Act 1980.

- 7.9 The licensing powers provided by section 115 of the Highways Act 1980 are available to both District and County Councils in two-tier authority areas. As the legislation is designed to ensure that highways are kept free of obstructions and nuisance, the Council is of the opinion that Hertfordshire Highways, acting as the Highway Authority on behalf of Hertfordshire County Council, is best placed to administer this function.
- 7.10 The Council will not, therefore, issue any permission pursuant to section 115 of the Highways Act 1980. All applications for tables and chairs, or advertising structures, on the highway should be directed to Hertfordshire Highways.

8. RELEVANT CONSIDERATIONS

Current policy

- 8.1 The existing policy has worked well since its adoption in 2012 therefore only minor amendments have been proposed.

Policy duration

- 8.2 It is proposed to extend the policy duration from 5 years to 7 years to reduce the administrative burden of reviewing the policy unnecessarily early.

Arterial road lay-bys

- 8.3 Hertfordshire County Council have revised their guidance on the acceptable layout of lay-bys on arterial roads that are suitable for lay-by trading. To assist applicants, this guidance is attached to the Policy as Appendix G and only lay-bys conforming to that guidance will be issued Consents.

Annual Consents

- 8.4 To reduce the administrative burden, it is proposed to replace the issuing of quarterly Consents with annual Consents subject to each quarterly payment being received in advance of each new quarter. Non payment of a quarterly fee would automatically revoke the Consent.

Council Land Consent

- 8.5 Currently, any applicant wishing to use Council owned land for an event has to make two applications; one application for a land licence and another application for street trading permission (if the land is publicly accessible land). To ease this burden for applicants, the application for a land licence will encompass the street trading request thereby removing the need for a separate street trading application.

Revocation

- 8.6 Some clarification on the revocation process has been added to make this process more transparent for existing and potential consent holders.

Streets where applications are ordinarily refused

- 8.7 Whilst the Council has the opportunity to designate streets as prohibited streets, thereby preventing street trading from taking place, this removes flexibility to consider each application on its own merits. For example, trading in a street may be wholly inappropriate ordinarily but may be acceptable when the road was temporarily closed to traffic for town centre events.
- 8.8 To alleviate this issue, the existing policy contained a list of streets where applications would ordinarily be refused (Appendix F of the Policy). It is proposed to continue with this aspect of the Policy therefore the Area Committee should give consideration to any streets it believes should be contained within Appendix F of the Policy.

Operational issues or clarification

- 8.9 Highlighted in red throughout the Policy are minor amendments clarifying various operational issues that have arisen in relation to the existing policy or where the existing policy was silent or ambiguous on certain matters.

9. LEGAL IMPLICATIONS

- 9.1 There is no legal requirement for a policy; it is not a statutory policy such as that required under the Licensing Act 2003 and Gambling Act 2005.
- 9.2 A policy would ensure a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts.
- 9.3 Area committees in their terms of reference may “consider the policies and actions of the Cabinet as to their appropriateness to the needs and aspirations of local communities” and “provide local input into centrally determined specifications for all services”
- 9.4 The policy will be considered by the Licensing and Appeals Committee who “consider all Licensing matters with the exception of statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub- Committee and officers”. Responsibility for adopting the Policy lies with Cabinet who “prepare and agree to implement policies and strategies other than reserved to Council”.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications as existing case law provides for local authorities to recover the full cost of any licensing process through licensing fees.
- 10.2 Licensing authorities cannot charge more than it reasonably costs to administer and enforce the legislation.

11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications associated with this report as it's purpose is to consult the Area Committee as part of a wider public consultation

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no specific equalities implications associated with this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 This Policy will not place any new human resource implications on the Council as it will be implemented using existing resources

15. APPENDICES

- 15.1 Appendix A - Proposed new policy

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 [Existing Street Trading Policy](#)



North Hertfordshire District Council

Street Trading Policy

Date: 2 January 2018

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1.0 INTRODUCTION

1.1 The Policy

1.1.1 This document states North Hertfordshire District Council's policy on Street Trading as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).

1.2 The Objectives of this Policy

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston;
- (ii) to protect public health through the control of street trading within the District of North Hertfordshire;
- (iii) to ensure that traders operate within the law and act fairly in their dealings with the public; and
- (iv) to prevent nuisance, unsafe practices and anti social behaviour.

1.3 The Law

1.3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.

1.3.2 On 26 April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.

1.3.3 Street trading is defined as *"the selling or exposing or offering for sale of any article, including a living thing, in a street."*

1.3.4 Streets are further defined as *"any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990."* It is important to note that there is no reference to land ownership and so street trading legislation would also apply to privately-owned areas such as supermarket car parks, business parks, etc.

- 1.3.5 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- (i) Prohibited Streets
those which are not open to street traders;
 - (ii) Consent Streets
where street trading is prohibited without local authority consent;
 - (iii) Licence Streets
where trading is prohibited without a local authority licence
- 1.3.6 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 1.3.7 There are a number of exemptions provided in the Act that are not to be considered street trading:
- (i) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
 - (ii) a market trader operating at a Charter or licensed market venue;
 - (iii) trading at a Charter Fair;
 - (iv) trading as a news vendor selling only newspapers and /or periodicals;
 - (v) trading at a petrol filling station;
 - (vi) trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business;
 - (vii) trading as a roundsman;
 - (viii) where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway;
 - (ix) charitable street collections authorised by the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- 1.3.8 The granting of permissions for the placing of tables and chairs outside of a business providing refreshment, or the placing of advertising boards outside of any business, is provided for by section 115 of the Highways Act 1980.

1.3.9 The licensing powers provided by section 115 of the Highways Act 1980 are available to both District and County Councils in two-tier authority areas. As the legislation is designed to ensure that highways are kept free of obstructions and nuisance, the Council is of the opinion that Hertfordshire Highways, acting as the Highway Authority on behalf of Hertfordshire County Council, is best placed to administer this function.

1.3.10 The Council will not, therefore, issue any permission pursuant to section 115 of the Highways Act 1980. All applications for tables and chairs, or advertising structures, on the highway should be directed to Hertfordshire Highways.

1.4 Policy Duration

1.4.1 This Policy will take effect from **2 January 2018** for a maximum period of **seven years**.

1.4.2 Prior to the end of the five year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than **2 January 2025**.

1.4.3 The Policy will be kept under constant review to ensure that it meets the policy objectives. Additionally, it will be amended as and when necessary to reflect changes in best practice, legislation and case law.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Prohibited Streets

2.1.1 It has been decided to maximise the opportunity for street trading within the four towns and, therefore, no prohibited streets are designated within North Hertfordshire.

2.2 Consent Streets

2.2.1 All streets, with reference to the wide statutory definition in paragraph 1.3.4 above, within the main conurbations of North Hertfordshire have been collectively determined to be Consent Streets for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.

2.2.2 Maps showing the boundaries of each town as regards Consent Street status are attached in **Appendices A to D**.

2.2.3 Furthermore, the following arterial roads have also been designated as Consent Streets however, street trading is likely to be restricted to lay-bys **conforming to the layout in Appendix G** only:

- (i) A10, A505, A507, A602, A600

2.2.4 The Council will continually monitor the impact of street trading on its consent streets with a view to promoting the objectives of this policy. Whilst it is the Council's intention not to designate any prohibited streets, it is acknowledged there will be areas that are less suitable for trading than others.

2.2.5 To address this issue, the Council will include within this policy a schedule of streets, or parts of streets, where consent permit applications will ordinarily be refused, save for exceptional circumstances. This schedule is attached as **Appendix F**. The schedule will be subject to amendment, as circumstances dictate, in accordance with the provisions of section 7 of this Policy. An applicant seeking consent to trade on a street identified as one where permission will ordinarily be refused should contact the licensing team to discuss the proposed application and the reasons why the street will ordinarily be deemed unsuitable for trading.

2.3 **Undesignated Streets**

2.3.1 All streets not explicitly included within the list of consent streets in paragraph 2.2 above, for example those within the rural villages, have not been designated as either prohibited streets, consent streets or licence streets.

2.3.2 The regulation of street trading and, therefore, this Policy does not apply to undesignated streets.

3.0 **APPLICATIONS FOR A STREET TRADING CONSENT**

3.1 **Advice for New Applicants**

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

3.1.2 The Council can also provide advice in relation to other legal requirements of a new consent holder, for example, planning permission or building control approval.

3.2 **Applications**

3.2.1 All applications must be made on the Council's prescribed application form.

3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

- 3.2.3 The following will also be required to be submitted with the application:
- (i) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
 - (ii) Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.
 - (iii) In the case of privately-owned land, confirmation of the landowner's consent to trade on the land.

3.3 Processing of an Application

- 3.3.1 On receipt of the application form an acknowledgment will be sent to the applicant.
- 3.3.2 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.
- 3.3.3 The application will either be:
- (i) granted and a trading consent will be issued with conditions attached; or
 - (ii) refused and the fee will be refunded, less an administrative charge as appropriate, to the applicant.
- 3.3.4 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 3.3.5 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups as deemed appropriate to the application. In particular, the following organisations or persons will be consulted:
- (i) Hertfordshire Highways
(acting as the highway authority on behalf of the County Council);
 - (ii) Hertfordshire Constabulary;
 - (iii) The Council's Environmental Health Commercial Team
(with respect to food hygiene matters); and
 - (iv) In respect of privately-owned land, the landowner
 - (v) Where the Council deem appropriate, occupiers of adjoining land.
- Written observations from the above organisations and occupiers of adjacent properties may be taken into consideration when determining an application.
- 3.3.6 There is no right of appeal against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

3.4 Key Considerations

3.4.1 The Council will normally grant a street trading consent unless, in its opinion:

- (i) a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- (ii) where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- (iii) there would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- (iv) there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; or
- (v) there is a conflict with Traffic Orders such as waiting restrictions; or
- (vi) the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- (vii) the trading unit obstructs the safe passage of users of the footway or carriageway; or
- (viii) the pitch interferes with sight lines for any road users, for example at road junctions, or pedestrian crossing facilities; or
- (ix) the site does not allow the consent holder, staff and/or customers to park in a safe manner; or
- (x) the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

3.4.2 **The Council will normally refuse an application for a street trading consent where the applicant has previously had a Consent revoked.**

3.5 Consents

3.5.1 Consents may be issued for a period of up to twelve consecutive months, quarterly or weekly.

3.5.2 All Consents that have not been renewed by their expiry date will automatically cease to exist and trading must cease until such time as a new Consent has been granted.

3.5.3 **To enable maximum flexibility for an applicant, any consent issued for lay-by trading will authorise the provision of trading from anywhere within the identified lay-by as opposed to a specific location therein.**

- 3.5.4 The issuing of a Consent only authorises trading in accordance with the requirements The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4). The consent holder must ensure that they comply with any other statutory provisions relating to their business.
- 3.5.5 The Council acknowledges that overly burdensome regulation and cost will discourage town centre community and cultural activity, particularly the requirement for each individual trader to obtain their own Consent. In order to encourage town centre activity, the Council have developed multiple user Consents that will simplify this process (see sections 3.6, 3.7 and 3.8).

3.6 Town Centre Consents

- 3.6.1 The Council will issue Town Centre Consents that cover areas of land that are suitable for street trading use. Each Town Centre Consent will be accompanied by a plan clearly identifying those areas covered by the Consent. This will remove the need for each individual trader to obtain a Consent and should encourage town centre activity.
- 3.6.2 The Consents can be issued for a maximum period of twelve months and will **ordinarily be issued to** a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the consent.
- 3.6.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the consent is being used to facilitate street trading.
- 3.6.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow his/her Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the Consent by not-for-profit organisations.
- 3.6.5 Any person or organisation may apply for a Town Centre Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.6.6 The consent holder will be required to keep records of all traders that use the Town Centre Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.6.7 The consent holder will be required to keep records of all traders that are refused use of the Town Centre Consent including, date, name and company name (where appropriate), address, contact number and reason for refusal.
- 3.6.8 In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, must make the determination in accordance with the principles contained within paragraph 3.4 above.

3.6.9 Town Centre Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

3.7 Special Events / Markets Consent

3.7.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Special Events / Markets Consents that facilitate multi-user street trading for markets or community events.

3.7.2 The consents will be issued for the duration of a specified event only and will **ordinarily** be to a named individual. Where the application is made by an organisation they must nominate a named individual who will be responsible for managing the use of the Consent.

3.7.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the Consent is being used to facilitate street trading.

3.7.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, will be able to allow his/her Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.

3.7.5 Any person or organisation may apply for a Special Events / Markets Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.

3.7.6 The consent holder will be required to keep records of all traders that use the Special Events / Markets Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.

3.7.7 Special Events / Markets Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

3.8 Council Land Consents

3.8.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Council Land Consents that facilitate multi-user street trading on Council owned land.

3.8.2 The consents will be issued for the duration of a specified event only and will **ordinarily** be to a named individual. Where the application is made by an organisation they must nominate a named individual who will be responsible for managing the use of the consent.

3.8.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.

- 3.8.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow his/her consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.8.5 The consent holder will be required to keep records of all traders that use the Council Land Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.8.6 Any person or organisation may apply for a Council Land Consent, however, in order for a Consent to be granted the Council will require the applicant to obtain a land licence through the Council's Safety Advisory Group.
- 3.8.7 **No separate application will be required for a Council Land Consent provided an application for a land licence has been made. The issuing of a land licence by the Council encompasses a Council Land Consent for the purposes of street trading.**
- 3.8.8 Council Land Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

3.9 Annual Consents with Quarterly Payments

- 3.9.1 The Council acknowledge that the cost of an annual Consent can sometimes prove prohibitive to new and small street trading businesses, particularly food and drink vendors in lay-bys.
- 3.9.2 To assist such commercial activity the Council will offer the grant of a twelve month Consent, subject to quarterly fee payments in advance.
- 3.9.3 Each Consent will be issued for a **twelve** calendar month period upon the payment of the **initial** quarterly fee. Provided that the subsequent quarterly fees are paid prior to the **due date, the Consent will remain until such time as the total consent period** has reached twelve consecutive calendar months.
- 3.9.4 Once a consent period of twelve consecutive calendar months has been reached, a renewal application will be required which will be subject to the normal consultation process.
- 3.9.5 If the requirements of section 3.9.3 above are not complied with, the annual Consent will automatically cease to have effect, save for exceptional circumstances at the Council's discretion, and no further trading in connection with that Consent will be permitted until such time as a new Consent has been granted.

4.0 CONSENT CONDITIONS

- 4.1 Any Street Trading Consent issued by the Council will be subject to the consent conditions detailed in **Appendix E** of this Policy.

- 4.2 In response to changing circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to Consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made.
- 4.3 **The Licensing Manager is authorised to add, alter or amend the conditions added to a Consent based on the individual circumstances of each application.**
- 4.4 There is no right of appeal against the Council's decision to refuse to grant, amend, vary **or revoke** a Consent.
- 4.5 In the event of a breach of any of the conditions attached to a Consent, the Head of Housing and Public Protection **(or any other officer to whom this authority has been delegated)** may revoke the consent forthwith. In the event of a revocation, the Council will not be liable to pay any compensation arising from the revocation nor will the Consent Holder be entitled to a refund of any of the Consent fee.
- 4.6 **Prior to the revocation of a Consent, the facts relating to the proposed revocation will be set out by the Council and sent to the consent holder. The consent holder may then submit written representation stating any mitigating circumstances and/or reasoning why the Consent should not be revoked. Any representation submitted by the consent holder will be considered as part of the decision whether or not to revoke the Consent.**

5.0 ENFORCEMENT

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 5.2 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Housing and Public Protection Statement of Enforcement Policy and Practice.
- 5.3 The responsibility for the overall supervision of street trading lies with the Head of Housing and Public Protection.

6.0 DEPARTURE FROM POLICY

- 6.1 In exercising its discretion in carrying out its regulatory functions, North Hertfordshire District Council will have regard to this Policy document and the principles set out therein.
- 6.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

6.3 Substantial departure from Policy
Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Housing and Public Protection may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Information Service (MIS).

6.4 Minor departure from Policy
Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing Manager may authorise a Consent to be issued.

7.0 AMENDMENTS TO THIS POLICY

7.1 Any significant amendment to this Policy will only be implemented after further consultation with existing consent holders, relevant stakeholders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that is likely to have:

- (i) a significant financial effect on licence holders; or
- (ii) a significant procedural effect on licence holders; or
- (iii) a significant effect on the community.

7.2 Any minor amendment to this Policy may be authorised by the **Executive Member** for Housing and Environmental Health and undertaken in accordance with the Council's Constitution. For the purpose of this section, any minor amendment is defined as one that does not fall within the scope of a significant amendment defined in paragraph 7.1.

8.0 FEES AND CHARGES

8.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.

8.2 The fees will be reviewed at least on an annual basis and published on the Council's website. **The Head of Housing and Public Protection is authorised to set street trading fees on behalf of the Council.**

8.3 Should the consent holder wish to vary the Consent at any time during the life of the Consent, an administration fee will be charged. This includes the transfer of a Consent.

8.4 Where a trading consent is surrendered during the life of the Consent no refund will be made by the Council

8.5 At its absolute discretion the Council may charge different fees for consents that are for different durations or locations, such as a pro rata rate for occasional consents or concessionary consents in certain circumstances.

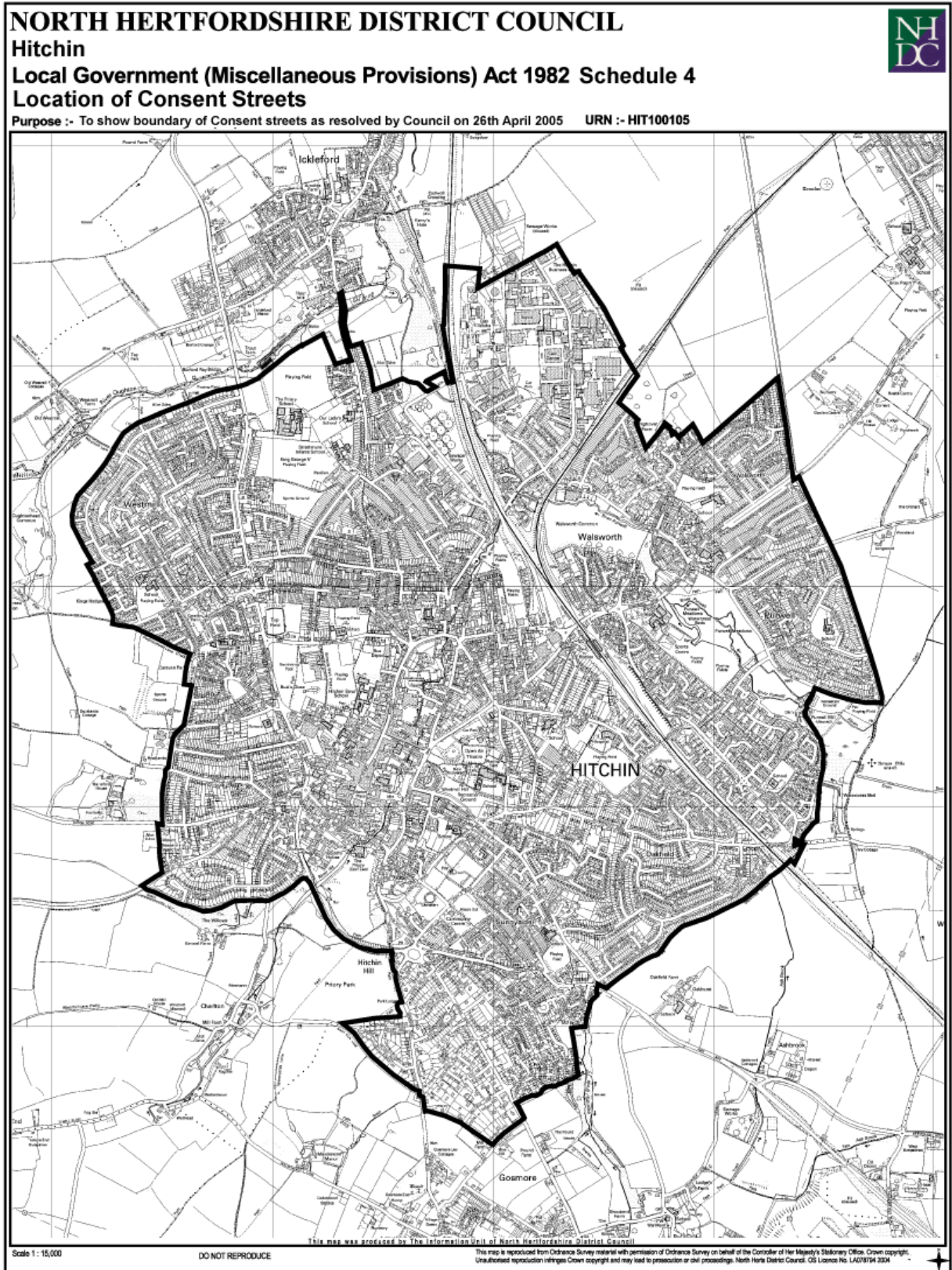
8.5 Not-for-profit organisations will be exempt from application fees.

9.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	an officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	a consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	the person or company to whom the consent to trade has been granted by the Council.
Consent Street	means a street in which street trading is prohibited without the consent of the Council
Council	means North Hertfordshire District Council
Head of Housing and Public Protection	the current post holder (or the Head of Service of the appropriate Service Area following any Subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation
Executive Member for Housing and Environmental Health	the Elected Member responsible for Housing and Public Protection (or the appropriate Service Area following any subsequent restructure), who is a member of Cabinet
Street	includes: <ul style="list-style-type: none"> 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, and also includes any part of a street.
Street Trading	the selling or exposing or offering for sale of any article (including a living thing) in a street.

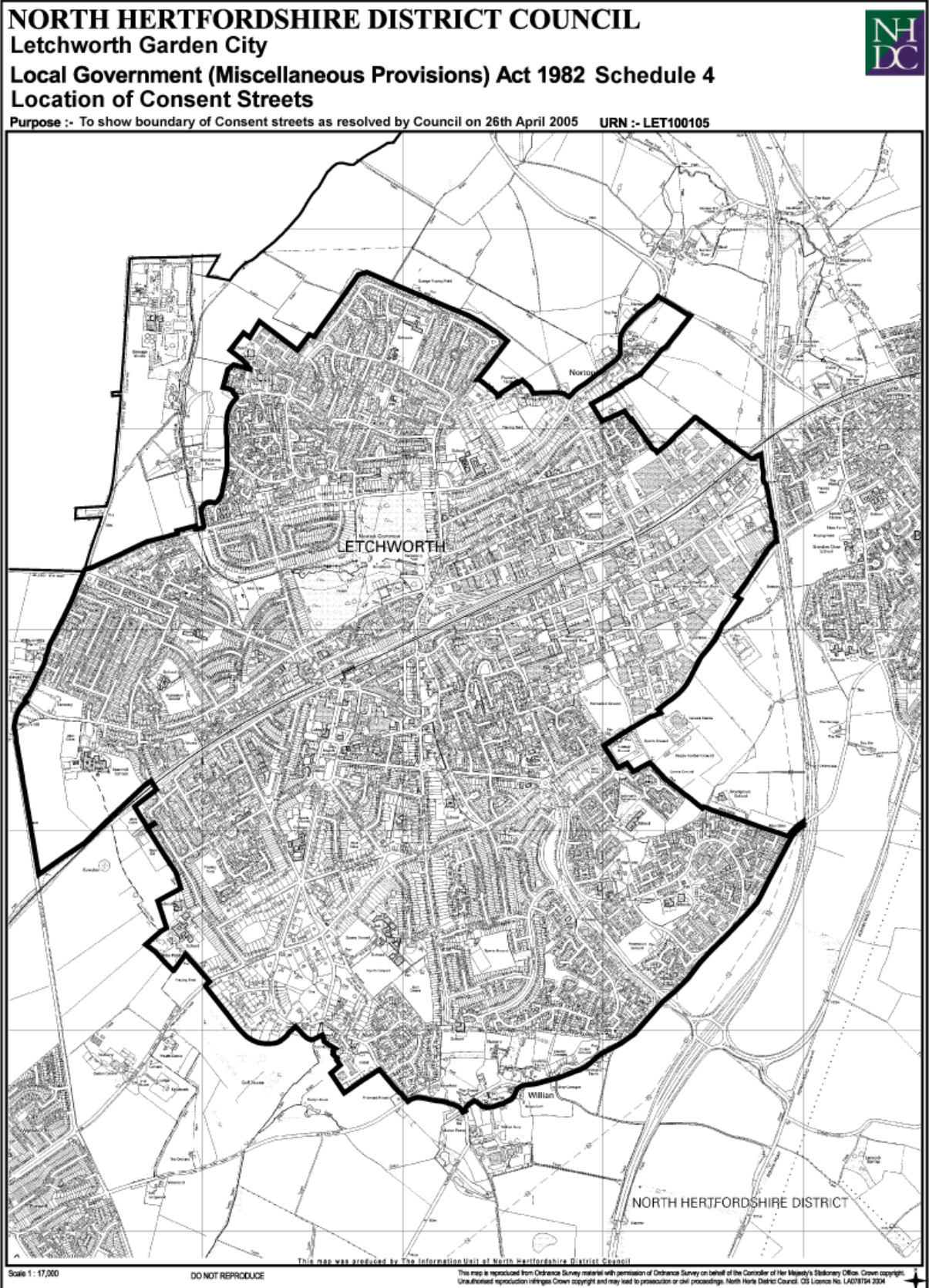
APPENDIX A

**CONSENT STREET MAP
HITCHIN**



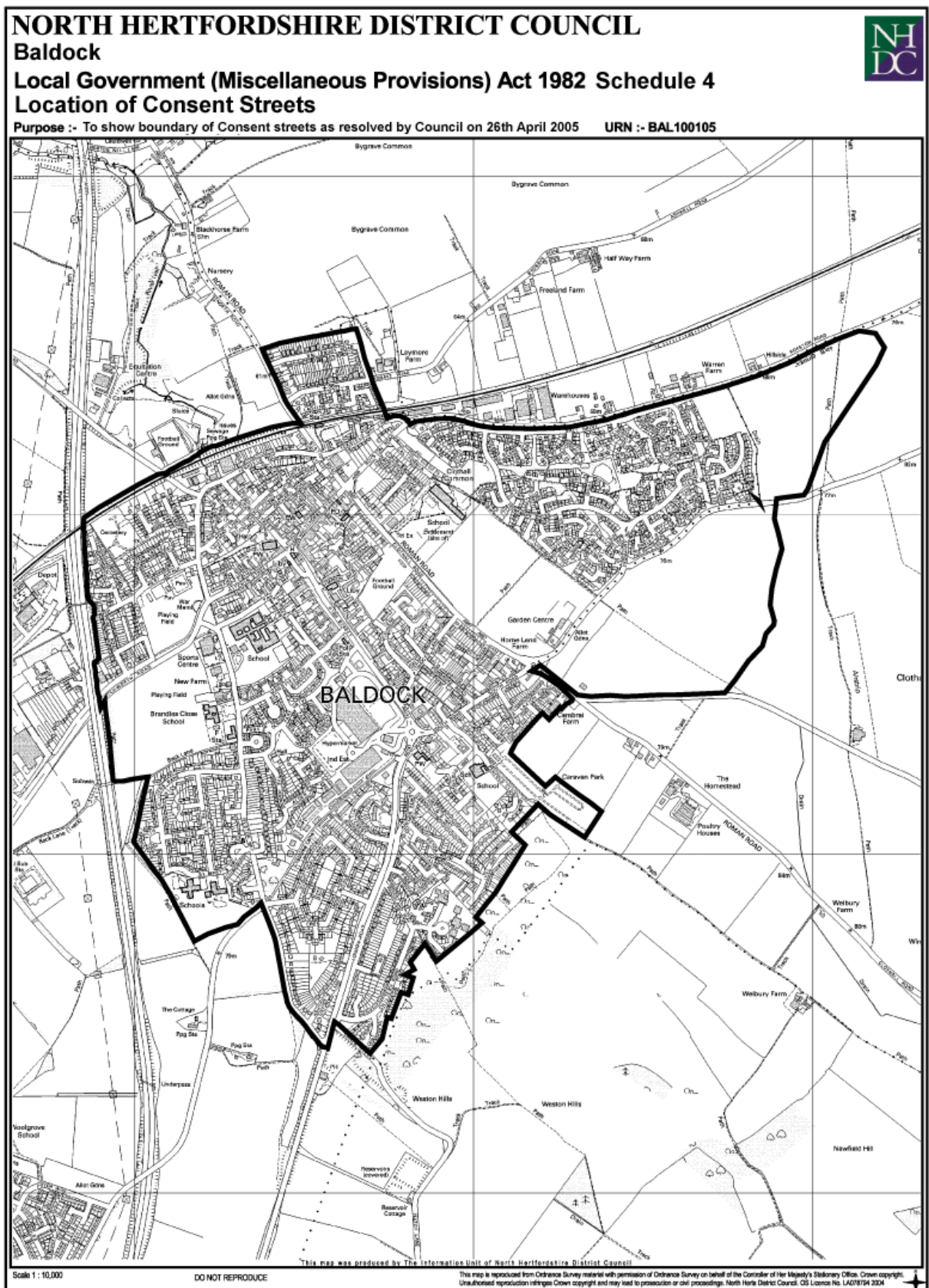
APPENDIX B

**CONSENT STREET MAP
LETCWORTH GARDEN CITY**



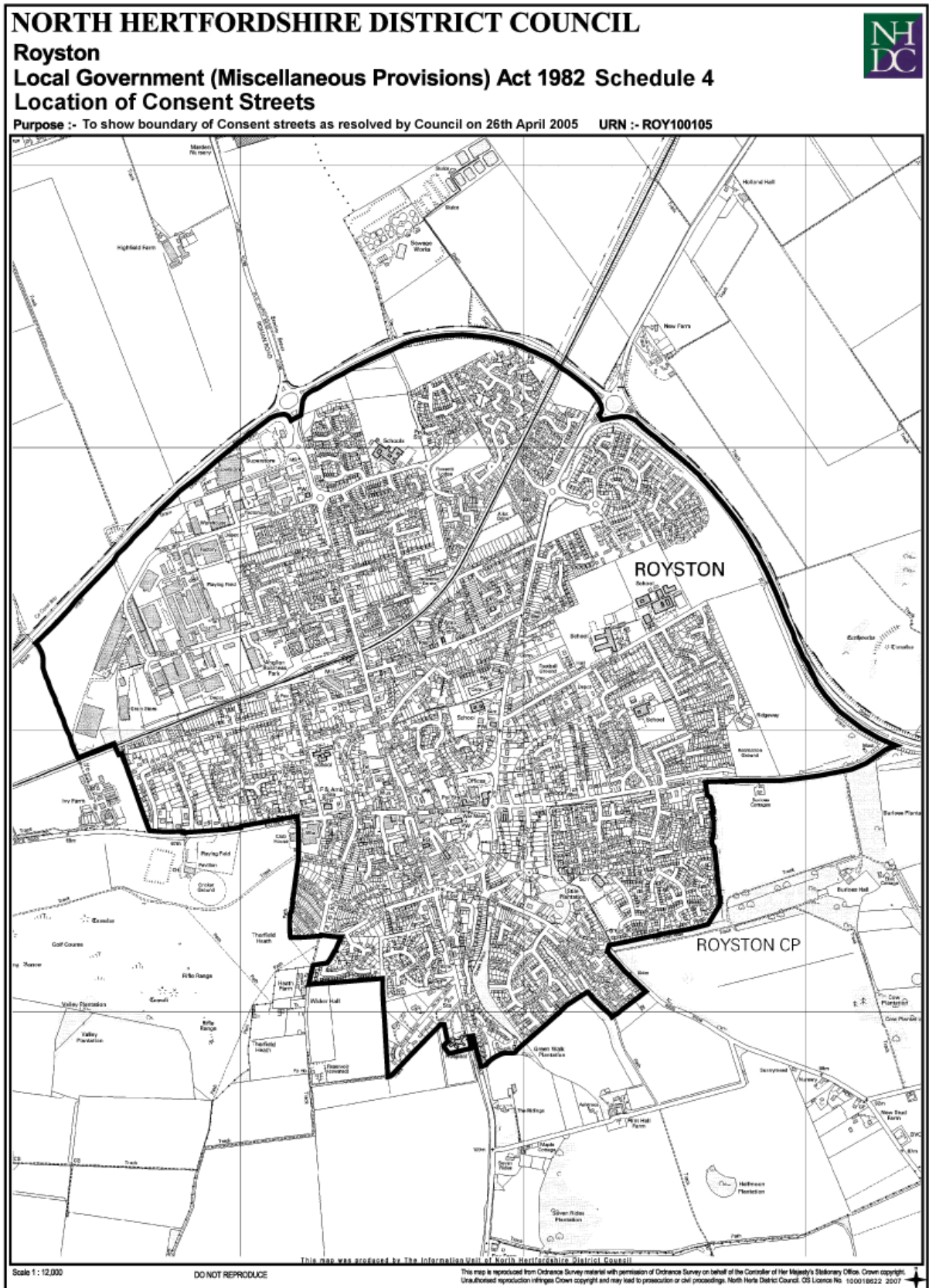
APPENDIX C

**CONSENT STREET MAP
BALDOCK**



APPENDIX D

**CONSENT STREET MAP
ROYSTON**



APPENDIX E**STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENTS****General**

These Standard Conditions will apply to all consent unless disapplied or varied by the Head of Housing and Public Protection.

Standard Conditions

1. The Consent granted by the Council is personal to the Consent Holder.
2. The Consent may only be transferred to another person or body with the prior written consent of the Head of Housing and Public Protection.
3. Any van, vehicle, barrow, cart or stall must be maintained in a neat, tidy and safe condition.
4. The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only at the specified location during the permitted hours.
5. Unless specified otherwise in the Consent, the van, vehicle, barrow, cart or stall, including any permitted temporary furniture and advertising, shall be removed from the Consent site, **including the street in which the consent site is located**, at the end of each day's trading.
6. Any temporary furniture (for example, tables and chairs at food vending vans) or temporary advertising material (such as 'A' boards or other signage) will only be permitted at, or in the vicinity of, the van, vehicle, barrow, cart or stall if specified on the Consent.
7. The Consent Holder shall ensure that no advertisements relating to the activities permitted by the Consent are placed or affixed to any structures on the highway or highway land (including street furniture, road signs and grass verges). Any advertisement on private land must have permission from the landowner, proof of which must be provided to the Council in writing prior to the advertising being positioned.
8. The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public.
9. The Consent Holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.

10. The Consent Holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition at all times.
11. The Environmental Protection Act 1990 places a duty of care on individuals and businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure that refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of each day's trading. No water or waste material shall be discharged on to the highway or any adjacent property.
12. The Council may remove and store or dispose of any furniture, equipment, advertisement or other structure placed on the street by the Consent Holder, or any person acting on behalf of the Consent Holder, that is not authorised by the Consent or has not been authorised in writing by the Council. The Council shall not be responsible to the Consent Holder for the safe keeping of any furniture, equipment, advertisement or other structure and may levy reasonable charges for the removal, storage and/or disposal thereof.
13. A copy of the Consent must be carried by the Consent Holder, or any person acting on behalf of the Consent Holder, at all times whilst trading and must be produced on demand when required by a Police Officer or an Authorised Officer of the Council.
14. The Consent Holder shall display a suitable sign stating his or her name and trade. The sign must be approved in writing by an Authorised Officer of the Council.
15. The Consent Holder and his/her employees or assistants shall wear suitable clothes appertaining to the trading undertaken and maintain a professional appearance at all times.
16. The Consent Holder shall notify the Head of Housing and Public Protection in writing at Council Offices, P O Box 480, M33 0DE of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
17. The Consent Holder shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
18. The Consent Holder must take adequate precautions to prevent the risk of fire at the van, vehicle, barrow, cart or stall. All hot food vendors are required to comply with current fire safety legislation. Where gas cylinders are used, an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment.
19. A serviceable fire blanket and foam fire extinguisher shall be provided at all vans, vehicles, barrows, carts or stalls selling hot food.
20. All hot food vans, vehicles, barrows, carts or stalls are required to carry a basic first aid kit. The Consent Holder and hot food vendors should know how to give first aid to treat victims of cuts and burns. All hot food vans, vehicles, barrows, carts or stalls should have access to a minimum of one mobile telephone that must be serviceable at all times whilst trading.

21. In the case of food vending vans, vehicles, barrows, carts, or stalls, at least one person involved in the preparation and sale of food must hold a current Level 2 food safety certificate accredited by the Chartered Institute of Environmental Health, or an equivalent qualification, and must be present at the site during all trading hours.
22. With the exception of Town Centre Consents, Special Events / Markets Consents and Council Land Consents, the Consent Holder must be the principal trader and have day to day control of the van, vehicle, barrow, cart or stall. The Consent Holder may employ any other person to assist in operating the van, vehicle, barrow, cart or stall and shall notify the Council of the name and address of such persons. Anyone who operates a van, vehicle, barrow, cart or stall other than the Consent Holder must be authorised in writing by the Council. An administrative fee will be payable for such authorisations.
23. The Consent Holder shall permit the Council, or any other statutory body, to have access to the area designated within a Consent at any time without notice for any purpose whatsoever including, but not limited to, carrying out works to the highway or private land, or inspecting the same, or otherwise.
24. The Council may revoke the Consent at any time.
25. The Consent Holder will return the Consent to the Council immediately upon revocation or surrender.
26. In the event of the Consent being surrendered or revoked before the expiry date, no refunds will be given.
27. Upon the termination or revocation of the Consent, the consent holder shall immediately remove the vehicle, barrow, cart, stall or any other associated equipment from the consent site and ensure the consent site is free from any associated litter or other deposits..
28. Any consent holder wishing to sell hot food or drink after 23:00hrs must also hold a valid premises licence issued under the Licensing Act 2003 authorising the sale of late night refreshment at the consent site.
29. The Council may at any time vary these Conditions without notice.

Additional Conditions for Static Pitches

1. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
2. Nothing contained herein shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

Additional Conditions for Town Centre Consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Town Centre Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Town Centre Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Town Centre Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number
5. The Consent Holder must keep records of each stallholder that is refused use of the Town Centre Consent, to include:
 - date of proposed use;
 - location of proposed stall;
 - name and company/organisation name;
 - trader's home address;
 - trader's contact telephone number; and
 - reason for refusal
6. In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder must make his/her determination in accordance with the principles contained within paragraph 3.4 of the Street Trading Policy.

Additional Conditions for Special Events / Markets Consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Special Event / Market Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Special Event / Market Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.

4. The Consent Holder must keep records of each stallholder that uses the Special Event / Market Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

Additional Conditions for Council Land Consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Council Land Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Council Land Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Council Land Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

APPENDIX F**SCHEDULE OF STREETS, OR PARTS OF STREETS, WHERE CONSENT PERMIT APPLICATIONS WILL ORDINARILY BE REFUSED**1.0 Baldock

- (i) Old slip road off South Road at the roundabout with London Road

2.0 Hitchin

None

3.0 Letchworth Garden City

- (i) Arena Parade
- (ii) Gernon Road
- (iii) Station Road
- (iv) A505 (Letchworth Gate) from the junction with the A1 (Junction 9) to the junction with the A505 (Pixmore Way / Baldock Road roundabout)
- (v) Norton Way South between the junctions with Gernon Road and Station Road
- (vi) Rushby Mead between the junctions with Birdshill and Hillshott

4.0 Royston

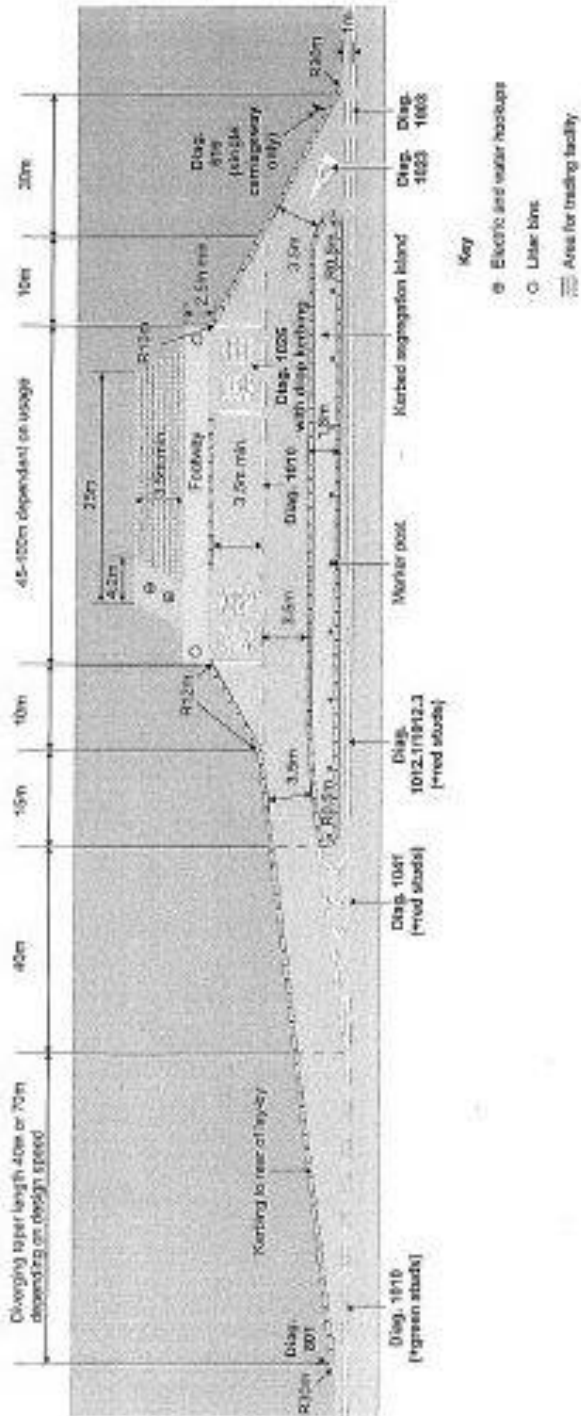
None

5.0 Arterial Roads

- (i) All arterial roads with the exception of designated lay-bys **with raised kerbing separating the lay-by from the carriageway (see Appendix G).**

APPENDIX G

ACCEPTABLE LAY-BY LAYOUT FOR TRADING ADJACENT TO AN ARTERIAL ROAD



Notes:

1. Diagram numbers refer to **TSRGD**.
2. See paragraphs 4.19 and 4.20 for footway details.
3. Segregation island to have a kerbed and raised surface of contrasting colour.
4. Diverging taper lengths: 40m for design speed $\leq 100\text{km/h}$, 70m for 120km/h .
5. Collapsible black and white marker posts with a red reflector to diagram 560 or 561 may be used on the segregation island.
6. R is the radius indicated.

Figure 4/4: Geometric Layout of Type A lay-by with Trading Facility

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HITCHIN COMMITTEE 5 SEPTEMBER 2017

PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 12
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UPDATE FROM THE MEMBER OF PARLIAMENT FOR HITCHIN AND HARPENDEN

I wanted to give you a short update on my general activities in and around Hitchin since June, and let you know of what seems to be coming through in my postbag.

In general, my focus has been on local schools, local businesses, and local charities.

Other issues that have come up

Citizens Advice Bureau – when I visited them recently, they did show me their figures and demonstrated how they face a financial squeeze this year. I have made clear that I believe them to be an important and significant service, and will do all I can to help them. If any Hitchin councillors wish to get in touch with me about that, then let me know.

Planning – planning concerns from Hitchin and surrounding villages dominate my postbag. Pirton residents in particular are up in arms about the plans for their village. The residents from the Wymondleys and Graveley are beyond furious.

Dell Theatre – Cllr Elizabeth Dennis cornered me in a particularly charming way a couple of months back, and told me about the wish to re-open the Dell Theatre. I personally reviewed the documents, and put the case to the Dept of Health (who need to be consulted). My information is that they are now in touch with Cllr Dennis, and my office has spoken with her recently on the matter. If there is anything else I can do, I am happy to help.

My general message is that if there is any way in which Hitchin councillors want me to help them with any community projects or activities, please get in touch.

Kind regards

Bim Afolami
MP for Hitchin and Harpenden

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