

Public Document Pack

25 September 2017

Our Ref Letchworth 09.17
Your Ref.
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To: Members of the Committee: Councillor Mike Rice (Chairman), Councillor Paul Marmont (Vice-Chairman), Councillor Clare Billing, Councillor John Booth, Councillor Julian Cunningham, Councillor Gary Grindal, Councillor Terry Hone, Councillor Lorna Kercher, Councillor David Levett, Councillor Sandra Lunn, Councillor Ian Mantle, Councillor Lynda Needham and Councillor Deepak Sangha.

You are invited to attend a

MEETING OF THE LETCHWORTH COMMITTEE

to be held in the

**FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH
GARDEN CITY**

On

WEDNESDAY, 6 SEPTEMBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 5 JULY 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 5 July 2017.	(Pages 1 - 6)
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. Imajica Theatre.	
6. CONSULTATION IN RELATION TO THE PROPOSED STREET TRADING POLICY 2018 - 2025 REPORT OF THE LICENSING MANAGER To comment on the proposed Street Trading Policy for the Council, particularly in relation to any matters relating to Letchworth.	(Pages 7 - 38)

7. **GRANTS AND COMMUNITY UPDATE** (Pages 39 - 48)
REPORT OF THE STRATEGIC DIRECTOR OF FINANCE, POLICY AND GOVERNANCE.

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.

8. **DISCUSSION - LIST OF PROJECTS FOR SECTION 106 FUNDING IN FUTURE AGREEMENTS**

The Chairman to lead a discussion regarding developing a list of capital projects for Section 106 funding in the future.

9. **WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS**

To receive any oral reports from Members regarding Ward matters and Outside Organisations.

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LETCHWORTH COMMITTEE

MEETING HELD IN FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH GARDEN
CITY ON WEDNESDAY, 5 JULY, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Mike Rice (Chairman), Councillor Paul Marmont (Vice-Chairman), Clare Billing, John Booth, Terry Hone, Lorna Kercher, David Levett and Ian Mantle*

In Attendance:

Claire Morgan (Communities Officer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting 2 members of the public.

4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Julian Cunningham, Gary Grindal and Lynda Needham.

5 MINUTES - 8 MARCH 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 8 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

There was no other business notified.

8 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman advised that he had agreed to move Item 8 – Letchworth Garden City Town Centre Manager forward and this would now be considered as the next item.
- (4) 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.

9 PUBLIC PARTICIPATION - MS THERAPY CENTRE

The Communities Officer advised that Mr Mark Boscher of the MS Therapy Centre had been called away to attend a sick relative and therefore was unable to attend this meeting to make a presentation.

10 GRANTS AND COMMUNITY UPDATE

The Communities Officer presented the report of the Strategic Director of Finance, Policy and Governance entitled Grants and Community Update.

She advised that the report had been written some time ago for the meeting that was due to have been held in early June 2017, due to the General Election that meeting was postponed and therefore some of the information was no longer valid and drew attention to the following:

Grant Application – Cheap as Chips

The grant application for Cheap as Chips had been withdrawn as sadly this organisation had now disbanded.

Mrs Pauline Worland, who had run the organisation for many years retired and there was no-one willing to take on the responsibility.

They did a really good job for many years and this should be recognised.

Grant Application – Armed Forces Day

This event had now taken place and, due to the timing of the event, the Strategic Director of Finance, Policy and Governance had authorised payment of the grant.

This event had been very well attended.

Joan Ellis, the organiser of this event for the British Legion had retired and moved away from the area, therefore a new Committee would be organising next year's event.

The Community Officer would offer support to the new Committee.

Updates on Previous Grant Awards

Members welcomed the updates on previous grant awards and commented that this sort of information should be provided on a regular basis.

The Communities Officer advised that she would, in future, report on any grants for which progress had been made or had been granted in the last year.

Highways Matters

Councillor Hone advised that he had not, in his role as a County Councillor, received any requests from Members regarding highways matters and therefore assumed that the Committee was content and reminded Members to contact him if they wished to discuss any highways related issues.

RESOLVED:

- (1) That the Communities Officer be requested to include updates regarding how grant funding awards were used and the success of any events for which grant funding was provided in all future reports.
- (2) That the budgetary expenditure, balances and carry forwards from the Development and Visioning Budgets be noted;

- (3) That the actions taken by the Community Development Officer to promote greater community capacity and well-being for Letchworth Garden City be endorsed;

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

11 GRANT APPLICATION - MS THERAPY CENTRE

The Communities Officer reminded Members that Mr Boscher, Chief Executive of the MS Therapy Centre had been called away to attend a sick relative and asked the Committee to take into account the extenuating circumstances and consider the grant application.

This charity was one of the Chairman's Charities in 2016/17 and Members were fully acquainted with the work of the organisation.

She drew attention to Paragraph 8.1.1 of the report which gave details of the MS Therapy Centre and the grant application.

The request was for £1,113 towards the cost of training staff to provide specialist Pilates sessions, aimed specifically at those with MS and other neurological conditions. These sessions would help those taking part to maintain mobility and remain independent and in employment for as long as possible.

RESOLVED: That grant funding of £1,113 be awarded to Hertfordshire Multiple Sclerosis Therapy Centre from the 2017/18 Discretionary Budget towards the cost of training staff to provide specialist Plates sessions for those with MS and other neurological conditions..

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

12 GRANT APPLICATION - ARMED FORCES DAY

The Communities Officer advised that her report had been written prior to the meetings being postponed due to the General Election.

This grant had been awarded under delegated powers and the event had taken place and been a great success.

13 LETCHWORTH GARDEN CITY TOWN CENTRE MANAGER

Prior to the item being discussed Councillor David Levett declared a Declarable Interest as he was a member of the BID Board, but as there was no decision to be made on this item as it was only for reporting purposes he would remain in the room.

Mr Tom Hardy, Letchworth Garden City Town Centre Manager, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding the issues and activities in the Town Centre as follows:

Town Centre/BID Manager

Mr Hardy had been in post as Town Centre and BID Manager for 18 months and had taken the BID through the 2016/17 year.

They were currently working through the 2017/18 action plan.

At the end of this year work would start on the re-balloting process, which would involve consulting extensively with the businesses within the Business Improvement District in order to devise the 2020/24 Business Plan.

Annual Report

The Annual Report summarised what the BID had been doing over the last 12 months as they worked through the current Business Plan.

Copies had been distributed to those Members present at the meeting.

2016 Events and Activities

Four major events had been held in the Town during 2016 being:

Food and Drink Festival
Town Centre Takeover
Letchworth Beer and World Food Festival
Christmas Light Switch On.

A new general market was introduced, which had evolved onto a food and lifestyle market.

A car boot sale was held weekly and the Farmers Market was now branded as a BID initiative.

The BID supported the Letchworth Festival by providing a stage and taking part in planning meetings.

They provided regular entertainment within the Town Centre such as buskers and street entertainers.

The BID jointly developed the first running event in the Town Centre called Running in the Garden.

Benefits for Business

The BID aimed to ensure that the events had a positive effect on businesses and to support this have produced maps and trails to encourage people to move around the Town and visit shops to get stamps. They had developed different trails to suit different customers including an Easter Trail, Vintage Shop Trail and for the future an Arts Trail.

Parking

The BID had worked with NHDC and other organisations to lobby for improved signage within the Town and car parks and this was implemented in October 2016.

They were in the process of lobbying the Council regarding improved car park payment mechanisms.

The Bid funded the start up of and continued to part fund Disabled Go, a web site aimed to help disabled people access the Town Centre.

Marketing and Communications

The BID had developed new quarterly marketing campaigns such as the Discover Letchworth column in the midweek Mercury and the Our Tom Hardy page in the Comet.

Businesses were kept up to date with a newsletter and the Letchworth in Business Meetings.

Last year the BID ran quarterly radio and newspaper campaigns and worked on expanding the social media input which was a really good and cost effective way to advertise what was great about the Town.

The Town Centre Website was launched last year to highlight the best of the Town and it was hoped to improve this to make it more user friendly for the public.

Work was being carried out on a new website called Letchworth in Business, which would focus on vacant units, stall holders and rooms for hire.

New Openings

There had been a lot of new shops in the Town Centre and many of the vacant units had been taken by businesses, but were not yet open

Developing the Offer

The BID carried out a business mentoring programme focussed on the independent retailers, which considered their visual merchandising and how to use social media and included one to one sessions with marketing professionals to help them get the best of their on-line exposure and look at their window and the customer experience.

The feedback from these sessions was very good and as a result the BID was looking at sessions tailored toward businesses that have visitors to offices as well as business development sessions for traders.

Permanent footfall counters were in place and were providing live data which enabled the BID to monitor how successful an event had been.

One of the challenges was to determine how the events help the businesses and work was being undertaken to develop robust ways of encouraging footfall around the shops. One method tried was to provide a discount flyer at the food and drink festival and the Letchworth Festival, which aimed to encourage businesses to offer a discount for a month to encourage shoppers to return.

The BID was investigating pop-up shops and ideas such as small business sharing premises and the feasibility of delivering this was part of that investigation.

Loving Letchworth Awards were introduced last year to acknowledge the achievements of the Town Centre businesses that continually strived to be the best in Town.

1,189 nominations had been received and an awards ceremony was held where certificates were awarded and the feedback received was given to the businesses which enabled them to improve and use any testimonials on their website.

A Town Centre guide had been produced, that complimented the existing Letchworth Garden City Heritage Foundation guide.

2017/18 Action Plan

The 2017/18 Action Plan contains much of the elements of the previous Plan, but was now more focussed on developing the offer, finding ways to be more clever about marketing and promotions, better use of social media and devising ways to promote the very best of the Town

From October 2017 the BID would start on the re-ballot process, fourteen months before the due date. This would give time to consult with businesses, consider whether the BID area was correct and consider the amount of the levy.

Funding

The BID had acknowledged the decision by NHDC to stop grant funding of BIDS and Town Centres and had reduced budgets for events so that they could be taken forward. Despite this a large amount of money spent on events was for services provided by the Council such as bins and street trading consents that reduced the ability to provide non profit making events in the Town Centre.

Mr Hardy asked whether the Committee would support a request for an offer in kind by providing these services either for free or at a much reduced cost.

Wednesday, 5th July, 2017

Mr Hardy concluded by advising that the BID Company was working much better than it had been and that there were now some tangible difference to be seen particularly around business attitudes and public perception of Letchworth.

Members commented that the Council was part of the BID area and therefore contributed by way of paying the levy.

The Communities Officer advised that this Committee did not have the authority to make that sort of decision and that it was unlikely that the Council would agree to give services in kind to one organisation, as this would set a precedent.

Members asked whether trade had increased during the period of the BID and whether the night time economy had improves

Mr Hardy advised that they had undertaken a survey of businesses for which the results had not yet been received, but anecdotally business appeared to be on the increase in Letchworth although it had to be acknowledged that retail in many town centres was struggling and as a consequence there was a rise in service and leisure industries.

The BID was reacting to these changes were promoting the retail already in the Town, but recognising the direction that the Town was going.

In respect of the night time economy, this aspect was improving and was helped by new businesses such as the Garden City Brewery, the Grapevine, Wildwood and Crafty's Beer Shop.

Members asked how the new market was going and whether this affected footfall in the Town

Mr Hardy advised that it was too early to judge the success of the markets as new markets often took time to establish and those in Letchworth had been operating for just 6 weeks. Currently there were markets held on Thursdays and Saturdays with a car boot sale on Sundays and these were constantly marketed, with a review being undertaken every quarter.

Members noted that the Town Centre seemed busier, particularly in the evenings, when parking in the centre was almost impossible. This demonstrated a great change in the way the Town Centre was being used and that more people were coming in the evenings for entertainment purposes.

Councillor Levett advised that Mr Hardy had developed a pack of information that would be given to prospective new businesses to the Town.

The Chairman thanked Mr Hardy for his presentation.

14 WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS

Howard Garden Social and Day Care Centre

Councillor Kercher advised that she had always supported the Howard Garden Social and Day Care Centre and was a trustee, but she would be resigning this position in May 2018 and the Centre was looking for a replacement Trustee. She asked that Councillors support the search for the right person to take on this role.

The meeting closed at 8.11 am

Chairman

**LETCHWORTH COMMITTEE
6 SEPTEMBER 2017**

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

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. EXECUTVE SUMMARY

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

2. RECOMMENDATIONS

2.1 That the Letchworth 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.

Special circumstances relating to Letchworth

- 8.10 Land ownership in Letchworth is more complex than the other towns due to the existence of the Letchworth Garden City Heritage Foundation (“the Foundation”). The Foundation is a significant land owner within the town and is an additional consultee for all applications for Consents relating to Foundation land.
- 8.11 Garden Square Shopping Centre is privately owned land for which the owners have obtained their own Town Centre Consent. The remainder of the town centre is covered by a Town Centre Consent obtained by Letchworth Garden City Business Improvement District Ltd. This arrangement has been in operation since the adoption of the existing policy in 2012 and has caused no operational issues to date.

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

- 16.1 Colin Broadhurst, Licensing Officer
Colin.broadhurst@north-herts.gov.uk extn: 4381
- 16.2 Steve Cobb, Licensing Manager
Steven.Cobb@north-herts.gov.uk extn: 4833

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.

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authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:

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- (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;
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- (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

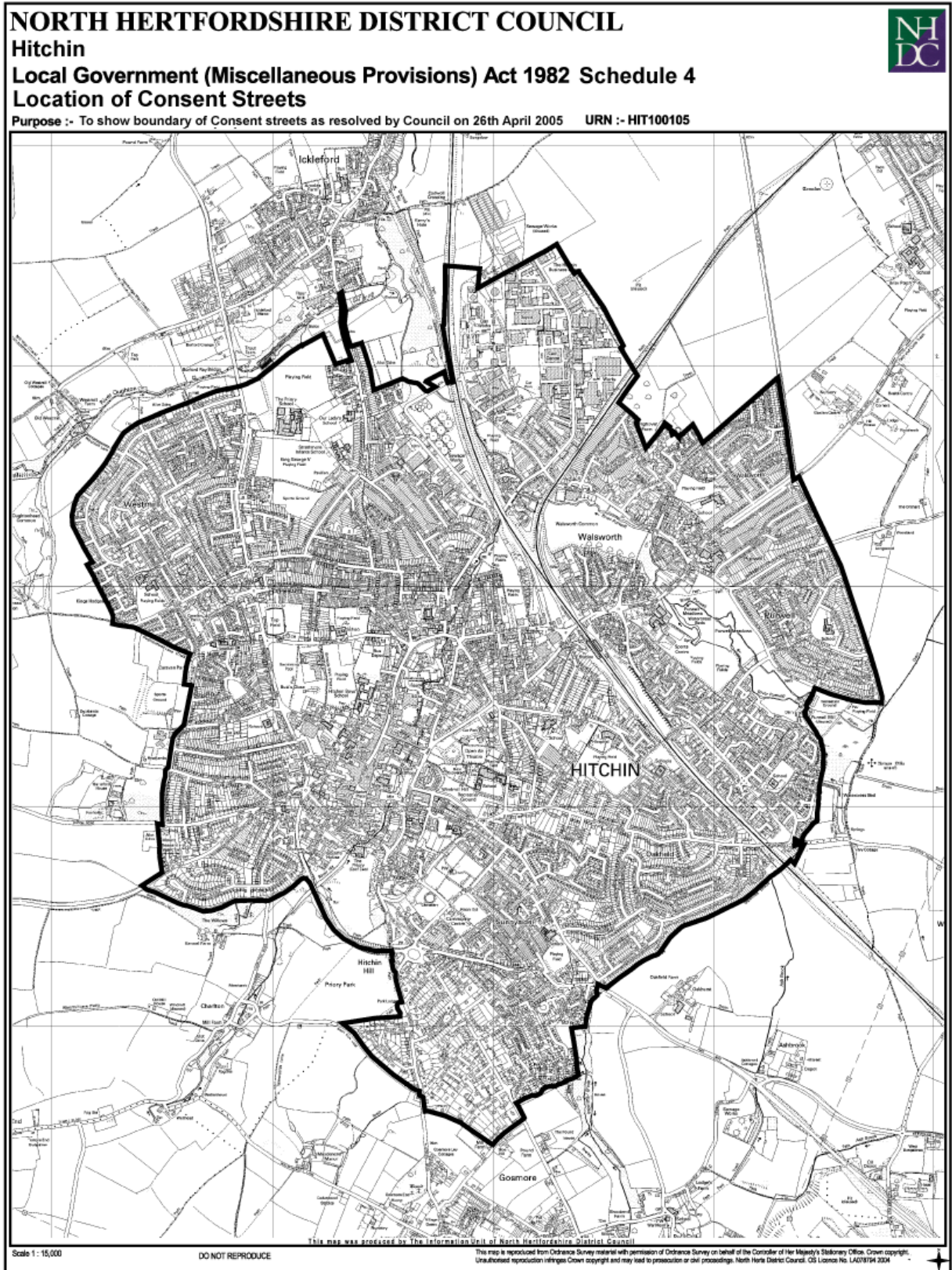
- 8.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.
- 8.2 The fees will be reviewed at least on an annual basis and published on the Council's website. **The Head of Housing and Public Protection is authorised to set 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.
- 8.6 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: 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.

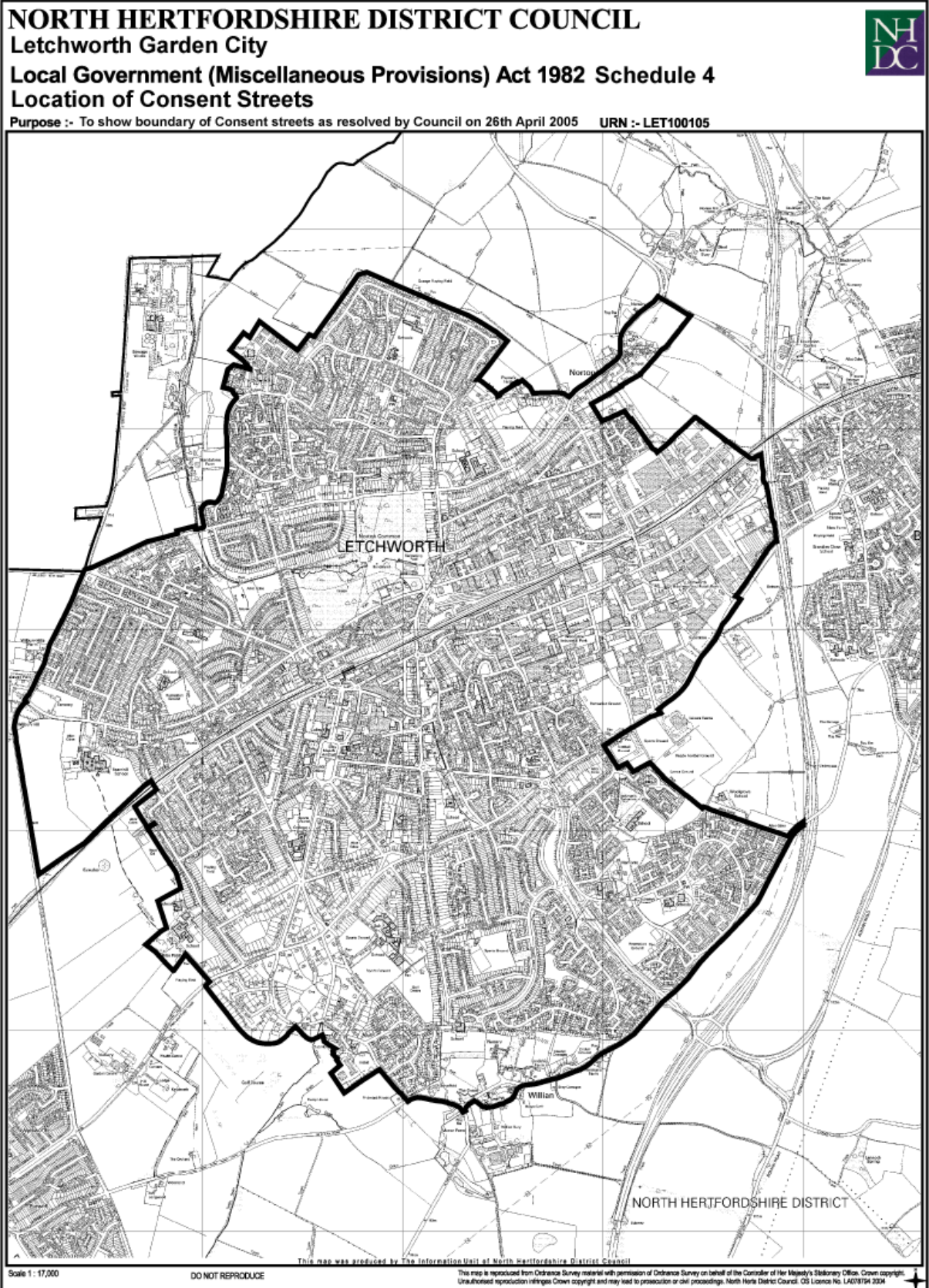
APPENDIX A

**CONSENT STREET MAP
HITCHIN**



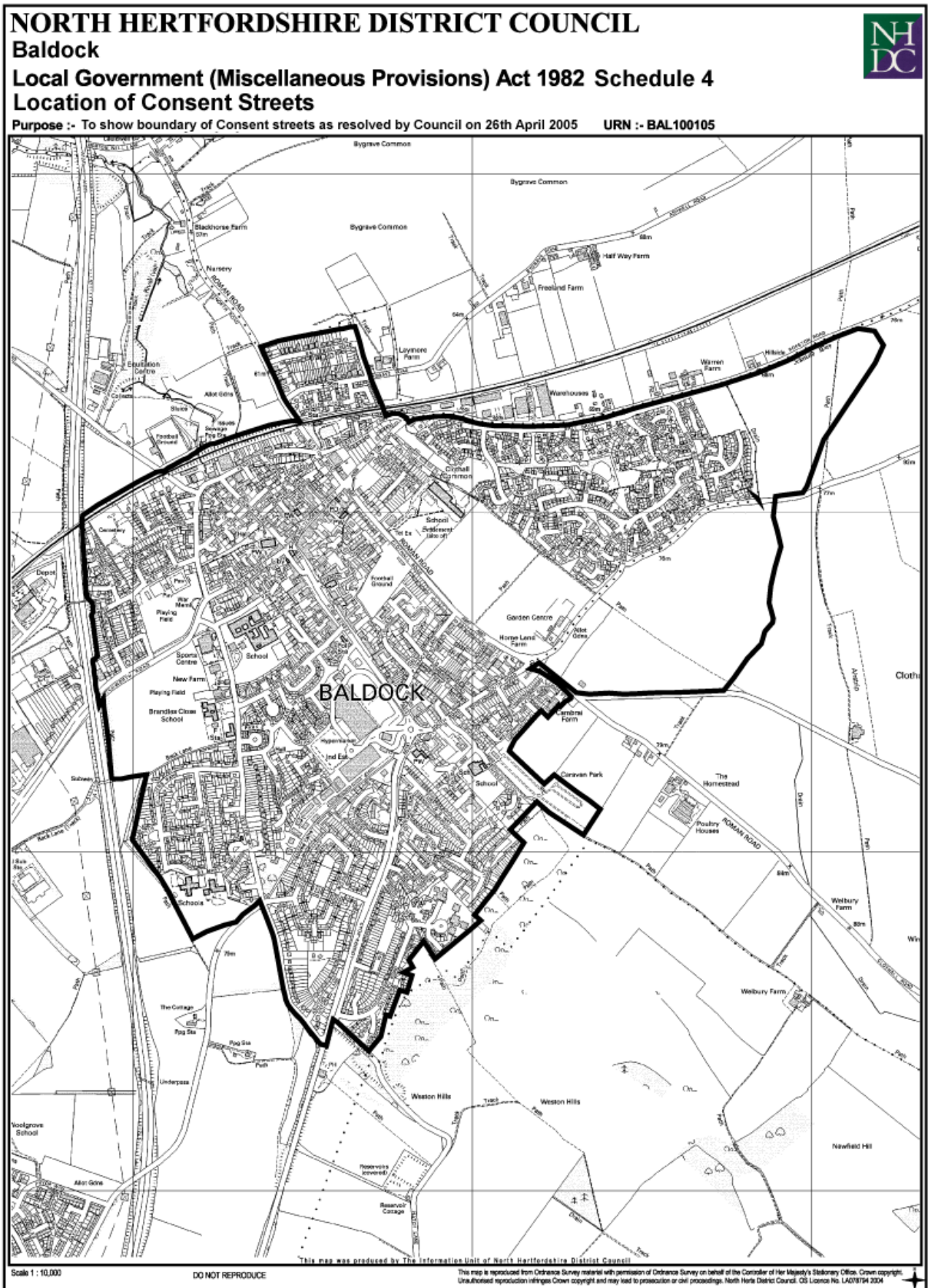
APPENDIX B

**CONSENT STREET MAP
LETCWORTH GARDEN CITY**



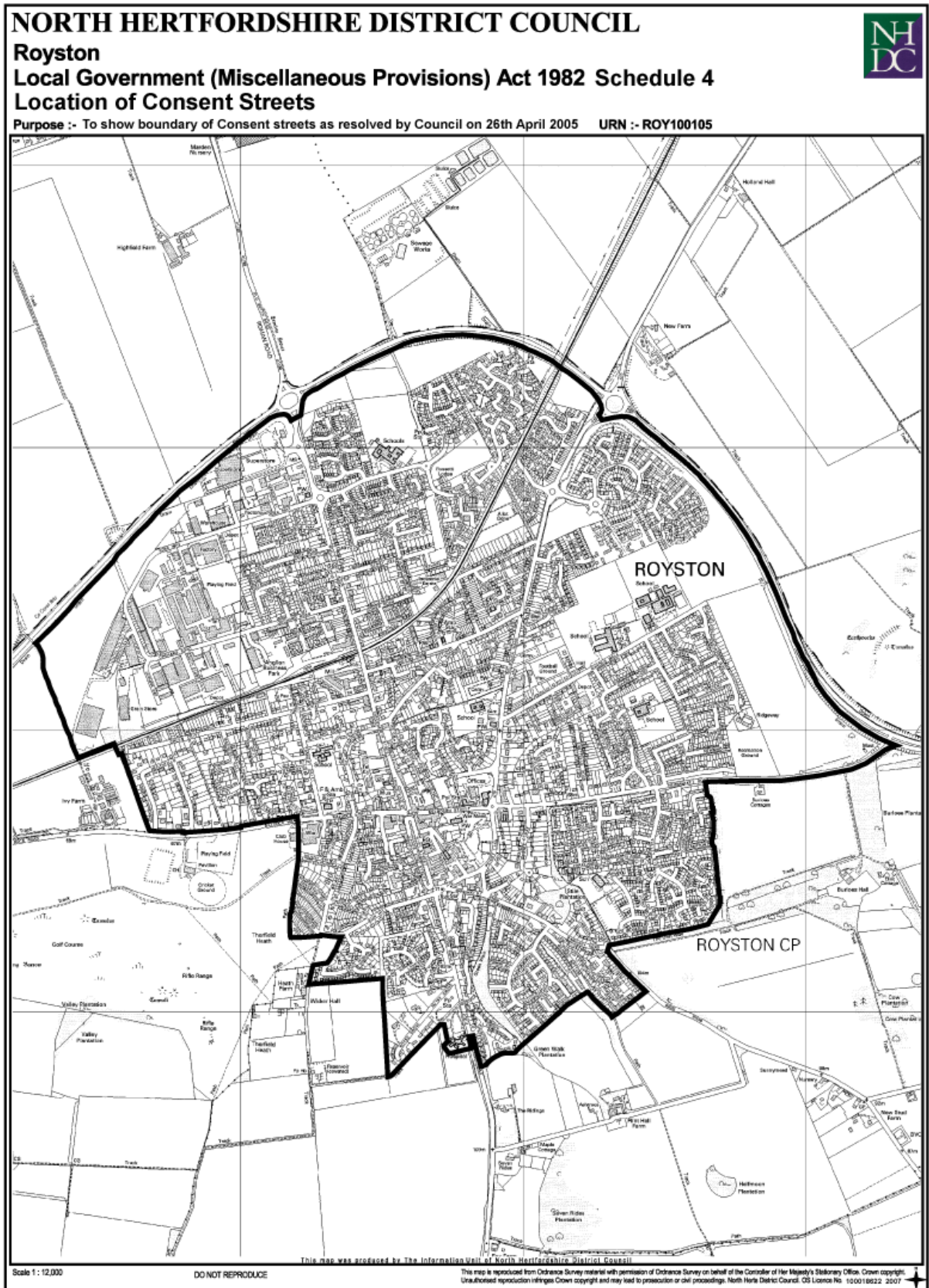
APPENDIX C

**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

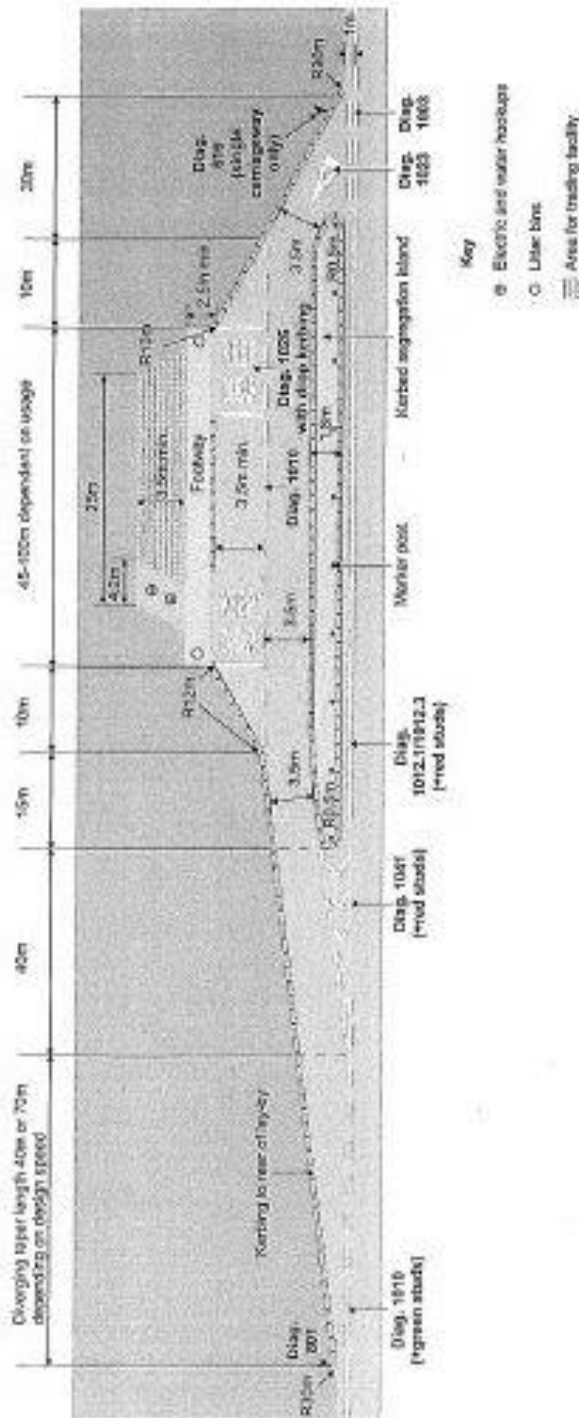
None

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 ≤ 100km/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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**LETCHWORTH COMMITTEE
7 SEPTEMBER 2017**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

7

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 endorses the actions taken by the Community Officer to promote greater community capacity and well-being for Letchworth.

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 1 Letchworth 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 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.

8.1.2 Jackie's Drop In

The Communities Officer has coordinated intensive work with the volunteers at Jackie's Drop In. Following their move to the new location on Broadway, they had doubled their operation and to continue the growth and sustainability of the organisation needed to formalise their governance and structure.

The Communities Team have been very fortunate to have a volunteer Laura Levy working with them who formerly worked in the banking industry and has experience of business management. Laura was able to spend a considerable amount of time with the JDI volunteers assisting in the production of business plan and helping them to understand the process of planning and setting goals and objectives.

NHCVS have also provided a great deal of assistance to the group by advising on their Policies and Procedures and supporting the creation of a formal governing body with a chair, secretary and treasurer. This group should now be meeting regularly and recording their meetings.

All of these issues needed to be urgently dealt with in order that JDI be eligible to apply for larger pots of funding necessary to maintain the future of their services and also begin to employ some of the key volunteers involved from the inception of the centre.

The group will need to continue to plan for the future, keep the policies up to date with latest legislation and take responsibility to grow and develop their services.

Both officers and staff at NHCVS will be on hand to advise and support the group. However, it will not be possible to continue the level of support that the group has received over the past few months.

It is hoped that now the governing body has been set up that they will be able to take full responsibility to competently and efficiently manage the centre and the services it provides.

8.1.3 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.

8.1.4 Letchworth Festival

The Letchworth Festival fortnight was very well received again this summer. The steering committee has seen quite a few changes this year with a new Chair and many new committee members. The festival Finale 'Prom's in the Park' benefitted from some funding from Area Committee Budgets providing £1500 towards staging for the event.

The Communities Officer has met with the current Chair of the Festival, Akua Obeng-Frimpong who has lots of ideas to develop the festival next year. The new committee intends to actively encourage young people and those from the many diverse cultures and backgrounds in the town to organise events next year as part of the festival.

The communities' officer has provided relevant contacts to liaise with and will continue to provide advice and guidance.

8.2 Update on previous grants awarded

8.2.1 Howard Garden Social Centre

The Howard Garden Social Centre received funding from the Letchworth Committee in September 2016 towards the cost of replacement of the flooring following flooding.

The Social Centre no longer benefits from annual funding from North Hertfordshire District Council.

They currently receive an annual grant from Hertfordshire County Council of £9800 and this year has received smaller grants from both the Co-op and the Letchworth Garden City Heritage Foundation. They have increased their evening room hire by 30% and are organising regular fund raising events.

The next fund raising event is to be held on Saturday 2nd September 2017 and a Christmas Bazaar is planned for later in the year.

They are still looking to recruit a new Chairperson for the Board of Trustees and new volunteers would be made very welcome.

8.3 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 The budget for the 2016/17 financial year was £19,500. Within the previous financial year the committee provided grant funding of £16,308 leaving a carry over amount of £3,192. At the last meeting in July 2017 a further £1,113 was allocated and spent leaving an amount of £1,229 still outstanding in the carry over budget.

As outlined in Appendix 1; the discretionary grant budget for this year is £19,500 therefore providing a total of £20,729 available to provide grant funding to eligible groups and organisations.

Any grant funding will be utilised from the 2016/17 carry over amounts in the first instance.

The total amount of grant funding spent this financial year is £3,350 which has been taken will be taken from the 2016/17 carry over amount leaving £1,229 from this budget and the 2017/18 budget has not yet been used.

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 1 - 2017/18 financial year budget sheet

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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

Letchworth Budget 2017/18

<u>SUMMARY/ TOTALS</u>	<u>Funding</u>	<u>Allocated</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>
<u>Discretionary Grants brought forward from 2016/17</u>	£6,877	£5,648	£3,350	£2,298	£1,229
<u>Discretionary Grants 2017/18</u>	£19,500	£0	£0	£0	£19,500
Total	£26,377	£5,648	£3,350	£2,298	£20,729

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Letchworth Budget 2017/18

DISCRETIONARY BUDGETS

	<u>Funding</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated</u>	
Funds Brought Forward from 16/17	£6,877	Councillors Surgery Leaflet	£185	03.09.14	£0	£185		Original allocation £220 less £35 spent in 2016/17
		Impact Youth Club	£1,000	08.03.17	£0	£1,000		
		The Living Room	£2,500	08.03.17	£2,500	£0		
		Armed Forces Day	£850	31.05.17	£850	£0		
		Herts MS Therapy Centre	£1,113	05.07.17	£1,113	£0		
Total	£6,877		£5,648		£3,350	£2,298	£1,229	

DISCRETIONARY BUDGETS

	<u>Funding</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated</u>	<u>Comments</u>
Base Budget 17/18	£19,500							
Total	£19,500		£0		£0	£0	£19,500	

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