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25 August 2017

Our Ref Baldock 09.17
Your Ref.
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To: Members of the Committee: Councillor Michael Muir, Councillor Janine Paterson, Councillor Steve Jarvis, Councillor Jim McNally, Councillor Valentine Shanley and Councillor Michael Weeks

You are invited to attend a

MEETING OF THE BALDOCK AND DISTRICT COMMITTEE

to be held in the

BALDOCK COMMUNITY CENTRE, SIMPSON DRIVE, BALDOCK

On

MONDAY, 4TH SEPTEMBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 3 JULY 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 3 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. The following request has been received: Baldock, Bygrave and Clothall Neighbourhood Planning Group.	
6. PRESENTATION FROM AFFINITY WATER To receive a presentation from Mr Alessandro Marsili from Affinity Water.	
7. PRESENTATION FROM BALDOCK TOWN YOUTH FOOTBALL CLUB To receive a presentation from Baldock Town Youth Football Club.	
8. CONSULTATION IN RELATION TO THE PROPOSED STREET TRADING POLICY 2018-2025 REPORT OF THE LICENSING MANAGER To comment upon the proposed Street Trading Policy for the Council, particularly in relation to any matters specific to Baldock.	(Pages 7 - 38)

9. BALDOCK COMMUNITY EVENTS

To receive a quarterly oral update on Baldock Community Events.

**10. GRANTS AND COMMUNITY UPDATE
REPORT OF THE COMMUNITIES MANAGER**

(Pages
39 - 48)

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.

**11. 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

BALDOCK AND DISTRICT COMMITTEE

MEETING HELD IN THE BALDOCK COMMUNITY CENTRE, SIMPSON DRIVE, BALDOCK
ON MONDAY, 3 JULY, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Michael Muir (Chairman), Steve Jarvis, Jim McNally, Val Shanley and Michael Weeks.*

In Attendance:

Ashley Hawkins (Communities Officer), Amelia McNally (Committee and Member Services Officer) and Ian Gourlay (Committee and Member Services Manager).

Also Present:

At the commencement of the meeting 6 members of the public, including public speakers, were present.

4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Janine Paterson (Vice-Chairman).

5 MINUTES - 6 MARCH 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 6 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 everyone to the meeting including the general public and the public speakers for Public Participation. He also welcomed Members of the Committee and the Community Officer. He advised that Graham LaRoche, (Balstock) would not be addressing the meeting as that particular Grant Application had been withdrawn.
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) 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 - BALDOCK TOWN FOOTBALL CLUB

Graham Kingham and Martin O'Connor thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding Baldock Town Football Club Business Plan.

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They brought attention to the proposed expansion of Baldock and the influx of residents for which this new venue would service. They informed the Committee that the Baldock Town Youth Teams were struggling as they were unable to service all of the teams due to lack of space. They felt that there were insufficient leisure facilities in Baldock and were currently spending between £15,000 and £20,000 in rent and expenses to give the youth of the Town an opportunity to play and compete in sporting activities elsewhere. They advised that the proposed venue would be built as close to Baldock Town Centre as possible, catering for both able-bodied and children with disabilities. The proposed site would provide a wide range of sporting activities. As well as Football, it would include Rugby, Cricket, Netball and Hockey.

They pointed out that the proposed facility, once built, would be self-funding within a 10 year plan. Various Members of the Committee made suggestions for funding.

Mr Kingham and Mr O'Connor encouraged Councillors to look at the Plan and support it.

The Chairman thanked Mr Kingham and Mr O'Connor for their presentation.

RESOLVED:

- (1) That the Baldock Town Football Club Business Plan be supported, in principle;
- (2) That once the Business Plan has been read fully by all Committee Members, a list of questions would be collated and sent to the Football Club, with a view that a meeting be held between the Football Club and Committee Members within the next 4 weeks.
- (3) That the final Business Plan be considered by the Committee at its next meeting on 4 September 2017 and, if supported, it be passed to the NHDC Chief Executive for further consideration.

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

10 PUBLIC PARTICIPATION - CHRISTCHURCH BALDOCK

No one was present to address the Committee to give a verbal presentation regarding the grant funding application.

Christchurch Baldock was a registered charity who were seeking funding support of £200 from the Baldock & District Area Committee to assist with costs for running a free week long Summer Camp Holiday Club at Knights Templar School. Christchurch Baldock had been running the Holiday Club since 2005 for which over one hundred children Reception age to Year 6 and their families benefitted from this project.

As with the next item, (Minute 11) Members were disappointed that no one from the organisation was present to address the Committee. In future, they asked that grant applicants be advised that failure to attend the meeting to present their application could jeopardise any funding being approved.

11 PUBLIC PARTICIPATION - HINXWORTH ALLOTMENT GROUP

No one was present to address the Committee and gave a verbal presentation regarding the grant funding application.

Hinxworth Allotment Group was an unregistered Charity, who were seeking funding support of £200 from the Baldock & District Area Committee to assist with the purchase of a Heavy Duty Lawn Mower. This would be used to maintain the walkways and surrounding area around the well used allotments in good order, helping also to reduce the risk of injury in the long grass.

Regarding attendance, please see minute 10 above.

12 PUBLIC PARTICIPATION - WESTON VILLAGE HALL

Mrs Christine Adams thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding the grant funding application for Weston Village Hall, pointing out that Weston Village Hall was built and had been operating since 1927 and had approximately 2,000 users

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hosting a variety of activities including a Cinema Club with over 100 members. Whilst a number of improvements had been made over the years, including a new infra-red heating system reducing their running costs greatly, the building was very poorly insulated, for which they would like to secure the requested funding of £1,000 to help address this.

The total cost of the Project was in the region of £16,087, they had already secured £8,000 through Lottery Funding and £5,000 on a 3 year repayment loan basis from Weston Parish Council.

The Chairman thanked Mrs Adams for her presentation.

13 PUBLIC PARTICIPATION - SANDON SOCIAL CLUB

Mr David Green thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding the grant funding application of £750, (half of the total estimated cost) for repairs to Sandon Sports and Social Club.

Mr Green informed the Committee that The Pavillion had been opened by The Duke of Edinburgh in 1951 and was home to the Village's thriving boys and girls Cricket Club and resident Football Teams. They ran several yearly social events and were very well supported by the whole of Sandon Community.

He pointed out that, after inspection, The Pavillion required new lockable windows for the rear of the building, as the originals were rotten, together with several minor external repairs.

The Chairman thanked Mr Green for his presentation.

14 PUBLIC PARTICIPATION - BALSTOCK

There was no representative from Balstock in attendance as their Grant Application had been withdrawn.

15 BALDOCK COMMUNITY EVENTS

Councillor McNally explained that replacing the Baldock Town Partnership and launched in March 2017 was Baldock Community Events who had held their first event, a luncheon that had provided for 300 people. He stated that the feedback had been extremely positive and providers were very impressed with the whole organisation. He further informed the Committee that the accounts would be published in August and, as in previous years, there would be an expected small loss.

Councillor McNally communicated to the Committee that the Town Centre Manager had resigned. He stated that the position had been advertised and they were now waiting for applicants. He further mentioned that they were also looking to recruit a Fund Raising Director and an Events Manager/Director.

Councillor McNally confirmed that the next Baldock Community Event would be The Baldock Cycle Challenge to be held on 23 July 2017.

16 GRANTS AND COMMUNITY UPDATE

The Communities Officer (CO) introduced the report of the Strategic Director of Finance, Policy and Governance and informed the Baldock and District Committee of recent requests received for Area Committee grant funding by community groups and local organisations which conform to the Authority's Grant Policy approved by Cabinet on 14 June 2016.

The Communities Officer advised that, inclusive of the 2016/17 Carry Forwards, the Ward Budgets for 2017/18 would be:

Arbury –	£1,767
Baldock East -	£2,922
Baldock Town -	£6,359
Weston & Sandon -	£3,553

RESOLVED:

- (1) That all grants be allocated from the respective wards 2016/2017 carry over funds until they are depleted; and
- (2) That the actions taken by the Community Development Officer to promote greater community capacity and well-being for Royston and District be endorsed;

REASON FOR DECISION: To keep Members of the Committee apprised of the latest developments in community activities in the Baldock and District area.

17 GRANT APPLICATION - CHRISTCHURCH BALDOCK

RESOLVED: That grant funding of £200 be awarded to Christchurch Baldock taken in proportionate shares from the Baldock Town and Baldock East Ward Budgets toward the costs of running a Free Holiday Club at Knights Templar School for children Reception age to Year 6.

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

18 GRANT APPLICATION - HINXWORTH ALLOTMENT GROUP

RESOLVED:

- (1) That grant funding of £200 be awarded to Hinxworth Allotment Group to assist with the costs towards the purchase of a Heavy Duty Lawn Mower.
- (2) That, subject to the agreement of Councillor Paterson, funding for (1) above be taken from the Arbury Ward Budget.

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

19 GRANT APPLICATION - WESTON VILLAGE HALL

RESOLVED: That grant funding of £1,000 be awarded to Weston Village Hall from the Weston & Sandon Ward Budget towards the cost of Insulation works to the Village Hall as part of the Refurbishment Project.

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

20 GRANT APPLICATION - SANDON SPORTS AND SOCIAL CLUB

RESOLVED: That grant funding of £750 be awarded to Sandon Sports and Social Club from the Weston & Sandon Ward Budget towards the cost of new windows and external repairs to the Club Pavillion.

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

21 GRANT APPLICATION - BALSTOCK

GRANT APPLICATION WITHDRAWN

22 WARD AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS

County Council Locality Budget

The Chairman informed the Committee that he had committed £90,000, being the whole of his County Council Locality Budget.

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The meeting closed at 8.35 pm

Chairman at the meeting on
Monday, 3 July 2017

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BALDOCK & DISTRICT COMMITTEE

4 SEPTEMBER 2017

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

8

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 Baldock Committee with an opportunity to comment on the proposed Street Trading Policy, in particular in relation to any matters specific to Baldock.

2. RECOMMENDATIONS

- 2.1 That the Baldock & District 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 its 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.
- 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

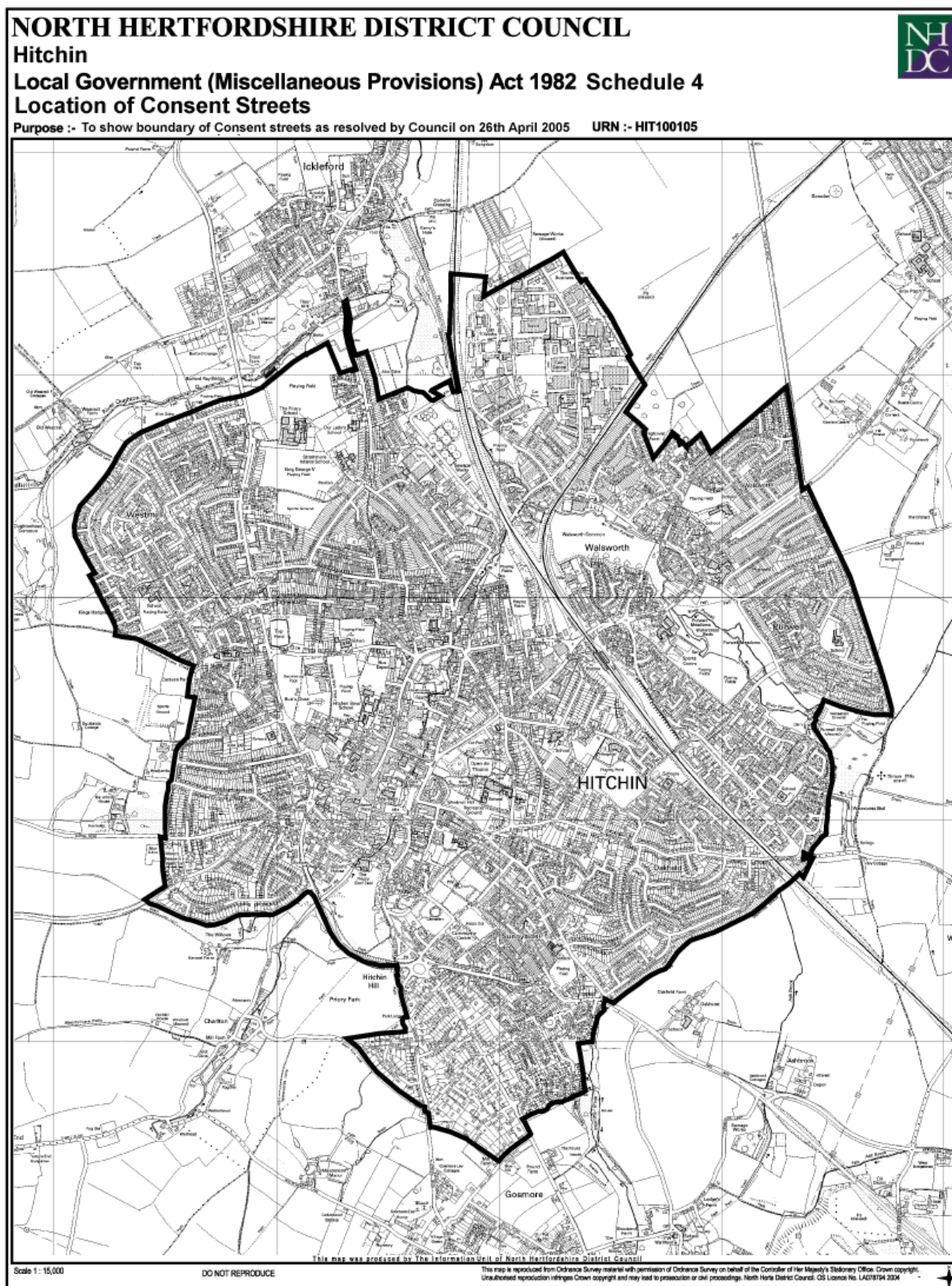
- 8.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.
- 8.2 The fees will be reviewed at least on an annual basis and published on the Council's website. **The Head of Housing and Public Protection is authorised to set 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.
- 8.6 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	<p>includes:</p> <p>any road, footway, beach or other area to which the public have access without payment; and</p> <p>A service area as defined in section 329 of the Highways Act 1980,</p> <p>and also includes any part of a street.</p>
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 LETCHWORTH GARDEN CITY

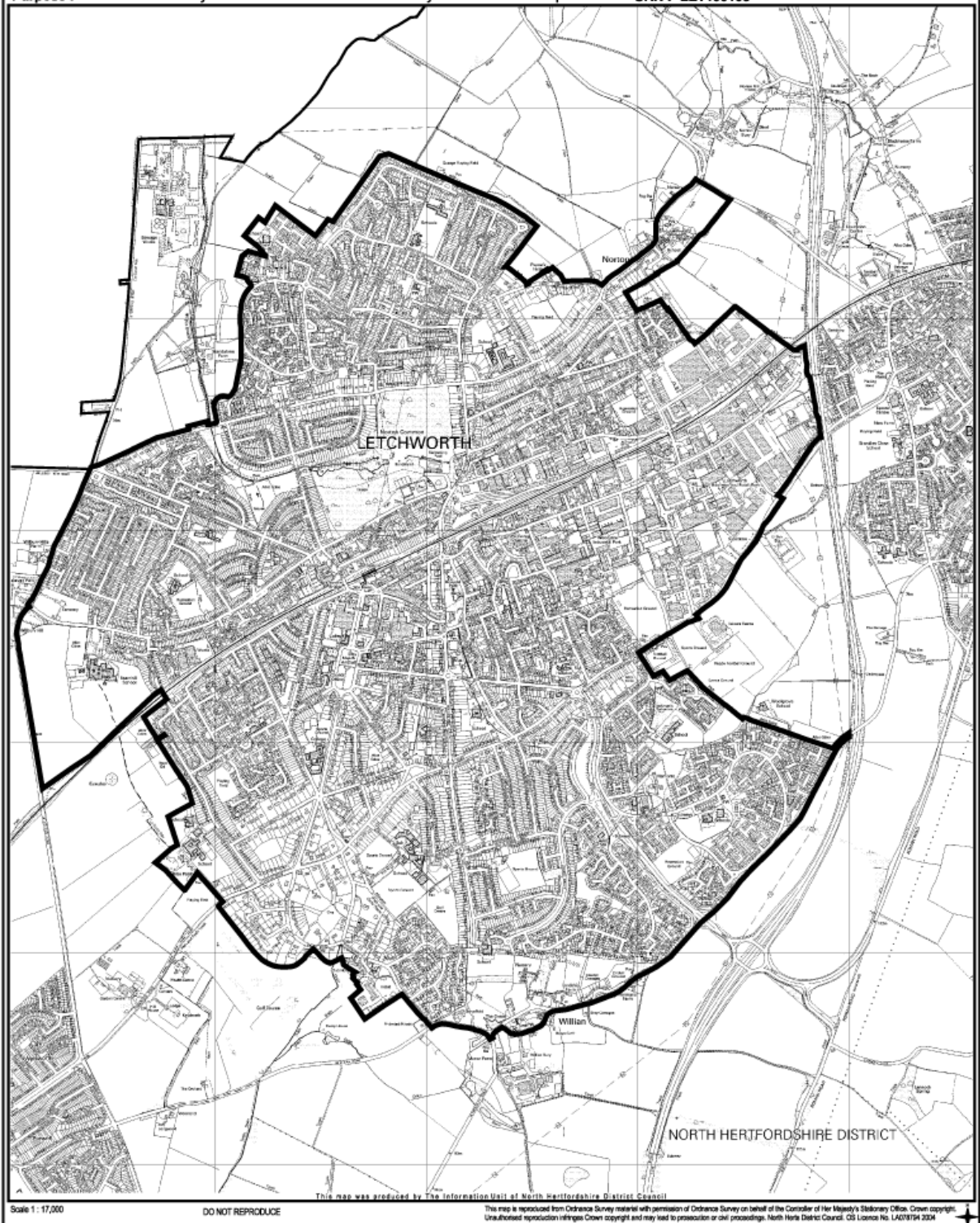
NORTH HERTFORDSHIRE DISTRICT COUNCIL

Letchworth Garden City

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

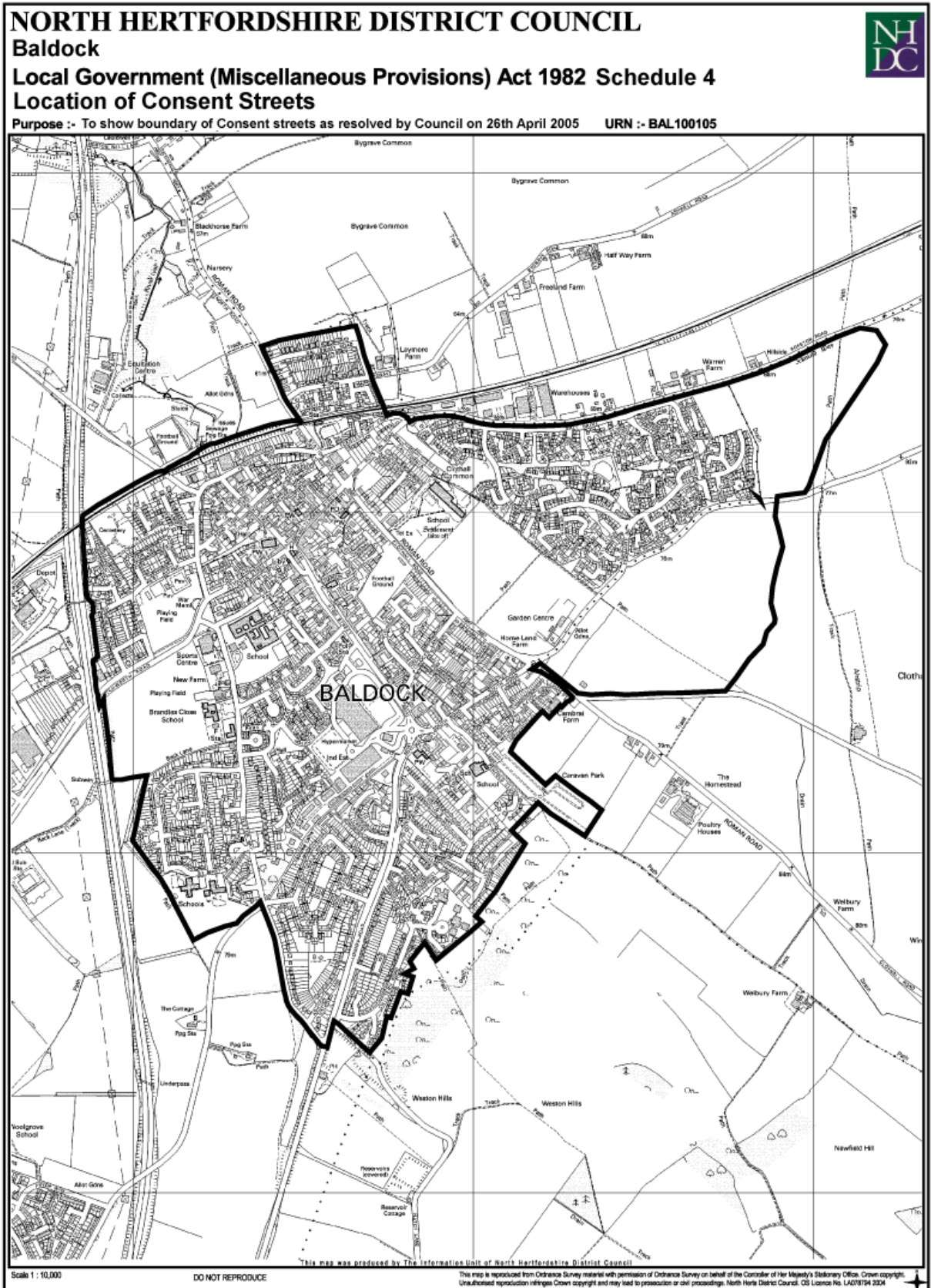
Location of Consent Streets

Purpose :- To show boundary of Consent streets as resolved by Council on 26th April 2005 URN :- LET100105



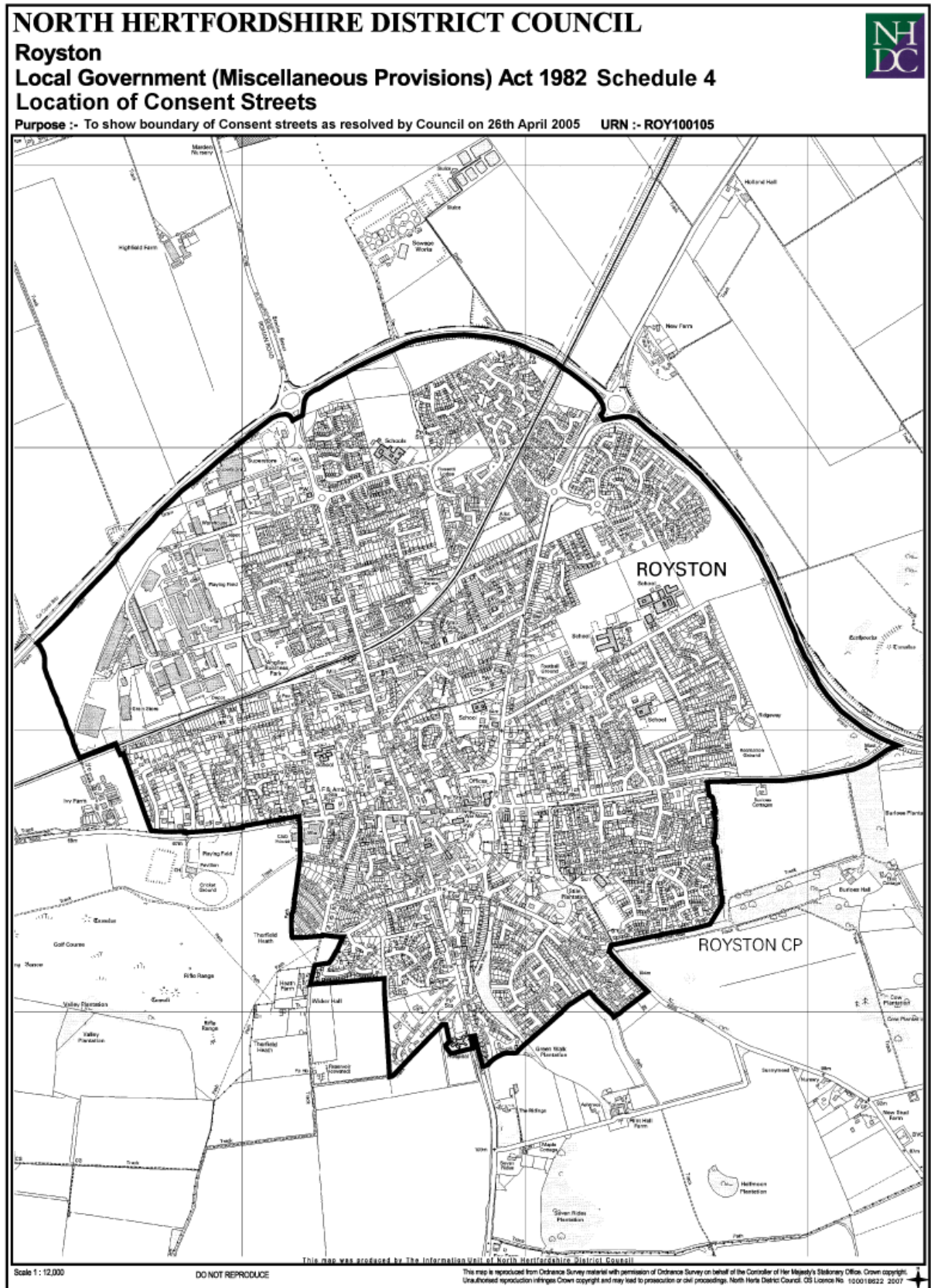
APPENDIX C

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

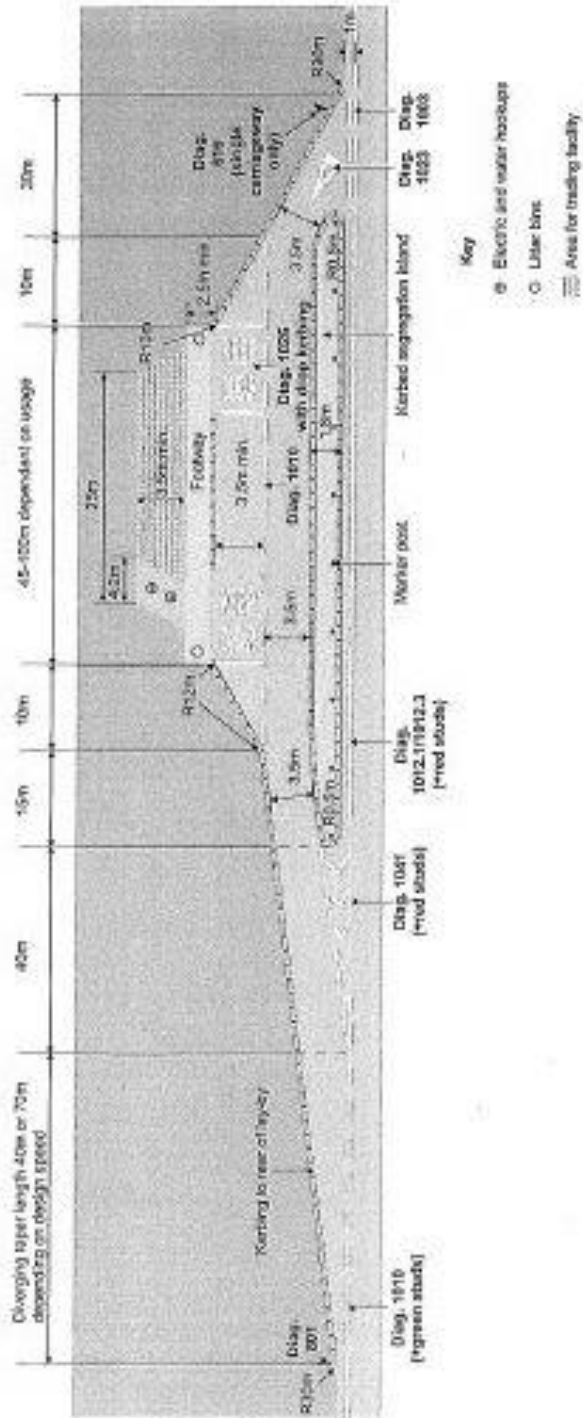
None

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 length: 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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BALDOCK & DISTRICT COMMITTEE 4 SEPTEMBER 2017
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 10
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TITLE OF REPORT: GRANTS AND 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 an in principle grant award for the Baldock & Bygrave Neighbourhood Planning Group, subject to officers receiving the appropriate supporting documentation in line with the Authority's grant criteria and as detailed 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 Baldock.

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 Baldock 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.
- 7.3 Funding remaining for the Committee to allocate in the 2017/18 is summarised below:

	2016/17 Carry Forward	2017/18 Base Budget	Total
Baldock Town	£1,907	£4,300	£6,207
Baldock East	£1,274	£1,600	£2,874
Arbury	£67	1,200	£1,267
Weston & Sandon	£1,313*	1,200	£2,513

Weston & Sandon 2016/17 carry forward includes the £285 that was previously allocated to Village Community Facilities and the £70 allocated to Village Projects

8. RELEVANT CONSIDERATIONS

8.1 Update on Community Engagement & Grant Request

8.1.1 Baldock & Bygrave Neighbourhood Planning Group

The steering group is continuing the development of a Neighbourhood Plan for the town and parish of Bygrave.

The group believes that it is vital to raise awareness of the Neighbourhood Plan enabling local residents to voice their opinions so that these can be taken into account when the Plan is formally developed.

Like other plans being developed within the District, funding is required to produce publicity materials, hold meetings / drop in sessions in order raise awareness and gather information to feed into the consultation elements of the neighbourhood planning process.

As with other Area Committee awards made to Neighbourhood Planning Groups within the District, funding cannot be utilised for any section of the Neighbourhood Planning process if such elements were to conflict with the Authority's own Local Plan.

8.1.2 Baldock Cycle Challenge

The Baldock & District Communities Officer provided support to the Baldock Events Forum on the Baldock Cycle Challenge which was held for a 5th time on Sunday 23rd July.

The CO assisted the group with the planning for the event, the social media push and with signing of the route.

The event was a great success with 180 riders participating on the day, resulting in profits of £1,800 for the Baldock Events Forum.

The Baldock Cycle Challenge will return again in 2018 but will be held during National Bike Week towards the end of June.

8.1.3 Balstock

The Baldock & District Communities Officer is assisting the Balstock organisers with plans for this year's Balstock Family Fun Weekend which will be held on Saturday 9th and Sunday 10th September.

Support has included assistance with licensing issues, parking, waste management, landowner consent, toilet provision, first aid provision and support with drafting the event management plans as required by the North Herts Safety Advisory Group.

8.1.4 Baldock Fair

The Baldock & District Communities Officer is working with the organisers of the Baldock Fair with plans for this year's event.

The CO has organised the paperwork required by Highways for the TTRO and has assisted the organisers with the event management documentation.

During September CO will co-ordinate the advance publicity for the event notifying residents, businesses, the emergency services of the upcoming event.

The CO and CM will organise the removal of the street furniture ahead of the Fair's arrival and will also be in attendance to oversee the fair pulling onto Baldock High Street and White Horse Street.

The fair will pull onto Baldock High Street at midnight on Sunday 1st October and will be operating as normal on Monday 2nd, Tuesday 3rd and Wednesday 4th October, leaving the town overnight and the early hours of the morning on Thursday 5th October 2017.

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 All Area Committees saw a 55% decrease in funding in the 2016/17 financial year. There are 4 meetings in the 2017/18 Committee cycle and members must ensure that sufficient funding is available for all meetings.

10.2 In 2017/18 the Baldock & District Area Committee has an overall budget of £8,600, which is split as follows – Baldock Town £4,300, Baldock East £1,600, Arbury £1,500 and Weston & Sandon £1,200.

10.3 As detailed in 7.3 above, members have carry forward from the 2016/17 financial year. Members are asked to spend from their carry forward prior to allocating from the 2017/18 base budgets.

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.

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BALDOCK AREA COMMITTEE BUDGET 2017/18

FUNDS BROUGHT FORWARD FROM 2016/17

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget					
BALDOCK TOWN	£5,967	£4,060	£152	£3,908	£1,907					
BALDOCK EAST	£2,541	£1,267	£48	£1,219	£1,274					
ARBURY	£1,138	£1,071	£200	£871	£67					
WESTON & SANDON	£3,829	£2,516	£1,750	£766	£1,313					
Total	£13,475	£8,914	£2,150	£6,764	£4,561					

BASE BUDGET 2017/18

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget					
BALDOCK TOWN	£4,300	£0	£0	£0	£4,300					
BALDOCK EAST	£1,600	£0	£0	£0	£1,600					
ARBURY	£1,500	£0	£0	£0	£1,500					
WESTON & SANDON	£1,200	£0	£0	£0	£1,200					
Total	£8,600	£0	£0	£0	£8,600					

BALDOCK TOWN	Funding			Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
Funds Brought Forward from 16/17	£5,967			Friends of Baldock Green Spaces - Dog Bins	£44	05.11.13	£0	£44		
				Baldock Community Mini Bus	£3,800	07.03.16	£0	£3,800		
				Area Committee Banner	£64	06.03.17	£0	£64		
				Christchurch Baldock	£152	03.07.17	£152	£0		£48 funding from Baldock East
Total	£5,967				£4,060		£152	£3,908	£1,907	

BALDOCK TOWN	Funding			Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
17/18	£4,300							£0		
								£0		
								£0		
								£0		
Total	£4,300				£0		£0	£0	£4,300	

<u>BALDOCK EAST</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Funds Brought Forward from 16/17	£2,541			Baldock Community Mini Bus	£1,200	07.03.16	£0	£1,200		
				Area Committee Banner	£19	06.03.17	£0	£19		
				Christchurch Baldock	£48	03.07.17	£48	£0		£152 funding from Baldock Town
Total	£2,541				£1,267		£48	£1,219	£1,274	

<u>BALDOCK EAST</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Base Budget 17/18	£1,600							£0		
								£0		
Total	£1,600				£0		£0	£0	£1,600	

<u>ARBURY</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Funds Brought Forward from 16/17	£1,138			Baldock Community Mini Bus	£850	07.03.16	£0	£850		
				Area Committee Banner	£21	06.03.17	£0	£21		
				Hinxworth Allotment Group	£200	03.07.17	£200	£0		
Total	£1,138				£1,071		£200	£871	£67	

<u>ARBURY</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Base Budget 17/18	£1,500							£0		
								£0		
								£0		
								£0		
								£0		
Total	£1,500				£0		£0	£0	£1,500	

<u>WESTON & SANDON</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Funds Brought Forward from 16/17	£3,829			Baldock Community Mini Bus	£750	07.03.16	£0	£750		
				Area Committee Banner	£16	06.03.17	£0	£16		
				Weston Village Hall	£1,000	03.07.17	£1,000	£0		
				Sandon Sports and Social Club	£750	03.07.17	£750	£0		
Total	£3,829				£2,516		£1,750	£766	£1,313	

<u>WESTON & SANDON</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Base Budget 17/18	£1,200									
Total	£1,200				£0		£0	£0	£1,200	

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