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Wednesday, 26 June 2019

Dear Sir/Madam

## REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **THURSDAY, 4TH JULY, 2019 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

**To: Members of Regulatory and Licensing Committee**

Councillors B Yeates (Chairman), Parton-Hughes (Vice-Chair), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 4
4. Work Programme 5 - 6
5. Charitable Collections Licensing Policy 7 - 34
6. Review of Street Trading Policy 35 - 64



**REGULATORY AND LICENSING COMMITTEE**

**5 FEBRUARY 2019**

**PRESENT:**

Councillors O'Hagan (Vice-Chair), Mrs Evans, Humphreys, Salter, Miss Shepherd and Mrs Stanhope MBE

**19 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs Bacon, Mrs Constable, Drinkwater and Miss Fisher.

**20 DECLARATIONS OF INTEREST**

There were no declarations of interests.

**21 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were received and signed as a correct record subject to the inclusion of Councillor O'Hagan as submitting apologies.

**22 WORK PROGRAMME**

The work programme was received and it was noted that this meeting was the last of the municipal year and current council cycle.

**RESOLVED:** That the work programme be noted.

**23 CREATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

The Committee received a report on the outcome of the consultation for the Hackney Carriage and Private Hire Licensing Policy and seeking approval for the policy to be submitted to full Council for adoption.

It was reported that currently the Council as the Licensing Authority had a number of policy decisions, guidance notes and conditions in place to consider taxi licensing matters but no overarching policy that combined them together.

A number of amendments following the consultation were highlighted to the Committee. The first was that in relation to air quality, the date to be compliant had been moved to April 2022 to bring it in line with the age policy. It was noted that it had been included that, due to this later date, if any charges imposed by the Clean Air Zone or similar would be met by the driver/proprietor and not passed to passengers. It was also reported that the introduction of CCTV to be fitted in vehicles had again been moved to April 2022 to be in line with the age policy. It was noted that if this requirement was made mandatory by the government before this date, this would be reflected and the policy amended.

The Committee then considered the draft policy and responses received in the consultation. Members were requested to consider the element and wording regarding smart dress of drivers. There were some views that a formal attire with tailored shirts and no denim should be required as the drivers are representing the district. Overall however, it was agreed that a

definition of smart dress was subjective and comfort for drivers should be considered. The Committee also felt that it should be up to the employers to monitor and not the council to enforce. It was also noted that it could be difficult to be too prescriptive without issuing a uniform and also cultural dress should be considered. Members agreed that the proposed wording was sufficient.

It was confirmed when asked that it would be the Council who would ensure the six monthly DBS checks were completed and it would be for drivers to sign up to the update service.

It was also confirmed that eye sight tests were part of the required medical tests. It was also noted that test runs and purchases would continue to be carried out.

The colour of vehicles was discussed and it was noted that ensuring that private hire could not be the same as the white hackney carriages ensured that customers knew their rights and whether there would not be regulated fees or vying for hire was allowed or not. It was noted that wedding vehicles were exempt from this requirement under law.

Members agreed with the requirement to have CCTV fitted to vehicles as it gave protection to both passengers and drivers. Overall, the Committee felt the policy covered all breaches and rules and was a comprehensive document.

- RESOLVED:**
- 1) That the Hackney Carriage and Private Hire Licensing Policy be approved for submission to Full Council for adoption; and
  - 2) That the Chairman of Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

## 24 VOTE OF THANKS

It was proposed, duly seconded and

- RESOLVED:** That the sincere thanks of the Committee be recorded to all the Chairmen and Vice-Chairmen for their work during the past year.

(The Meeting closed at 6.30 pm)

CHAIRMAN

**REGULATORY AND LICENSING COMMITTEE  
WORK PROGRAMME FOR 2019-20**

Item	4 JULY 2019	3 Oct 2019	20 FEB 2020	Purpose of the Report	Lead
Street Collections	✓				SAB
Skin Treatments		✓			SAB
Street Trading Policy - Review	✓				GD
Food Service Delivery Plan			✓		GD
Licensing Act Policy			✓		SAB

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## Charitable Collections Licensing Policy

Date:	4 July 2019
Contact Officer:	Sarah Bradley/Susan Bamford
Tel Number:	01543 308138/308170
Email:	Sarah.bradley@lichfielddc.gov.uk Susan.bamford@lichfielddc.gov.uk
Key Decision?	<b>YES NO (delete as appropriate)</b>
Local Ward Members	All Wards



## REGULATORY AND LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 This report give members feedback on the outcome of the consultation for the Draft Charitable Collections Policy and seeks approval from committee members that the Policy as attached at Appendix A is submitted to full council for adoption.
- 1.2 This policy document forms the Council's Charitable Collections Policy ("local policy") that will apply to Street and House to House Collection activities in the Lichfield District area to provide a framework for consistency in decision making. The aim of the policy is to give detailed guidance on the application of the law relating to charitable collections and provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place. It also sets out the administrative procedures involved in obtaining a permit/licence.

### 2. Recommendations

- 2.1 That Members approve the new charitable collections policy for submission to full council for adoption.
- 2.2 That the chair of Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

### 3. Background

- 3.2 Lichfield District Council has responsibility for licensing charitable collections within the District. Charitable collections consist of two categories - street collections and house to house collections.
- 3.3 Charitable collections licensing is regulated by two acts of Parliament. These are the 'Police, Factories, etc., (Miscellaneous Provisions) Act 1916' which regulates collections of money or sales of articles for charitable purposes in streets and public places and 'The House to House Collections Act 1939' which regulates collections of money or other articles made by means of going from house to house. Charities must obtain a permit or licence from the Council before a charitable collection takes place.
- 3.4 Currently the Council does not have a policy covering Charitable Collections in the District meaning we cannot effectively regulate house to house collections.
- 3.5 An approved policy will make clear the requirements for applicants for a charitable collection permit/licence, and provide guidance to enable the Council to make consistent decisions when determining applications. It will also provide residents who wish to donate to charity in this way with confidence that an adequate proportion of their donation will directly benefit the named charity and help to avoid street collectors becoming a nuisance for residents and visitors to the District.

3.6 Last Summer the Regulatory & Licensing Committee recommended that the Draft Charitable Collections Policy be sent out for consultation. The following were consulted:

- Organisations that were granted a House to House permit during 2018
- Organisations that were granted a Street Collection permit during 2018
- Institute of Fundraising
- Three Spires Shopping Centre
- Staffordshire Police
- Staffordshire County Council Highways

3.7 The consultation commenced on 30<sup>th</sup> January 2019 and concluded on 12<sup>th</sup> April 2019. The consultation was in line with the guidance issued by the better regulation office dated 2018.

3.8 4 responses were received. These responses are summarised at appendix B. Points raised in these responses have been incorporated within the Policy.

<b>Alternative Options</b>	1. The Council could choose not to introduce a policy on charitable collections, however to do so would be contrary to best practice and would not ensure that an adequate proportion of resident donations directly benefit the named charity.
<b>Consultation</b>	1. A list of those consulted is set out in paragraph 3.6. Points raised in these responses have been incorporated within the Policy.
<b>Financial Implications</b>	1. The introduction of a policy regulating the issuing of charitable collection permit/licences does not have a budget implication as the administrative function involved is already carried out.
<b>Contribution to the Delivery of the Strategic Plan</b>	1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular healthy and safe communities by ensuring that the community and voluntary sector can access a source of income whilst ensuring charitable collections are well regulated.
<b>Equality, Diversity and Human Rights Implications</b>	1. An Equality Impact Assessment will be undertaken once the consultation is complete.
<b>Crime &amp; Safety Issues</b>	1. The policy will assist the Local Authority is exercising its duties and responsibilities under the 'Police, Factories, etc., (Miscellaneous Provisions) Act 1916' and the 'The House to House Collections Act 1939' and ensure that all collections are bona fide collections and operate in accordance with the policy and legislation.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.

B			
C			
D			
E			

**Background documents**  
Appendix A – Charitable Collections Policy  
Appendix B – Consultation Responses

**Relevant web links**  
None

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**CHARITABLE COLLECTIONS POLICY**  
**2019**

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## 1. Introduction

- 1.1. Lichfield District Council (“the Council”) is responsible for licensing charitable collections within the District of Lichfield. Charitable Collections fall into two categories: House to House collections for money or property and Street Collections, which include collections for cash or the sale of articles in the street. If articles are sold for any form of personal gain or as a commercial activity then a Street Trading Consent will be required.
- 1.2. The licensing of charitable collections is regulated by two separate Acts of parliament: The ‘Police, Factories, etc, (Miscellaneous Provisions) Act 1916’ as amended by schedule 29 of the Local Government Act 1972. which regulates collections of money or sales of articles for charitable purposes in street and public places and ‘The House to House Collections Act 1939’ which regulates collections of money or other articles made by means of going from house to house. Both acts give District Councils powers to write regulations and policies to control charitable collections.
- 1.3. This policy document forms the Council’s Charitable Collections Policy (“local policy”) that will apply to Street and House to House Collection activities in the Lichfield District area.

## 2. Policy Purpose

- 2.1. The purpose of the policy is to:
  - Safeguard the interests of both public donors and beneficiaries;
  - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met
  - Prevent unlicensed collections from taking place.
  - Give detailed guidance on the application of the law relating to charitable collections
  - Provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place.
  - Detail the matters that will be taken into consideration when determining an application
- 2.2. This policy is designed to ensure that:
  - People who wish to donate to charity, through Street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.
  - There is transparency, consistency and fairness in determining applications
  - Eligible requests are accommodated, subject to capacity and availability on certain days and locations
  - Applications are made in a timely way, neither too early nor too late
  - Collectors operate within the law and act fairly in their dealings with the public?
  - Collections do not cause nuisance to the public >
  - Fair maximum limits for applicants are set
  - A fair balance between local and national causes is achieved

- 2.3. This policy will be reviewed where there are any changes in legislation or where not, every three years.

### **3. Street Collections**

- 3.1. Raising money or selling goods for charity in the street or any other public place requires permission from Lichfield District Council. These collections (usually referred to as “street collections”) most commonly take the form of a collector asking members of the public to make a donation in a collecting box. A Street includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.
- 3.2. Street Collections are covered by regulations made under the Police, Factories etc (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the local government act 1972. The regulations are attached at Appendix A.

#### **General Principles**

- 3.3. Charities must be registered with the Charity Commission or be a charitable organisation based within the district of Lichfield or supporting residents of Lichfield district.
- 3.4. Applications will normally be granted on a first come first served basis. No guarantee can be given that an organisation preferred collection date will be available or be allocated to that organisation.
- 3.5. No more than 3 Collections per charity per calendar year will be allowed in the Lichfield District.
- 3.6. Only 1 collection will be permitted at any one time.
- 3.7. Collections can take place on any day of the week including Public Holidays.
- 3.8. Only 1 collection will be permitted Monday – Sunday.
- 3.9. Lichfield District Council will restrict the number of people taking part in a collection to three.
- 3.10. Exceptions to this policy may be made for collections such as the Royal British Legions Poppy Appeal.
- 3.11. The use of tables, stalls, trailers, vehicles or other displays or advertising in collection with a Street Collection will not be permitted unless the collection is part of a separate promotion or activity approved by the Licensing Department. The use of animals will only be permitted with the express consent of the Licensing Authority and with the necessary Public Liability Insurance in place.

## Application

- 3.12. An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form no later than one month before the proposed collection date. The application period of one month may be reduced if there are special reasons for doing so.
- 3.13. Street Collection Permit Application forms may be downloaded from the Council's website together with a copy of the street collection regulations or alternatively obtained from the Council's Licensing Section at the following address:- Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU, Telephone 01543 308073 Email [licensing@lichfielddc.gov.uk](mailto:licensing@lichfielddc.gov.uk).
- 3.14. The application form must be fully and correctly completed and accompanied by any required information.
- 3.15. The application form will need to include the location from which the organisation wishes to collect, the date & time of the collection and the number of collectors to be used.
- 3.16. If the location is on private land, for example the Three Spires Shopping Centre, permission off the land owner will be required.
- 3.17. Where the application is on behalf of a registered charity a letter of authority is required and this must accompany the application form.
- 3.18. Failure to provide the necessary information may result in an application being delayed or refused.
- 3.19. Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- Issue a permit specifying the requested date and location; or
  - Refuse to issue a permit.
- 3.20. Within one month after the date of any collection or sale the person, society, committee or other body of persons responsible for the collection shall forward to Lichfield District council's Licensing Department a statement in the form set out in the schedule to the regulations.
- 3.21. The proceeds of statement form must be certified by the auditor of the society or by some independent responsible person.
- 3.22. This statement of returns must detail the amount received, the expenses incurred in connection with such collection or sale.
- 3.23. Where a street collection application has been refused, the applicant will be advised in writing of the reasons for refusal.

- 3.24. There is no formal right of appeal against any decision made by the Council to grant or refused an application for a street collection permit, other than by way of Judicial Review. However in the interest of fairness if an organisation is unhappy about the decision to refuse their application they can request that the decision is reviewed. They should do so by writing to the Head of Regulatory Services, Housing and Wellbeing Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU.

### **Direct Debit collections**

- 3.25. Direct Debit collections are where pledges are collected for direct debit donations. This type of collection does not require permission from the Local Authority as there are no legal provisions for these types of collections.
- 3.26. In an attempt to regulate the frequency and location of Direct Debit collections the council has entered into a site agreement with the Institute of fundraising (IOF).

## **4. House to House Collections**

- 4.1. House to House collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.
- 4.2. There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.
- 4.3. House to House collections are currently regulated by the House to House collections Act 1939 and the House to House Collections Regulations 1947. These regulations are attached as Appendix Two.
- 4.4. As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by Lichfield District Council as the Licensing Authority.
- 4.5. There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. Exemption certificates are issued by the Cabinet Office directly and allow an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the Act and the organisation must inform the Licensing Authority of the dates and wards of any planned collections

## **General Principles**

- 4.6. Charities must be registered with the Charity Commission or be a charitable organisation based within the district of Lichfield or providing support to residents of Lichfield District.
- 4.7. Applications must be on behalf of charitable organisations. Applications from private companies for commercial reasons will not be considered.
- 4.8. Lichfield District Council will only allow 1 House to House Collection in any one area at any one given time.
- 4.9. Lichfield District Council will only allow an organisation to collect on six occasions per calendar year.
- 4.10. The maximum duration of any one collection will not exceed 2 weeks.
- 4.11. No collection shall be made other than on the time period specified on the permit.
- 4.12. Charities should not collect from households displaying no cold calling cards or in cold calling zones.
- 4.13. No collection shall be made in a manner likely to inconvenience or annoy any person
- 4.14. No collector shall pester any person to the annoyance of such a person.
- 4.15. When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collection Licence. In deciding whether an applicant is fit and proper where there are convictions/cautions the Council will take into consideration the following:-
  - Whether the conviction is relevant
  - The seriousness of the offence
  - In accordance with the Rehabilitation of offenders Act 1974, the length of time since the offence occurred
  - Whether there is a pattern of offending behaviour
  - Whether that person's circumstances have changed since the offence occurred, and the circumstances surrounding the offence and the explanation offered by that person.

## **Application Procedure**

- 4.16. Applications are to be made in writing no later than one month before the collection is due to take place, this period may be reduced if the Council are satisfied there are special reasons for doing so.
- 4.17. Applications will be dealt with on a first come first served basis.

- 4.18. Failure to provide the necessary information may result in an application being delayed or refused.
- 4.19. Anyone wishing to conduct a house to house collection must complete the relevant application form.
- 4.20. Applicants must supply information relating to:-
- Whether it is a registered charity (please state number), and the objectives of the charitable cause as supplied to the Charity Commission
  - A statement of the organisations aims as detailed in any literature
  - Details of the history of the organisation, i.e when formed, names of trustees, directors, organisers etc.
  - Relevant accounts and financial statements of the organisation.
  - A written agreement between the applicant and organisation
  - A declaration of any previous refusals for House to House Collections
- 4.21. Applicants must also provide details of the following:-
- How much the charity will receive as part of the collection
  - The percentage of the cost of running the collection
- 4.22. If the organisation has operated collections before a clear set of returns must be supplied.
- 4.23. Lichfield District Council may, in granting a permit, limit the collection to such streets or areas or such parts thereof as it thinks fit and specified on the permit. Lichfield District Council have a number of no uninvited traders zone's. Any applications that are granted a House to House collection permit these streets will be excluded from that permit.
- 4.24. Applicants will need to complete a declaration of convictions and submit this along with any application for a house to house collection licence.
- 4.25. Within one month after the date of any collection the person to whom a permit has been granted shall forward to Lichfield District Council:-
- A statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response
  - List of collectors
  - List of the amounts collected in each collecting box
- 4.26. The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence where it appears to the Council that:
- The total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to

the value of the proceeds likely to be received (including any proceeds already received)

- That the remuneration by any person is excessive in relation to the total amount received or likely to be received
- The grant of a licence would be likely to facilitate the commission of an offence under section three of the vagrancy act 1824, or that an offence under that section has been committed in connection with the collection
- The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence
- The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised or
- The applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

4.27. In addition, any action taken as a result of not complying with regulations on operating house to house collections would also be grounds for refusal, unless there are extenuating circumstances.

4.28. In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.

4.29. In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:-

- The Council understands there are costs associated with organising and carrying out a house to house collection; however the costs associated with any one collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity. Therefore, the council will consider refusing an application where less than 80% of the value of the collection is being donated to the charity named in the application.
- It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into

account and balanced against the amount being given to the charity. The salaries received by directors and key employees should also be considered as part of this assessment. Therefore the council will give consideration to refusing an application where the amount of remuneration is greater than 20% of the value of the collection.

- 4.30. If no previous returns have been supplied to the council after previous licensed collections then any further applications are likely to be refused.
- 4.31. Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice. Any appeal must be made to the relevant Secretary of State.

## Appendix A

### 5. Street Collection Regulations

- 5.1. In these Regulations, unless the context otherwise requires – “collection” means a collection of money for the benefit of charitable or other purposes and the word “collector” shall be constructed accordingly;
- “promoter” means a person who causes others to act as collectors;
  - “the licensing authority” means Lichfield District Council;
  - “permit” means a permit for collection;
  - “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - “collection box” means a box or other receptacle for the reception of money from contributors.
- 5.2. No collection, other than a collection taken at a meeting in the open air shall be made in any street or public place within the District of Lichfield unless a promoter shall have obtained from the Licensing Authority a permit.
- 5.3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for so doing.
- 5.4. No collection shall be made except upon the day stated in the permit.
- 5.5. The Licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
- 5.6. No person may assist or take part in any collection without the written authority of a promoter.
- 5.7. Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Licensing Authority or any police constable.
- 5.8. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that the Licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
- 5.9. No collection shall be made in a manner likely to inconvenience or annoy any person.
- 5.10. No collector shall importune any person to the annoyance of such person.
- 5.11. While collecting (a) a collector shall remain stationary; and (b) a collector or two collectors together shall not be nearer to another collector than 25 meters;

- 5.12. Provided that the Licensing Authority may, if it thinks fit, waive the requirement of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.
- 5.13. No promotor, collector or person who is otherwise connected with a collection shall permit a person under the age of 16 years to act as a collector.
- 5.14. Where cash collections are taking place (a) Every collector shall carry a collecting box (b) all collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken. (c) all money received by a collector from contributors shall immediately be placed in a collecting box. (d) every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
- 5.15. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is duly numbered.
- 5.16. Subject to paragraph (5.17) below a collecting box shall be opened in the presence of a promoter and another responsible person.
- 5.17. Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- 5.18. As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
- 5.19. No payment shall be made to a collector.
- 5.20. No Payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Licensing Authority.
- 5.21. Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Licensing Authority –
- A statement in the form set out in the Schedule to the Street Collection Regulations in the District or in a form to the like effect, showing the amount/pledges received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant.
  - A list of the collectors
  - A list of the amounts contained in each collecting box
  - And shall if required by the Licensing Authority satisfy it as to the proper application of the proceeds of the collection.
- 5.22. The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (a)(i) above, publish in such newspaper or newspapers as the Licensing Authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit

relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

- 5.23. The Licensing Authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (a) above.
- 5.24. For the purposes of this Regulation 'a qualified accountant' means a member of one or more of the following bodies:
- The institute of Chartered Accountants in England and Wales
  - The institute of chartered accountants of Scotland
  - The association of certified accountants
  - The institute of chartered accountants in Ireland
- 5.25. If a collection results in a sum of £500 or less being collected the Licensing Authority may if it thinks fit waive the requirements in Paragraph (a), sub-paragraph (i) and paragraph (b) of this regulation, that the statement of accounts shall be certified by a qualified accountant and waive the need to publish a notice in a newspaper as the Licensing Authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of expenses and payments and substitute therefore a certificate signed by an independent person acceptable to the Licensing Authority.
- 5.26. These regulations shall not apply:
- In respect of a collection taken at a meeting in the open air; or
  - To the selling of articles in any street or public place when the articles are sold in the ordinary course of trade
  - Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## Appendix B

### 6. House to House Regulations

- 6.1. These regulations may be cited as the House to House collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- 6.2. These regulations shall not extend to Scotland.
- 6.3. In these regulations, unless the context otherwise requires-
- 'The Act' means the House to House Collections Act 1939;
  - 'chief promoter' in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of Subsection (2) or Section 1 of the Act as respects that collection.
  - 'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking a seal;
  - 'licence' means a licence granted by the Local Authority under section 2 of the Act
  - 'order' means an order made by the Secretary of State under Section 3 of the Act
  - 'prescribed badge' means a badge in the form set out in the fourth Schedule to these regulations
  - 'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations
  - 'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered
  - 'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, apply
- 6.4. A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- 6.5. The interpretation act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.
- 6.6. Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- 6.7. Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

- 6.8. An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified
- 6.9. An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.
- 6.10. Providing that the District Council or as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.
- 6.11. Every promoter of a collection shall exercise all due diligence.
- 6.12. To secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
- 6.13. To secure compliance on the part of persons so authorised with the provisions of these regulations
- 6.14. No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person
- 6.15. A prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection
- 6.16. A prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
- 6.17. If money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall in the case of a receipt book, also be marked on every receipt contained therein addition to the consecutive number of the receipt.
- 6.18. Every promoter of a collection shall exercise all due diligence to secure-
- 6.19. That no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
- 6.20. That every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- 6.21. In the case of a collection in respect of which a licence has been granted-
- Every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationary Office, and every prescribed badge shall be so obtained; and
  - Every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection

shall be inserted therein or annexed thereto in a manner approved by the licensing authority for the area in respect of which the licence was granted

- 6.22. Every collector shall:
- Sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection
  - Sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
  - Keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.
- 6.23. No person under the age of 16 years shall act or be authorised to act as a collector of money
- 6.24. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof
- 6.25. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- 6.26. Where as collector is collecting money by other means than a collecting box, he shall upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate, the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.
- 6.27. Every collector, to whom a collecting box or receipt book has been issued, shall –
- When the collecting box is full or the receipt book is exhausted or
  - Upon the demand of a promoter of the collection or
  - When he does not desire to act as a collector or
  - Upon the completion of the collection
- Return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.
- 6.28. Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- 6.29. Where a collection box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

- 6.30. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box in a list which shall be certified by the persons making the examination.
- 6.31. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.
- 6.32. Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for charitable purposes of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- 6.33. Where an envelope collection is made in accordance with this regulation.
- Every envelope used shall have a gummed flap by means of which it can be securely closed.
  - No collector shall receive a contribution except in an envelope which has been so closed; and
- 6.34. These regulations shall have effect subject to the following modifications:-
- Sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
  - Regulation 10 shall not apply
- 6.35. Regulation 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
- 6.36. In regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
- 6.37. In paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box shall be omitted.
- 6.38. In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.
- 6.39. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licence authority by which the licence was granted within one month of the expiry of the licence.
- 6.40. Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing areas a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.

- 6.41. The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the secretary of state so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- 6.42. The licensing authority or the secretary of state may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- 6.43. The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection and the amount so included in the combined account not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however that in the case of an account furnished under the said paragraph (2) the account shall show in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.
- 6.44. The account required by the preceding regulation-
- Where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
  - Where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.
- 6.45. Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purpose of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- 6.46. Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so required at any time within that period, submit them to that authority.
- 6.47. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificated of authority and prescribed badges obtained by him for that purposes of the collection are destroyed when no longer required in connection with that

collection or in connection with a further collection which he has been authorised to promote for the same purpose.

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Response Received	Feedback
<p>Thank you for sight of the above mentioned draft policy.</p> <p>I think it is key that charitable collections are regulated and we have always asked charities intending to collect within Three Spires Shopping Centre to apply for a street collection permit as a safeguard. I welcome a policy for collections but have the following queries:</p> <ul style="list-style-type: none"> <li>• Please confirm whether the area demised as Three Spires Shopping Centre (primarily Gresley Row and Bakers Lane) will be subject to the licensing policy</li> <li>• How will this office be made aware of written applications when a charity intends to collect within Three Spires Shopping Centre and how will we be notified that LDC has approved the application</li> <li>• Will this office be able to make additional comment regarding our instructions/restrictions such as collectors not blocking entrances to retail premises or anything which specifically relates to the date of the proposed collection in relation to planned events or maintenance on the mall areas</li> <li>• We maintain a register of charitable collections and would normally record the total donation amount. Please confirm how this office will be made aware of the donation amount.</li> </ul> <p>Thank you for informing us of your charitable collections policy review and for inviting our comment.</p>	<p>The Charitable Collections Policy will be relevant to the Three Spires Shopping Centre.</p> <p>We have amended the application form and inserted into the policy regarding obtaining permission from the landowner.</p> <p>The Three Spires could make this a condition subject to their permissions.</p> <p>The Three Spires could make this a condition subject to their permissions. We wouldn't be able to share the proceeds statement.</p>

Response Received	Feedback
<p>We have in the city, the <b>Lichfield Christian Aid Group</b>. They are a voluntary group who have been raising funds for <a href="#">Christian Aid</a> annually for more than 32 years, which has enabled us to help some of the world's poorest communities. The main fundraising period being <a href="#">Christian Aid Week</a>, which takes place in May each year.</p> <p>Many of the volunteers have been volunteering with us for several decades, have a track record of operating with excellence, and the sense of community generated through their work, is valued widely by many groups across the city. Many of them volunteer with other local charities too.</p> <p>My specific comments on the draft paper are:</p> <p><b>House to House</b> In accordance with 4.5 of the consultation document, Christian Aid has a <a href="#">National Exemption Order</a> (and has had for many years), so Lichfield Christian Aid Group will continue to do house to house during one week each May, under those regulations.</p> <p><b>Street Collections</b> Lichfield Christian Aid Group currently don't often do street collections, but if we do, the group is very happy to work within the regulations as stated in the draft policy.</p> <p>Finally, a recommendation. When groups make application to you to do house to house or street collections, it may be useful within the application process, to ask how long the group has been operating as a group in Lichfield and record that information for future reference.</p>	<p>House to House Exemption Orders are referenced at page 6 under 4.5.</p> <p>This suggestion has been incorporated within both application forms.</p>

Response Received	Feedback
<p>Wishing you all the best with the policy review and we look forward to a continued successful working relationship with you.</p> <p>Good morning I would like to apologise for my late response but I have just been forwarded your email. I have taken a look at your policy and would like to suggest that the Charities Act 2016 is included, this gives direct guidance on the bag, solicitation statements, I.d. badges of the collectors for house to house collections. The Fundraising regulator has very clear guidance around not collecting from households displaying signs saying “No charity bags” but as charity bags are not classed as junk mail. These signs are not related to collection bags. A very important detail needs to be the “Do not deliver lists” which the collector must be responsible for and maintain, ensuring households which have opted out of receiving a bag do not do so. Also I believe that the rules around the National Exception order should be taken into consideration when writing the policy.</p> <p>Hello,</p> <p>Looking through the proposed Policy this section is the one of interest to me:</p> <p>“Direct Debit collections</p> <p>3.24. Direct Debit collections are where pledges are collected for direct debit donations. This type of collection does not require permission from</p>	<p>Reference in the policy has been made to no cold calling zones or displaying no cold calling cards at page 7, 4.12. A list of the street concerned would be provided to the applicant.</p> <p>House to House Exemption Orders are referenced at page 6 under 4.5.</p>

Response Received	Feedback
<p>the Local Authority as there are no legal provisions for these types of collections.</p> <p>3.25. In an attempt to regulate the frequency and location of Direct Debit collections the council has entered into a site agreement with the Public Fundraising Regulatory Association (PFRA).”</p> <p>With regards to point 3.25, the PFRA merged with the Institute of Fundraising (IoF) in 2016 and so the Agreement, (attached) would be with the IoF. Also, the Agreement hasn’t been officially agreed and finalised, although I was assured at the time that this would be a formality.</p>	<p>The wording has been changed in the Policy to Institute of Fundraising. The agreement will be signed by the Head of Regulatory Service, Housing &amp; Wellbeing subject to being ratified.</p>

## Review of Street Trading Policy

**Date:** 4 July 2019

**Contact Officer:** Susan Bamford/Gareth Davies/ Sarah Bradley

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**Key Decision?** YES NO (delete as appropriate)

**Local Ward Members** All Wards



**REGULATORY  
AND  
LICENSING  
COMMITTEE**

### 1. Executive Summary

- 1.1 This report give members feedback on the implementation of the Street Trading policy since it was agreed in September 2019. It also suggests some interim changes and sets out the scope for a more substantive review.
- 1.2 Also sets out the administrative procedures involved in obtaining a permit/licence.

### 2. Recommendations

- 2.1 That Members consider the proposed interim changes with a view to consultation on these changes and that if consultees support these changes then the Chair of Regulatory and Licensing Committee is authorised to agree these changes in consultation with the Head of Regulatory Services and Licensing so that the changes can be introduced from 1 September 2019.
- 2.2 That members note that a further review of the Street Trading Policy may be required, pending the outcome of the Events Management Review and the Economic Impact research commissioned from Bournemouth University.

### 3. Background

- 3.2 A Street Trading Policy was originally adopted by Full Council in April 2016. A member task group was set up in February 2017 to review implementation and identify improvements to the policy.
- 3.3 The Street Trading Policy provides a decision making framework for the consideration of applications for street trading consents. Street Trading is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4 The council’s purpose in regulating street trading is to create a street trading environment which is sensitive to the needs of the public, consumer choice, ensures safety and contributes to the character and ambience of the local environment.
- 3.5 Since the introduction of the policy in 2016 there has been a significant increase in applications for street trading from 580 in 2016 to 1111 in 2018. This increase has been as a result of special events.
- 3.6 To support and stimulate Special Events it was agreed in 2016 that a subsidy of £12,000 would be made so that street trading fees could be waived but with the significant increase in consents in 2018 it was recognised that the subsidy no longer covered the costs to the council. A member task group was set up in February 2017 to review the policy.

- 3.7 The member task group also considered the effects of street trading in the district and a special event bidding process was agreed and a special event street trading (subsidised) fee was introduced at £21 for day 1 and £13 for any subsequent day of trading. A special event organiser deposit fee was also introduced to allow for any subsequent additional costs incurred by the council, including remedial street cleansing works. The revised policy also set out clear timescales for the receipt of applications and introduced penalties for late or incomplete applications.
- 3.8 The revised policy was agreed by this committee in July 2018 and came into effect on 1 September 2018. This coincided with the transfer of responsibility for street trading from Environmental Health to the licensing team who also have responsibility for licensing under the Licensing Act 2003, Taxi licensing, gambling, scrap metal, charity collections and animal licensing. The enforcement responsibility remains with Environmental Health. A copy of the current Street Trading Policy is attached at Appendix A.
- 3.9 The licensing team have been keen to be supportive in processing applications but the large number of late applications and changes to already issued consents has put the team under considerable pressure. With the exception of one special event organiser deadlines have not been met, which has put pressure on the licensing team and has meant that additional staff have had to be employed to process late applications. The proposed revised deadlines allow more time for organisers to get traders to apply but it is important for the management of the team's resources that these application deadlines are met. The use of on-line applications will also facilitate this.
- 3.10 In implementing the policy it has also been raised that the street trading fees should take account of a risk based approach because in reality the amount of work involved in processing and enforcing a street trading consent which doesn't include the sale of alcohol or food, is less than that required for other traders.
- 3.11 Having taken over responsibility for street trading in September 2018 a number of issues of interpretation and implementation of the policy have arisen. To take account of these issues some proposed changes are set out in Appendix B. It is also proposed that any fees are taken out of the policy and a link added to the council's website.
- 3.12 If members support these proposed changes then these would be consulted upon from the 5 July to 16 August which would give a 6 week consultation period. In the event that there are no objections to these changes it is proposed that delegated authority be given to the chair of this committee to agree these changes in consultation with the Head of Regulatory Services Housing & Wellbeing. This would enable the proposed changes to be introduced by 1 September 2019.
- 3.13 The above proposed changes would help resolve some of the immediate issues but a further revision of the policy may be required depending on the outcome of the Events Management review currently taking place and the research commissioned by Bournemouth University to better understand the economic impact of special events.

Alternative Options	1. The policy could not be changed or alternative changes made.
Consultation	1. The proposed changes take account of feedback from event organisers and they would be consulted with on the proposed changes.
Financial Implications	1. The proposed changes take account of the fact that the costs of administering street trading should be recovered in fees but they also allow for the fact that some street trading activities are lower risk and therefore require less checking, compliance and enforcement.
Contribution to the Delivery of the	1. Street Trading and Special Events make a positive contribution to a Vibrant & Prosperous economy.

Strategic Plan	
Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment was undertaken in 2018 and the proposed minor changes would not impact on this assessment.
Crime & Safety Issues	1. The adoption of the Street Trading Policy will impact positively on our duty to detect and prevent street trading crime within the District. (Section 17 of the Crime and Disorder Act, 1988).
GDPR/Privacy Impact Assessment	2. Data collected through the Street Trading application process is compliant with GDPR requirements.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

<b>Background documents</b> Appendix A – Street Trading Policy Appendix B – Proposed interim changes Appendix C – Proposed review scope
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<b>Relevant web links</b> None
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# Street Trading Policy

September 2018

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## 1.0 - Introduction

This policy is a decision making framework for the consideration of applications for street trading consents. The aim of the policy is to create a street trading environment which is sensitive to the needs of the public, consumer choice, ensures safety and contributes to the character and ambience of the local environments. The council's power to regulate street trading is set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as "the Act".

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Lichfield District and it supports the District Council's priority to encourage a vibrant and prosperous economy.

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## 2.0 – About this policy

Lichfield District Council's original Street Trading Policy was published in April 2016. This updated policy has been created to reflect the feedback and experiences we have had since the original policy was published.

The purpose of this policy is to provide a set of criteria and guidance which will be used as the regulatory framework for street trading. This policy will inform applicants and organisers of special events of the parameters by which the Council will make decisions. It will also give prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them.

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## 3.0 – Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

**'the selling or exposing or offering for sale of any article (including living thing) in a street'.**

The Act defines the term 'street' as including:

**'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'.**

Streets located on private land are included within the scope of this policy.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- **A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;**



- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.
- Trading as a news vendor.
- Trading carried on at a premises used as a petrol station.
- Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.
- Selling things, or offering or exposing them for sale as a roundsman.

## 4.0 – Types of street trading

Streets may be designated as either ‘prohibited’, ‘licensed’ or ‘consent streets’ for the purpose of street trading.

### Definitions:

#### Prohibited streets

If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading in a particular location. The only prohibited street in Lichfield District is the whole extent of the A38.

#### Licensed streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Lichfield District.

#### Consent Streets

Designating a street a consent street enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Lichfield District are designated as consent streets with the exception of the A38.

## 5.0 – Street trading within the Lichfield District

Lichfield District Council has designated all streets within the Lichfield District as consent streets, except the whole extent of the A38. This policy applies to all street trading which is undertaken within the Lichfield District.

Where an applicant wishes to trade on private land, a consent will not be granted by the Council unless the applicant provides written permission from the land owner showing they have permission to trade.



Traders trading during events held at the Cathedral will be considered to be street trading if they are either trading on the street named Cathedral Close or on the grassed area facing into the street but not where they are on the grassed area facing into the cathedral.

This policy does not apply to:

- Small scale trading from residential properties (for example, garage sales, garden produce, eggs from own private livestock).
- Sale of articles by a charity. Charity sales and collections in the street are regulated under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 by the Council. Charities should contact the Council Licensing Team to apply for a permit.

Street trading consents are issued by Lichfield District Council. The consents come under the following classifications:

### Annual Street Trading

This is a consent that lasts 12 months and enables the trader to trade up to 7 days a week at a particular pitch within the district. Temporary trading is preferred within the Town Centre locations. Annual consents are limited to certain locations in the towns.

### Temporary Street Trading

This type of consent is for short periods of time for designated pitch in the district.

### Roaming Street Trading

This is where a trader operates on various streets within the district rather than a fixed location.

### Special Event Street Trading

An organiser of an event will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event and there are more 10 or more consents that require issuing.

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## 7.0 – Why do we have street trading?

Street trading supports the District Council's priority to encourage a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Lichfield District.

The designation of all streets within Lichfield District <sup>1</sup> as consent streets has taken place to ensure:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

<sup>1</sup>Except the A38



## 8.0 – Key considerations when assessing an application

The following criteria apply to all types of street trading:

### Public safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- Some locations may be considered unsuitable or may require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

### Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder to the public.

### Prevention of nuisance

- Activities at the pitch must not cause a nuisance or annoyance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time we receive complaints the nuisance is occurring, we are duty bound to investigate and, if complaints are found to be justified, we may decide to withdraw the consent.

### Suitability of the applicant

- Lichfield District Council will consider any unspent the convictions the applicant may have.
- The council will reserve the right to request a basic disclosure check where the Council deems there is a risk to children and/ or vulnerable people. Examples of circumstances where basic disclosure may be required are ice cream sellers.
- When determining whether an applicant is suitable, we will look at the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the council's requirements have been met, including deadlines.

### Suitability of the trading stall

- The vehicle, trailer or stall (now referred to as a 'stall' within this policy) to be used should be of a high quality design, build, add to the quality of the street scene and be adequate for the purpose intended.
- The stall must meet with all of the consent conditions.
- The stall may be inspected by an officer from Lichfield District Council prior to consent being issued.
- Only stalls approved by an authorised officer of Lichfield District Council can be used.
- The stall will comply in all respects with any legal requirements relating to the activity proposed.
- The stall must be removed each evening, unless it is permitted by the consent.
- Colours should be chosen which are suitable for the surroundings.



- The stall shall be of such a design that it facilitates timely and efficient removal.
- The stall shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Stalls and ancillary equipment and stock must be contained within the pitch.
- Prior to any consent being issued or in cases where a consented trader wished to change the stall, prior approval must always be sought from the Council. Proposals must include all display equipment and any attached, projecting or free standing elements.
- The design and appearance of the stall must be agreed by an officer from the Council before consent will be granted.

### Generators

- Generators shall be positioned so as to reduce the length of cabling required to an absolute minimum and to minimise nuisance to local residents or businesses from noise or fumes. Where required, silenced generators or acoustically insulated generators should be sourced.

### Advertising

- Advertising should only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the council.
- The use of 'A' boards is prohibited for certain sites (for example. Lichfield City Centre).

### Barriers

- Barriers will only be allowed on a consent pitch where they have been specifically included within the stall's approval.

### Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour.
2. Avoiding nuisance.
3. Protecting public safety.
4. Preventing obstruction of the highway.
5. Having regard to location and operating hours of business activity.

### Selling the right goods

The council will not normally grant a consent for the sale of goods which conflict with those provided by nearby shops. If a street trader has used a location regularly and a shop selling similar goods begins trading in the area, the Council may choose to continue to grant consents to that street trader.

The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent.



Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

- Cause a nuisance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.

### Site assessment

In determining whether street trading in a particular area is appropriate the council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving.
- Any loss of amenity caused by noise, traffic, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian, vehicular or disabled access.
- Any obstruction to the safe passage of pedestrians and wheelchair users.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.

### Other criteria

- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.
- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the council or the police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.

Failure to comply with any of these requirements may result in refusal to issue consents or withdrawal of consent.

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## 9.0 – Annual street trading

An annual consent can last up to 12 months. This consent enables the consent holder to trade up to 7 days a week at a particular pitch within the district. Annual street trading consents run from the 1<sup>st</sup> April until 31<sup>st</sup> March the following year. Consents can be applied for part way through the year, but they will only run until 31<sup>st</sup> March.

### Filling vacancies and allocation of pitches

The council will keep a waiting list for annual pitches that are currently occupied. Traders can express an interest in a pitch. The details will be held on a list. The list will be kept in chronological order. Traders will be contacted in chronological order and the first suitable trader will be invited to make an application once a pitch becomes available.



If a trader makes an application, but is unable to trade when a pitch becomes available, the pitch will be offered to the next appropriate trader on the list.

Where there is no one on the on the waiting list for a pitch the council will from time to time advertise the vacancy for the annual street trading pitch on the council's website and select the most suitable applicant from those applications.

### Surrendering an annual consent

Where the trader at an annual pitch wishes to surrender their consent they must give the council 21 days written notice. Notice must be sent to [street-trading@lichfielddc.gov.uk](mailto:street-trading@lichfielddc.gov.uk)

### Payment of fees for annual pitches

Annual fees are published on Lichfield District Council's website. The annual fee is based on a daily fee 5 days worked per week, 50 weeks of the year. For annual pitches an initial payment equivalent to 40 trading days will be due before a consent is granted. The remaining fee will be spread over the following 10 month period, with monthly payments equivalent to 21 trading days due. The monthly payments will start one month after consent is granted. The consent will run from the 1<sup>st</sup> April until 31<sup>st</sup> March the following year. If an applicant makes an application during this period the consent for an annual pitch will cease on 31<sup>st</sup> March in the year that it was applied.

### Annual consent renewal

Consent holders will be reminded that their consent is due to expire at least 28 days before the expiry date. This is done to assist the trader, the Council accepts no liability if you do not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Consent holders may submit their application to renew up to one month in advance of their current annual consent running out. Applications for renewal must be received 14 days before the consent is due for renewal. **Failure to do so may result in a renewal not being granted or a delay in you being able to trade.**

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## 10.0 – Temporary street trading

Temporary street trading pitches can be in any appropriate location on a consent street. Each application will be assessed on its own merits.

Deadlines for applications are:

Type of application	Deadline
New application for a pitch that has not been used before by this trader or a new type of stall is proposed	10 working days



Application where the trader has traded at the pitch before with the same stall or is part of a special event	5 working days
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### Payment of fees for temporary pitches

Current fees are set out on Lichfield District Council's website. For temporary pitches the applicant will need to pay when booking. The trader will incur the one day fee and then a lower daily fee for any additional days to be added to the same consent. The additional days must be at the same pitch or a pitch that has been previously authorised for use by this trader. The additional days must also be within the same financial year as the 1<sup>st</sup> day of trading. To take advantage of the additional day fee rate full payment must be made in advance and in one transaction.

## 11.0- Roaming street trading

Consents for roaming street trading will be granted on condition that they allow no more than 30 minutes trading in any 100m part of any one street on any one day and don't return within 2 hours. This reflects the peripatetic nature of their operation. Trading in one place for longer than this will require a temporary or annual street trading consent. The trader must clearly identify the times and dates they wish to trade and in which locations. It is up to the consent holder to ensure that they comply with laws relating to the highway. The Council will generally restrict or amend your consent where the type of goods conflict with other goods for sale in the vicinity. Consents can run for up to 12 months. Applications must be made at least 10 working days before the consent is due to start.

### Payment of fees for roaming pitches

Please see Lichfield District Council's website for the current fee. Full payment must be made in advance of a consent being granted and in one transaction.

## 12.0 – Special event street trading

A 'special event' is where there are 10 or more street trading consents to be issued, to the traders at that event, and where the event is organised by a single person/ organisation. The organiser must meet certain criteria before an event will be considered a special event. The criteria are outlined in this policy.

Special events can make a significant contribution to the local economy and can attract many visitors and tourists into the district.

Once an event has been approved as a special event the organisers will invite applications to be made by street traders wanting to trade at the event. Consents will be issued by the Council to individual traders on successful application to the council.

### Applying to be considered a special event

Applicants should complete the online special event organiser's application. All questions must be answered in full. Only fully completed applications can be considered.



Applicants wishing to serve and/or sell alcohol will need to apply for a Temporary Event Notice (TEN). A TEN must be sent to the licensing team (and the police) at least 10 working days in advance of a planned event.

The deadline for applications are:

Type of application	Deadline
Events involving more than 2000 persons at any one time or events with less than 2000 persons if there is an increased risk.	At least 3 months before the event
Events involving less than 2000 persons where there is no increased risk.	At least 6 weeks before the event

We strongly recommend that all street trading organisers contact the licensing team whilst they are in the planning stages of their event. Applications may have restrictions put on them by the Council such as the number of certain type of trader e.g. food, or the number of total stalls that can be accommodated at the event.

### Criteria to be met by event organisers

- **The event organiser and the event**

When determining whether the special event application is authorised the Council will take into consideration the past experience the Council has of the event organiser, this will include compliance with conditions and policy, complaints and any other relevant matter. We will also consider how successful previous events have been in supporting to council objective of having a vibrant and prosperous economy. The organiser of the event may be asked to evidence this.

- **Minimum of 10 street trading consents to be issued**

To be considered a special event a minimum of 10 street trading consents must be issued to traders at this event. Having 9 or less traders can still be applied for, but will be considered temporary street trading.

- **Economic benefit to the district**

The council expects a 'Special Event' to have economic benefit to the district and support the Council's objective of having a vibrant and prosperous economy. In order to encourage more visitors and promote a greater visitor spend in our district the Council expects these special events to be more than a market. As well as street trading stalls we would expect the event to normally include some sort of entertainment, attraction or promotion to encourage visitors to the event and surrounding area. The amount expected will be proportionate to the size of the event and determined on a case by case basis. If the Council believes that this has not been done adequately the application may be refused.

Lichfield District Council would like to attract a variety of events to the District and to ensure that the events are varied. Restrictions may be put in place to reflect this limiting the number and certain types of stalls e.g. the number of food and drink stalls at a garden festival.

### Event management plan

An Event Management Plan (EMP) for the event must be provided to the Council well in advance of the event but no less than 6 months before the event. It will be necessary for some event organisers to attend the Safety Advisory Group (SAG) to discuss the plans with the



appropriate authorities. The deadline for the submission of the EMP will be set by an Officer of the Council based on when the SAG is and other appropriate factors. Where the event organiser is attending the SAG a deadline for the final version of the EMP to be provided will be set by the SAG. The EMP must include:

- Health and safety risk assessments for the event.
- Traffic management details, including evidence that a road closure has been obtained (if appropriate).
- Organiser insurance details compliant with this Policy.
- Fire safety provision.
- Details of medical, ambulance and first-aid management.
- Major incident planning (emergency planning).
- Structures, barriers, electrical installation and lighting (where appropriate).
- Details of sanitary facilities.
- Details of waste management, e.g. whether additional street cleansing is required.
- Consideration of the impact of noise and vibration.
- Protection of children and vulnerable adults at the event
- A plan and stall layout.
- Any other factor as prescribed by the SAG.

Failure to provide a satisfactory EMP within the deadline set may result in refusal or withdrawal of the special event status.

- **Attendance at the Safety Advisory Group**

If it is deemed appropriate for the details of the event and the EMP to be taken to a SAG the organiser must attend a SAG meeting. Where actions are agreed the organiser must put these in place and the EMP be amended accordingly. A copy of the amended EMP must be provided to the Council by the deadline set by the officer or the SAG. Failure to comply with the recommendations set out by the SAG may result in a special event status being withdrawn or refusal of the event

- **Public liability insurance**

The event organiser must have in place Public Liability Insurance cover to a value no less than £5 million. The council reserves the right to require a higher cover if it is deemed necessary. You are required to produce evidence of such insurance.

Failure to provide proof of insurance for the duration of the event will lead to a special event not being authorised or authorisation being revoked

- **Marketing**

Appropriate marketing for the size of the event must be undertaken by the event organiser.

- **Accounts**

The applicant must submit the full accounts for the previous year this event took place. Also budget for the event must be submitted including all costs incurred.

- **Map**

A map showing the location of the stalls must be provided at least one month before the event.



- **Making the event a special event**

Organisers need to make sure that it is a special event and not just a market. Details of how you are going to make the event a special event must be included in your special event application. The exception to this is when an existing market is moved to accommodate another event.

- **Notification to local residents and business'**

The event organiser must notify all local (within the immediate vicinity of the event) businesses and residents of the event at least one month before the event is planned to go ahead. This notification must give details of the event, details of any road closures, any impacts that the event may have on the residents/ businesses, and how they can get involved in the event should they wish. Event organisers must notify the Council which businesses and areas they have notified for an event and provide a copy of the notification to the Council. The Council may extend the businesses and area if it is deemed necessary.

- **Waste**

For events where more than 15 consents are due to be issued the event organiser is required to provide a means of waste removal from the event e.g. provide a skip for disposal of waste. If an event fails to provide adequate waste disposal a deduction may be taken from your deposit.

### Bidding for special events

To ensure a fair and transparent method of event organisers booking events, organisers should apply to the licensing team using a special event application form for events by 1<sup>st</sup> September before the calendar year the event is to be held in. The application process will ensure that the best events for the district with the best organisers will be chosen to trade in the district. Applicants that wish to be considered during the bidding process must submit a complete online Special Event Organiser application form including all the relevant documents. The applicant must provide all the information they wish to be considered as part of the bidding process, information will not be accepted after the closing date of bids. Applications will be accepted after the bidding deadline, however, if the dates are already in use, the city is saturated with special events, a similar event has already been booked in or other relevant factor the special event application will be rejected. Incomplete applications will not be considered as part of the bidding process. The appropriate deposit must also be included with the application, this deposit is non-refundable on cancellation of the event. The application must be submitted as stated in this policy. Bids received after the bidding process will be judged on a first come first served basis. No bookings for the following year will be taken until the bidding process has been completed.

During the bidding process a number of factors will be considered including:

- Organiser's past performance in organising previous events.
- Previous compliance.
- Economic benefit
- Complaints and compliments
- Ability to meet deadlines.

This list is not exhaustive and other relevant factors will be considered.



## Consent fees for special events

For special events pitch fees the trader will incur the one day fee and then a lower daily fee for any additional days they wish to add to the consent. To take advantage of the additional day fee rate full payment will need to be made in advance and in one transaction. Additional days can only be added for the same event.

## Additional fees for special events

The following fees apply once this process has been complete:

Action	Fee
<p><b>Deposit</b> Refundable on successful completion of the event. However, deductions will be made where costs have been incurred by the Council or other agencies/bodies e.g. damage to street furniture, cost of removal of waste. Any deductions made from the deposit will be based on full cost of remediation plus a 15% admin fee. The deposit is not refundable if the event is cancelled.</p>	<p>15 stalls or less £150 16-99 stalls £300 99-199 stalls £600 200-299 stalls £1200 300 + stalls £2,500 Deposits are payable by the event organiser.</p>
<p><b>Incorrect or incomplete application</b> Council requests further information to complete application.</p>	<p>£33 per check of updated application. Payable by the trader. Payment to be made before a consent will be issued.</p>
<p><b>Public Liability Insurance (PLI)</b> Where the PLI is in date at the time of the original application, but runs out before the event takes place, the licensing team will e-mail the applicant one reminder to provide the PLI that covers the period of the event. If the applicant fails to provide the correct documentation within 5 working days of that e-mail. The Licensing Team will chase the documentation again resulting in the following fee applying.</p>	<p>£33 Payable by the trader. Payment to be made before a consent will be issued.</p>
<p><b>Late Applications</b> Traders applications received less than 14 days before the event</p>	<p>£33 for 1 day. Extra days £13 per day (within the same special event if booked at the same time). Payable by the trader.</p>

## Special event applications

Applications must be made online. Where applicants want to submit extra documents as part of the bidding process they must send the information to [street-trading@lichfielddc.gov.uk](mailto:street-trading@lichfielddc.gov.uk)

All information must be correct and complete. Where misleading, incorrect or incomplete information is provided the application may be rejected.



## 13.0 – Letting of pitches

### Sub-letting pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

### Re-letting pitches

Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Licensing Team in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Licensing Team of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

## 14.0 – Temporary relocation

When a pitch becomes unsuitable, the council will relocate consent holders where suitable alternative street trading pitches exist. The council may consult with the highway authority to identify suitable alternative pitches for the purpose of relocating the displaced street trader.

## 15.0 – Fees and charges

Lichfield District Council set fees and charges for street trading. Fees and charges are reviewed annually.

Where a consent is surrendered or revoked, the council will remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent.

Please visit [www.lichfielddc.gov.uk/streettrading](http://www.lichfielddc.gov.uk/streettrading) to find out what the current fees and charges are for street trading.

## 16.0 Applications

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any charges.
- The location is unsuitable
- The stall will be in proximity of a shop selling similar goods.
- The activities are likely to cause a nuisance or annoyance to neighbouring properties.
- The applicant is unsuitable.



- An applicant has failed to appropriately use previous consents.
- The stall is unsuitable.
- It causes or contributes to crime and disorder.

This list is not exhaustive.

### Who can apply?

To apply for consent a person must be:-

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

### Making an application

All applications must be made on the council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting [www.lichfielddc.gov.uk/streettrading](http://www.lichfielddc.gov.uk/streettrading), if you are unable to apply online please call 01543 308725 to request a hard copy.

The application must be accompanied by the following documents:

- Public Liability Insurance certificate
- A description of the stall or a photograph if available.
- Basic Disclosure and Barring Service (DBS) check or access to the DBS update service for you or any assistants if requested by the licensing team.
- Proof that the applicant, and any assistants are entitled to work in the UK if requested.

Once the application is complete and has been accepted, the council will either:

- Grant the consent as applied for.
- Grant the consent with conditions or a variation to the application.
- Refuse the consent.

Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

### Receipt of application and fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant fee has been paid. The application must be completed in full. Incomplete applications will be rejected. Failure to follow the application process may result in the consent being refused or delayed. Applicants are encouraged to submit their applications in plenty of time of the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.



## Consultation

Before a street trading consent is granted the council may decide it is appropriate to consult with various people or groups. The council will consider relevant representations.

The licensing team may consult the following people before issuing a consent:

- Staffordshire Police
- Highways Authority
- Relevant services at Lichfield District Council e.g. food team, waste team etc.
- Fire and Rescue Service.
- Trading Standards
- Any other person or body deemed necessary.

Information obtained from these people/ bodies will be considered during the application process and will help determine whether a consent should be granted.

## 16.0 Insurance

The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.

## 17.0 Food stalls

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the council may contact their local council to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low risk business will be determined by the Food Safety Team), may be considered safe to trade whilst awaiting inspection by their local authority or in other circumstances. All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 whilst a consent is in place, consent may be withdrawn. Applicants and consent holders should notify Lichfield District Council of any changes to their national food hygiene rating.

If food safety is found to be below the specified standard, consent will be withdrawn until the issues are resolved.



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## 18.0- Disclosure and barring service check (DBS)

The council may ask you to apply for a basic disclosure to ensure that you are a suitable applicant. For information on how to apply for a basic DBS check please visit <https://www.gov.uk/government/publications/basic-checks>. If you are asked to provide a disclosure and barring service check as part of your application any assistants working during the duration of the consent will also need to provide a check.

We will not accept DBS checks that are more than 3 months old at the time of the application. Applicants that regularly apply may want to consider the DBS update service, further information is available at [www.gov.uk](http://www.gov.uk).

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## 19.0 Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Special event organisers with 16 or more consents issued for an event must provide sufficient waste disposal facilities.

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## 20.0 Revoking consents

There is no right of appeal against an officer's decision to revoke a consent. Where a consent is revoked the council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days. The Head of Regulatory Services, Housing and Wellbeing may allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

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## 21.0 Refusing applications

The council may refuse to grant a consent. Where a consent is refused the council will advise the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against an officer's decision to refuse a consent. The Head of Regulatory Services, Housing and Wellbeing may, however, allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to refuse the consent has been made.

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## 22.0 Conditions, complaints and enforcement

General conditions will be attached to every consent. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.



## Complaints

Complaints will be fully investigated in accordance with the Councils Complaints Policy and consent holders will be expected to liaise with the council to resolve them, Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

## Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they:

- a) Engage in street trading in a prohibited street.
- b) Engage in street trading in a consent street without first obtaining authorisation from the council.
- c) Contravene a condition imposed on a consent.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

## 23.0 – Definition

### Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

### News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
  - (i) exceed one metre in length or width or two metres in height;
  - (ii) occupy a ground area exceeding 0.25 square metres; or
  - (iii) stand on the carriageway of a street.



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Page/ para ref	Current Wording	Proposed Change	Rationale
4	<b>Temporary Street Trading</b> - this type of consent is for short periods of time for a designated pitch	No more than 30 consents to be issued per year	There is no definition of what temporary means and this is required to effectively regulate this.
9 12.0	Proposed additional wording	Where an application for a special event is made after street trading consents have already been issued for the same location, the street trading consents will be honoured and the special event organiser will be required to allow for the traders in the location and trading hours as set out in their consent	There is currently no wording in the policy to reflect this position.
10	<p><b>Deadline for applications</b></p> <p>Events involving more than 2000 persons or events with less than 2000 persons if there is increased risk – at least 3 months before the event</p> <p>Events involving less than 2000 persons where there is no increased risk</p>	<p>A list of proposed traders and their proposed locations must be provided no later than 6 weeks before the date of the event.</p> <p>Any applications received within 10 working days of the event cannot guarantee to be processed</p> <p>Any changes received within 10 working days of the event cannot guarantee to be processed</p> <p>Applications should be made via the council’s on-line form and the required documentation uploaded as required</p> <p>Applications should be made via the council’s on-line form and the required documentation uploaded as required</p>	<p>With the exception of one event organiser the current deadlines have not been complied with and this has resulted in a significant number of applications coming in a few days before an event, resulting in additional staffing having to be brought in and impacting on other licensing activity.</p> <p>This proposed deadline reflects the fact that the licensing team need to be able to stagger their response to applications and can accommodate a small % of late applications.</p> <p>If agreed than these deadlines would need to be complied with by all organisers.</p>

Page/ para ref	Current Wording	Proposed Change	Rationale
10	<p><b>Deadline for applications</b></p> <p>Events involving less than 20 traders</p>	<p>A list of proposed traders and their proposed locations must be provided no later than 10 working days before the date of the event.</p> <p>Applications must be received within 8 working days of an event.</p> <p>Any applications received after 8 working days of the event cannot guarantee to be processed</p> <p>Any changes received within 10 working days of the event cannot guarantee to be processed</p> <p>Applications should be made via the council's on-line form and the required documentation uploaded as required</p>	As above
10	<p><b>Criteria to be met by event organisers •</b> Wording deletion –</p> <p>The event organiser and the event When determining whether the special event application is authorised the Council will take into consideration the past experience the Council has of the event organiser, this will include compliance with conditions and policy, complaints and any other relevant matter. We will also consider how successful previous events have been in supporting to council objective of having a vibrant and prosperous</p>	Delete last sentence - The organiser of the event may be asked to evidence this.	The organiser generally has to rely on evidence which is not fully robust.

Page/ para ref	Current Wording	Proposed Change	Rationale
	economy. The organiser of the event may be asked to evidence this.		
10	<p><b>Economic benefit to the district</b></p> <p>Proposed heading change</p> <p>The council expects a ‘Special Event’ to have economic benefit to the district and support the Council’s objective of having a vibrant and prosperous economy. In order to encourage more visitors and promote a greater visitor spend in our district the Council expects these special events to be more than a market. As well as street trading stalls we would expect the event to normally include some sort of entertainment, attraction or promotion to encourage visitors to the event and surrounding area. The amount expected will be proportionate to the size of the event and determined on a case by case basis. If the Council believes that this has not been done adequately the application may be refused. Lichfield District Council would like to attract a variety of events to the District and to ensure that the events are varied. Restrictions may be put in place to reflect this limiting the number and certain types of stalls e.g. the number of food and drink stalls at a garden festival.</p>	<p>Proposed change of heading to:</p> <p>What makes an Event Special</p> <p>First sentence – change to:</p> <p>The council expects a ‘Special Event’ to benefit the district and support the Council’s objective of having a vibrant and prosperous economy.</p>	<p>The organiser cannot reliably identify the economic impact as events are dependent on a number of factors outside their control, including the weather. Going forward the council will also have more reliable information about the economic benefit of previous events from the research commissioned.</p>

Page/ para ref	Current Wording	Proposed Change	Rationale
11	<p><b>Accounts</b> – Proposed heading and wording change</p> <p>The applicant must submit the full accounts for the previous year this event took place. Also budget for the event must be submitted including all costs incurred.</p>	<p>Proposed change of heading to Financial Viability and wording as below:</p> <p>The applicant must show the financial viability of the event through a business plan which identifies the costs of the event, any income through sponsorship and how costs are to be recovered. Any income and expenditure from previous events will also evidence financial viability.</p>	<p>Information from the event accounts has not proved helpful and what is required is evidence that the event is financially viable.</p>
11	<p><b>Map</b>- a map showing the location of the stalls must be provided at least one month before the event</p>	<p>A map showing the location of the stalls must be provided at least 6 Weeks before the event for events involving more than 2,000 people and for events involving less than 2000 people. The quality of the map required will be agreed with the licensing authority depending on the event and location.</p> <p>For smaller events with 20 stalls or less a map is required at least 10 working days before the event.</p>	<p>Having a map showing the location of the stalls is necessary for safety assurance and to process street trading consents. 4 weeks does not give enough time if there are any issues that need addressing.</p>
12	<p><b>Waste</b></p> <p>Proposed wording change</p>	<p>Change 15 consents to 20 consents</p>	<p>For consistency and to reflect that no significant issues have arisen from smaller events</p>

Page/ para ref	Current Wording	Proposed Change	Rationale
12	<p><b>Bidding for special events</b></p> <p>Proposed change</p> <p>Proposed change</p> <p>During the bidding process a number of factors will be considered including:</p> <ul style="list-style-type: none"> <li>• Organiser’s past performance in organising previous events</li> <li>• Previous compliance</li> <li>• Economic benefit</li> <li>• Complaints and compliments</li> <li>• Ability to meet deadlines</li> </ul> <p>Proposed additional wording</p>	<p>Proposed deadline date to be moved to 1<sup>st</sup> August in 2019 and 1 April 2020 thereafter ( subject to the outcome of the Events Management Review)</p> <p>Add – financial viability</p> <p>Once an event organiser has been advised that their bid for a special event has been accepted, they will have 28 days from being notified to complete an application for a special event and pay the deposit if required.</p>	<p>This allows special events organisers more time to plan events</p> <p>Needs to part of the bidding assessment</p> <p>This is to ensure that the event is going ahead and can be promoted via the events calendar. It also means that if there is a late expression of interest for an event and no application is received from the successful bidder, the date event can be offered to another organiser.</p>
13	Additional fees for special events – Deposit	<p>It is proposed that the deposit requirement is changed from events with 15 stalls or less to events with over 20 stalls.</p> <p>For events where no food and drink is being sold a 50% reduction will be made to the deposit required</p>	<p>The current deposit requirements take no account of risk – e.g. the risk from a craft market is significantly less that a food event. For an event with 15 stalls or less there are cost implications of collecting and refunding a £150 deposit.</p>

Page/ para ref	Current Wording	Proposed Change	Rationale
		<p>The deposit is refundable if the event is cancelled, except where costs have already been incurred by the council – e.g consents have been issued.</p>	<p>An additional street trading condition has been put on street trading consents requiring traders serving hot food to put drip trays under their stalls so any breaches of this condition can be actioned through enforcement. Consent conditions also require traders to dispose of their own waste.</p>
13	<p><b>Consent Fees for special events</b></p> <p>For special events pitch fees the trader will incur the one day fee and then a lower daily fee for any additional days they wish to add to the consent.</p>	<p>The fees for the one day fee and a subsequent day are set out on the council’s website – link to be added to policy</p> <p>For traders not selling food or alcohol a lower fee will apply, this takes account of the processing and enforcements requirements relating to these consents.</p>	<p>There are fewer checks required in processing consents where food or alcohol is not being sold and the compliance and enforcement requirements are minimal. The fee will be revised to take out these costs.</p>
13	<p><b>Incorrect or incomplete application - fees</b></p> <p>council request further information to complete application Public Liability Insurance Late applications</p>	<p>Proposed deletion.</p>	<p>These fees were introduced to act as a deterrent to some traders who persistently submitted incorrect or incomplete applications (including out of date or incorrect Public Liability Insurance) and also address late applications. Whilst the team have had to deal with incomplete and late applications, applying these fees would be disproportionate to the additional work required and the on-line application process helps reduce this risk.</p>