



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,  
ELY, CAMBRIDGESHIRE CB7 4EE  
Telephone 01353 665555

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## MEETING: LICENSING COMMITTEE

TIME: 10:00am

DATE: **Wednesday 22<sup>nd</sup> June 2022**

VENUE: **Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE**

ENQUIRIES REGARDING THIS AGENDA: Tracy Couper

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## MEMBERSHIP:

### Conservative Members

Cllr Julia Huffer (Chairman)  
Cllr Christine Ambrose Smith  
Cllr David Ambrose Smith  
Cllr Lavinia Edwards  
Cllr Alan Sharp  
Cllr Jo Webber (Vice-Chairman)

### Substitutes:

Cllr Ian Bovingdon  
Cllr Bill Hunt  
Cllr Lisa Stubbs

### Liberal Democrat Members

Cllr Simon Harries  
Cllr Mark Inskip  
Cllr Alec Jones (Lead Member)  
Cllr Gareth Wilson

### Substitutes:

Cllr Charlotte Cane  
Cllr Matthew Downey  
Cllr John Trapp

### Independent Member

Cllr Sue Austen (Lead Member)

### Substitute:

Cllr Paola Trimarco

### Lead Officer

Liz Knox, Environmental Services Manager

Quorum: 5 Members

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## AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
- 3. Minutes**

To confirm as a correct record the Minutes of the meetings of the Licensing Committee held on 9<sup>th</sup> March and 19<sup>th</sup> May 2022.

4. **Chairman's Announcements** **[oral]**
  5. **Review of Street Trading Fees**
  6. **Senior Licensing Officer's Update** **[oral]**
  7. **Forward Agenda Plan**
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## NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal working hours you should report to the main reception desk. If you come to an evening meeting please enter via the door in the glass atrium at the back of the building.

Admittance is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services ([democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk) or 01353 665555) of their intention to attend a meeting.

The meeting will be webcast and a livestream of the meeting will be available. Further details can be found at <https://www.eastcambs.gov.uk/meetings/licensing-committee-22062022>. Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked "oral".
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended)."

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Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday, 9<sup>th</sup> March 2022 at 9:30am.

**PRESENT**

Cllr Julia Huffer (Chairman)  
Cllr Christine Ambrose-Smith  
Cllr Sue Austen  
Cllr Lavinia Edwards  
Cllr Simon Harries  
Cllr Bill Hunt (as a Substitute)  
Cllr Mark Inskip  
Cllr Alec Jones  
Cllr Alan Sharp  
Cllr Lisa Stubbs (as a Substitute)  
Cllr Gareth Wilson

**OFFICERS**

Stewart Broome – Senior Licensing Officer  
Liz Knox – Environmental Services Manager  
Adrian Scaites-Stokes – Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant

**IN ATTENDANCE**

Rebecca Chong – Off The Beaten Truck  
John Hudgell – Owner of a Street Trading Business

Prior to the commencement of the meeting, the Chairman suggested that future meetings of the Licensing Committee start at the later time of 10:00am. This would allow any taxi drivers to complete their school runs, should they wish to attend a meeting.

21. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors David Ambrose Smith and Jo Webber. Councillors Bill Hunt and Lisa Stubbs acted as Substitutes for this meeting.

22. **DECLARATIONS OF INTEREST**

No declarations of interests were made.

23. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 10<sup>th</sup> November 2021 be confirmed as a correct record and be signed by the Chairman.

**24. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

**25. REVIEW OF STREET TRADING POLICY**

The Committee considered a report, W150 previously circulated, that detailed minor amendments to the Council's Street Trading Policy.

The Senior Licensing Officer reminded the Committee that the Council's Street Trading Policy was revised in 2016 making all streets within the whole district 'Consent Streets', with the exception of a few trunk roads. The revised Policy with revised fees and procedures was adopted, but had minor changes made in 2018. As a result of the two years of the pandemic, a lot of enquiries had been received relating to 'pop-up' traders who wished to supplement their falling income. The Department had worked with Off The Beaten Truck (OTBT) and the Nationwide Caterers Association (NCASS) to re-align the Policy. In November 2021 the Policy was further revised and adopted, which introduced the concept of 'host premises' and 'pop-up traders'. Any pop-up trader had to register with the Council and obtain permission from the host premises to trade.

Those latest revisions had produced unexpected consequences for the traders and hosts. Feedback on those revisions had been received from OTBT and responses made, as shown in paragraph 3.3 of the report. The main issues related to the fee structure and the requirement for hosts and traders to register. The fee levels were proving to be a financial burden on the trade and comparisons had been made with the fees set by South Cambridgeshire District Council, which had recently changed its policy. The fees for charitable venues were considered too high and hosts were reluctant to register if they thought there would not be enough take up of pop-up traders. Those traders were also reluctant to pay the fees set.

The Policy agreed in November 2021 was lawful but something needed to be done to address the issues raised. The recommendations in the report sought to address those issues by scaling back the pop-up scheme, so the Council only needed to be notified of a pop-up trader and there would be no fee attached. However, proposed conditions would be included, to safeguard the public, and were set out in paragraph 4.4 of the report.

In response to the Committee's questions, it was revealed that NCASS membership would cover the points shown under Condition 1. The Conditions aimed to strike a balance between public safety and the provision of vital local amenities. There was no provision within the relevant legislation describing 'rogue traders', though the Council could remove consent to trade, or prohibit streets from being used, for any reasonable excuse. If the host did not comply with the licence conditions then their consent could be removed. For pop-up traders, if they acted recklessly, their badges could be taken away preventing them from trading. There was no right of appeal if these things happened, though they could call for a judicial review of any such decision.

## **AGENDA ITEM NO. 3(a)**

Any instances of food poisoning related to these traders would be investigated by the Council's Commercial Team. Any enforcement action would be conducted via the host premises. The Department were aware that some pop-up traders traded in a number of different place but were unaware of any complaints within the district. The Department took an 'educational' approach to any complaints received, but could not provide any host's contact details to others due to data protection legislation.

Currently no host premises licences had been issued, though the Council was aware that there were approximately ten sites currently being used. This number was expected to grow.

In relation to the fees, the level was set to enable the relevant administration costs to be cost neutral. If the fee for the traders was removed the host fees would be looked at to see how it affected the Council's costs. It was hoped that the loss of income could be absorbed. Premises could apply for an annual host premises licence, which could be paid quarterly after paying an initial fee, or a daily licence if traders only visited infrequently. The current fee structure should be reviewed, as it became expensive for premises with multiple sites having regular traders. This review would include consultation with OTBT and NCASS.

The Chairman then invited Rebecca Chong, owner of OTBT, and John Hudgell, owner of a pop-up trade, to address the Committee. Rebecca Chong advised that street trading had evolved and had been the only industry that had grown during the pandemic. The team that OTBT worked with were highly vetted and skilled. They provided high quality food and worked with NCASS to ensure public safety was paramount. Although membership of NCASS was not a strict requirement, it had a paid membership scheme and organised events. This industry was highly regulated and NCASS helped monitor it by checking that the relevant documentation from the traders was acceptable.

It was appreciated that the Council was adopting a new policy, as these businesses were different to traditional street trading. However, there were concerns relating to the host sites, as there were a lot of them. Due to the pandemic many public houses had to close their kitchens and had used food vans on site to supplement their income. The fee for a host premises was high and made it difficult to afford, as many locations were already struggling. This could result in very few sites taking up this licence and push those businesses into other area, so everybody would lose out.

OTBT supported multiple businesses, pop-ups and host premises. This entailed ten to twelve venues with more than twenty food vans. New ones were starting all the time and it would be good for the Council to have a good idea who was trading.

John Hudgell owned two trucks, started his business three years ago and had seen the business grow through the pandemic. Overheads were high, as he employed three chefs and two part-timers, and traded in three districts. This required paying a fee for each district, though most of his business was within East Cambridgeshire. He had obtained permission to trade by the premises and relevant parish councils. 90% of the business was pre-ordered online but

turnover was not high. The business was not of direct benefit to the venues, though it was for the communities. There was no issue over paying the relevant fee for the business, but the current level was too much. The current fee structure had no winners, so something needed to be done to make it fair.

The Senior Licensing Officer explained that it was not possible to stop the current charging fee levels, as they were already in force. If a review of the fee structure was undertaken resulting in a lower set of fees it might be possible to retrospectively refund the relevant businesses. All payments would be recorded and there would be a procedure to pay back if required. The recommendations in the report would remove the fees for pop-up traders and introduce the requirement to register notifications of such trading.

In response to Members' queries, it was acknowledged that the current 'one-size-fit-all' fee structure did not recognise the potential differences in host premises and pop-up trading. Venues or traders could currently apply for daily consent at £15 per time, rather than the full £750 annual fee, but this would be limited to 16 occasions per year. A review would be mindful of what neighbouring authorities were doing, although each authorities' fee structures would be different as each had its own unique parameters. Although any review had to protect the public need for such host sites, all the related issues had to be looked at.

Members noted that things were in a period of change, so processes needed to change. A review had to be undertaken on the fee structure to get the balance between supporting those businesses and community amenities. So the Committee requested that an urgent review of the street trading fee structure be carried out, in consultation with OTBT and NCASS, and brought back to the June Licensing Committee meeting for consideration.

The Chairman proposed that Condition 2, as set out in the report under paragraph 4.4, include the Date and Time when a pop-up trader was at a host premises. This was agreed by the Committee.

It was resolved:

- (i) That the contents of the report be noted and that the revised policy attached at Appendix 2 be approved to come into effect immediately, with the following addition:

Condition 2 relating to the "Pop-up Trader" scheme includes the requirement for the "Host Premises" to also record the date and time that any 'pop-up trader' trades at their premises;

- (ii) The reversion back to the previous fees in relation to Street Trading be approved and officers be instructed to reflect this in the 2022/2023 annual fees and charges document.

26. **SENIOR LICENSING OFFICER UPDATE**

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer advised the Committee that things were starting to recover from the pandemic. Licence applications were still down on previous numbers. The Department was working on Animal Welfare Guidance, as some legislative changes were going through, with the intention of minimising the effect on licence holders, who also now had to nominate a veterinarian for their business. Minor Right To Work changes had come in. Scrap Metal Dealers licence holders and taxi drivers now had to register for tax liability, otherwise their licences may be withdrawn.

The Chairman on behalf of the Committee commended the excellent work of the Licensing Team.

27. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Committee noted the amendments/additions of to the Agenda Plan:

- All future Licensing Committee meetings to start at 10:00am
- 22<sup>nd</sup> June 2022 meeting – additional items: (i) The Review of the Street Trading Fee Structure; (ii) Fit and Proper Persons for Caravan Sites
- 27<sup>th</sup> July 2022 – additional item: CCTV in Taxis

The meeting concluded at 11:04am.



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## **AGENDA ITEM 3(b)**

Minutes of a meeting of the Licensing Committee held at 7:20pm on Thursday 19<sup>th</sup> May 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE

### **PRESENT**

Cllr Christine Ambrose Smith  
Cllr David Ambrose Smith  
Cllr Sue Austen  
Cllr Lavinia Edwards  
Cllr Simon Harries  
Cllr Julia Huffer  
Cllr Mark Inskip  
Cllr Alec Jones  
Cllr Alan Sharp  
Cllr Jo Webber  
Cllr Gareth Wilson

### **OFFICERS**

John Hill – Chief Executive  
Emma Grima – Director Commercial  
Sally Bonnett – Corporate Unit Manager  
Maggie Camp – Legal Services Manager  
Ian Smith – Finance Manager  
Tracy Couper – Democratic Services Manager  
Caroline Evans – Democratic Services Officer  
Annalise Lister – Communications Manager  
Angela Tyrrell – Senior Legal Assistant  
Karen Wright – ICT Manager

#### **1. ELECTION OF CHAIRMAN**

Cllr Julia Huffer was nominated as the Committee Chairman by Cllr David Ambrose Smith and seconded by Cllr Lavinia Edwards.

There being no other nominations, it was resolved:

That Cllr Julia Huffer be elected as Chairman of the Licensing Committee for the municipal year 2022/23.

#### **2. ELECTION OF VICE-CHAIRMAN**

Cllr Jo Webber was nominated as the Committee Vice-Chairman by Cllr Julia Huffer and seconded by Cllr Alan Sharp.

Cllr Alec Jones was nominated as the Committee Vice-Chairman by Cllr Gareth Wilson and seconded by Cllr Simon Harries.

Upon being put to the vote, it was resolved:

That Cllr Jo Webber be elected as Vice-Chairman of the Licensing Committee for the municipal year 2022/23.

### **3. LICENSING (STATUTORY) SUB-COMMITTEE**

The Chairman drew Members' attention to the proposed appointments for the Licensing (Statutory) Sub-Committee, as detailed in the agenda papers, and stated that the Chairman would be appointed at the first meeting.

It was resolved:

That the following appointments be made to the Licensing (Statutory) Sub-Committee for 2022/23:

#### Conservative Members (2) and substitutes

Cllr Lavinia Edwards  
Cllr Alan Sharp

Cllr Julia Huffer (substitute)  
Cllr Jo Webber (substitute)

#### Liberal Democrat Member (1) and substitute

Cllr Alec Jones

Cllr John Trapp (substitute)

### **4. LICENSING (NON-STATUTORY) SUB-COMMITTEE**

The Chairman drew Members' attention to the proposed appointments for the Licensing (Non-Statutory) Sub-Committee, as detailed in the agenda papers, and stated that the Chairman would be appointed at the first meeting.

It was resolved:

That the following appointments be made to the Licensing (Non-Statutory) Sub-Committee for 2022/23:

#### Conservative Members (3)

Cllr Christine Ambrose Smith  
Cllr Julia Huffer  
Cllr Alan Sharp

#### Liberal Democrat Members (2)

Cllr Alec Jones  
Cllr Gareth Wilson

*The meeting concluded at 7:23pm.*

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – REVIEW OF STREET TRADING FEES**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 22 JUNE 2022**

**AUTHOR: SENIOR LICENSING OFFICER**

[X16]

1.0 **ISSUE**

1.1 To consider amendments to the Council's Street Trading fees.

2.0 **RECOMMENDATION(S)**

2.1 That Members:

Consider the content of the report and,

- i. approve the amended street trading policy contained in **appendix 2** to take effect immediately, and
- ii. authorise officers to publish the new fee structure contained in **appendix 3** to take effect immediately.

3.0 **BACKGROUND**

3.1 In March 2022, Members asked officers to undertake a review of the fees charged for street trading consent within the district, following a request by the National Caterers Association (NCASS) and a local representative body known as "Off the Beaten Truck" (OTBT).

3.2 NCASS and OTBT felt that the fees for trading on private land where the trading is not the primary function of the premises, but is connected to the primary premises is unfair, and does not reflect the transient nature of this area of street trading.

3.3 The current fees are contained in **appendix 1**.

4.0 **SUMMARY**

4.1 The 1982 Act permits a Council to:

- charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.
- determine different fees for different types of licence or consent
- allow fees to be paid by instalments

- charge separate fees to cover cleaning of the area, that may need to be undertaken by them.
- 4.2 The current fee structure was designed to promote rural trading, by apportioning a larger part of the costs of the regime to those trading in central Ely, and to promote different types of traders by way of differing fee levels depending upon the type of product being sold.
- 4.3 The current fee structure was also designed to take into account that all annual trading consents require a public 28-day consultation, and when objections are received, a hearing of the licensing sub-committee. Some consultations cost more than others, and some applications do not require a hearing, but it was not considered equitable to differentiate fees based on cost factors outside of the applicant's control, and so these variable costs are factored into all of the annual application fees.
- 4.4 The current fees are not dependent upon the days traded by the trader themselves, as they are specifically designed to address the costs the Council incurs in administering, issuing, and dealing with compliance issues related to the street trading.
- 4.5 The current policy has four distinct types of street trading consent. Income in 2021/2022 from all sources of street trading was a total of £11,006.50. Table one shows the four types of consent issued, and the breakdown of income received in each area:

*Table 1*

Type	Number	Income
Static trader	12	£8,988
Mobile trader	4	£938.50
Daily consent	60	£900
Event consent	9	£180
Total	85	£11,006.50

- 4.6 Trading permits issued to traders wishing to trade on the car-parks of other businesses, so called Pop-Up traders accounted for £585 (39 permits) of the daily consent income in that period.
- 4.7 The licensing budget figure for 2021/2022 was £261,922, and estimates suggest 5.48% of officer time was spent dealing with street trading work in this period. This would equate to a cost recovery figure of £14,353.
- 4.8 Paragraph 4.6 illustrates that the current fees are compliant with the general rule of licence fee setting, which is, they should recover the costs of administering the service, but should not yield a profit over and above these costs.
- 4.9 Since 2016 a total of 36 new annual street trading applications have been received, 12 mobile and 24 fixed/static. Of these, 6 resulted in the need to hold a formal hearing. The type and outcome of which is shown below in table 2 on the next page:

Table 2

Type of application	Outcome
Fixed/Static	Reduced hours, generator condition
Fixed/Static	Granted as applied for
Fixed/Static	Generator condition added
Fixed/Static	Refused
Fixed/Static	Reduced hours, change of location
Fixed/Static	Reduced hours

4.10 Officers are not aware of any complaints being received that relate to consented activity. All complaints received relate to illegal traders operating in the district.

## 5.0 CONCLUSION

5.1 Setting fee levels to be cost neutral is a complex process, and by default it is not an exact science due to the nature of licensing. It is necessary to balance potential income with potential costs, whilst ensuring that the objectives for controlling street trading are upheld and legitimate trading can flourish.

5.2 Officers believe the fee structure in place at present represents a reasonable fee for trading in the district, but Officers also believe that there is an option to accommodate the points raised by NCASS and OTBT. The current policy and fee structure for annual trading does not differentiate between trading on private and public land, or whether the trading is or isn't ancillary to another business at the trading location. Officers believe this is an area where amendments can be made to the current application process in order to reduce officer time and therefore justify reducing the fees needing to be recovered. Paragraphs 5.3 to 5.5 set out this proposal.

5.3 The main objective with street trading is to prevent nuisance, and uphold public amenity in an area, and so where the street trading is the primary activity, or is being requested at a domestic premise, officers believe formal consultation is a necessary part of the process, as the premises is not likely to have been subject to scrutiny from any other official body or process. However, where the applicant:

- is requesting to trade on private land owned or leased by them, that falls within the policy definition of a Host Premises, and
- such trading is ancillary to the main purpose of that premises, and
- the trading hours requested are within the permitted hours of the main premises, or 11pm (whichever is latest)

it is suggested that the formal public consultation could be waived, as the premises is likely to be a location of existing public gathering or public movements, (whether vehicular or pedestrian), and therefore, the potential for a trader to bring a higher degree of operational nuisance is minimal.

5.4 As previously mentioned in this report, all applications receiving an objection currently result in a hearing of the sub-committee. It is suggested that in cases

where the three bullet points in paragraph 5.3 above are met, determination powers are delegated to Officers.

- 5.5 By removing the need to publicly consult, and by removing the need to attend a hearing of the licensing sub-committee, in such cases, the processing costs for these applications could be significantly and justifiably reduced without impacting the fees and processes for all other annual trading in the district.
- 5.6 The safeguard to this proposed change is that relevant responsible authorities will still be consulted on all annual street trading licence applications, and ultimately if complaints are received due to poor trading practices at these locations, consent can be revoked at any time.
- 5.7 The proposed policy contained in **appendix 2**, and the proposed fees in **appendix 3** assume Members approval of the suggestions contained in paragraph 5.3 and 5.4 of this report.

## 6.0 FINANCIAL AND EQUALITY IMPLICATIONS

- 6.1 Changing the fee levels will have no negative impact on existing traders registered with the Council, as the proposed fees are either the same as, or lower than the current fees.
- 6.2 The lowering of the fees is linked to the reduction in processing costs, and therefore, there should be no increase in deficits. The more flexible approach may result in increased revenue, but this is not guaranteed.
- 6.3 There are no other financial implications other than Member and Officer time which is already budgeted for.
- 6.4 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

## 7.0 APPENDICES

- 7.1 Appendix 1 Current fees
- 7.2 Appendix 2 Proposed amended Street Trading Policy 2022
- 7.3 Appendix 3 Proposed fees
- 7.4 Appendix 4 Equality Impact Assessment (EIA)

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Local Government (Miscellaneous Provisions) Act 1982	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477

## APPENDIX 1

### Current fees applicable to Street Trading Consent

Type of goods	Ely (central zone) daily consent fees		Annual	All other areas (daily consent fees)		Annual	Transfer
	Sun to Wed	Thurs to Sat		Sun to Wed	Thurs to Sat		
Clothing	£20	£30	£1040	£15	£20	£740	£48
Electrical spares							
DIY products							
Hot food and drink							
Furniture							
Records, CD's and DVD	£20	£30	£780	£15	£20	£480	£48
Household cleaning goods							
Books							
Fresh fish	£20	£30	£520	£15	£20	£320	£48
Fresh meat							
Fruit and Veg							
Delicatessen							
Flowers and Plants							
Ice-cream vendors							
Cakes/ Bakery							
Arts and crafts							
All other traders	£20	£30	£1040	£15	£20	£740	£48
Host Premises	N/A	N/A	£1040	N/A	N/A	£740	£48

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50

#### Special Events/Markets/Commercial Events

Number of Stalls	Fee per day of the event
10-20	£100
21-40	£200
41 or more	£500

#### Events listed in paragraph 6.3

Fee per day of the event
£20

#### Ely Central Charging Zone



**EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1982**

**STREET TRADING POLICY**

Effective: TBC

**Appendix 2**

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**Appendix 2**

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## **Appendix 2**

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### **1.0 Introduction**

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
  - b) the statutory right of any person to make appropriate representations;
  - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
    - i) matters within the control of individual consent holders who are granted any relevant permissions;
    - ii) the premises and places being used for licensable activities;
    - iii) the direct impact of the activities taking place at the relevant
    - iv) premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

### Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
  - Cambridgeshire Fire and Rescue;
  - Cambridge County Council highways department;
  - Existing licence holders;
  - Representatives of businesses and residents in the East Cambridgeshire district;
  - City, town and parish councils;
  - District Councillors
  - Nationwide Caterers Association
  - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

### Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

### Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

1982 Act	The Local Government (Miscellaneous Provisions) Act 1982
The Council	East Cambridgeshire District Council
Street Trading	Selling or exposing or offering for sale of any article (including a living thing) in any street.
Street	i) Any road, footway, beach or other area to which the public have access without payment. ii) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street	A street in which street trading is prohibited without the consent of East Cambridgeshire District Council.
Consent	Consent to trade on a street issued by East Cambridgeshire District Council
Consent Holder	The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council.
Associate	An "associate" is: (a) the spouse or civil partner of that person; (b) a child, parent, grandchild, grandparent, brother or sister of that person; (c) an agent or employee of that person; or (d) the spouse or civil partner of a person within (b) or (c). A person living with another as that person's husband or wife is to be treated as that person's spouse.
Licensed Street	A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council.
Prohibited Street	A street in which street trading is prohibited at all times.
Static Street Trader	A trader granted permission by East Cambridgeshire District Council to trade from a specified position
Mobile Trader	A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
Host Premises	A privately-owned piece of land, forming part of another business, but not falling within the definition of a highway under section 7A of the Highways Act 1980.
Pop-up Trader	A food trader who trades only upon Host Premises in an ad-hoc manner with the Hosts permission.
Authorised Officer	An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## 2.0 Legislation and current provision

- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:

- Prohibited streets: those which are not open to street traders
- Consent streets: where street trading is prohibited without local authority consent
- Licence streets: where trading is prohibited without a local authority licence.

## Appendix 2

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- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.
- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.
- 2.4 Annex 1 lists the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.
- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 5:00am the following day, or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000 per offence.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.
- 2.9 The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership.

### Exempted activities

- 2.10 The Act makes certain activities exempt from the requirement to hold a Consent. These are:
  - a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
  - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
  - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
  - d) News vendors selling only newspapers or periodicals
  - e) Petrol filling stations
  - f) Shops forecourts
  - g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
  - h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
  - i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
  - j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

### **3.0 The licensing process and delegation of functions**

- 3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear,

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consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.

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- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the relevant Committee for determination.
- 3.3 Minor amendments to this policy may be made by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager.

### 4.0 Applications for a street trading consent

#### Advice for new applicants

- 4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.
- 4.3 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.
- 4.4 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.
- 4.5 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

#### New Applications

- 4.6 Applications will only be considered if submitted on the Council's prescribed application form available from [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk).
- 4.7 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

#### Supporting Documentation

- 4.8 Depending upon the type of street trading application being submitted, certain supporting documentation will be required. For ease of purpose these are specifically listed in the checklist of the individual application forms, but the types of documentation which may be required are listed below:
- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
  - Details of the proposed activity, including the nature of goods being sold, times and days of operations.
  - Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.

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- Written permission from the land owner of the proposed trading location (not applicable to mobile traders)
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

### **Processing of an Application**

- 4.9 On receipt of an application an acknowledgment will be sent to the applicant.
- 4.10 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.11 Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. The scale of the consultation will be dependent upon the nature of the application, but may include the following organisations or persons:
- Cambridgeshire Constabulary,
  - Cambridgeshire Fire and Rescue Service,
  - Cambridge County Council highways department,
  - Environmental Health
  - Planning
  - Ward, City, town and parish councils
  - Property owners within 100metres who directly overlook the proposed location (static pitches only)
  - Town centre manager
- 4.12 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the relevant Committee will be required to determine the application.
- 4.13 A reduced consultation period will be applicable to event, [Host Premises](#), and daily permit requests.
- 4.14 More information on Member determinations can be found in the “Determination of application by relevant Committee” section on page 9.

### **Key Considerations**

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- 4.15 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 4.16 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- a) **Public Safety**  
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
  - b) **Public Order**  
Whether the street trading activity represents, or is likely to represent a substantial risk to public order.
  - c) **The Avoidance of Public Nuisance**  
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
  - d) **Highway**  
The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
  - e) **Compliance with legal requirements**  
Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.
- 4.17 The Council will normally grant a Street Trading Consent unless, in its opinion:
- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
  - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
  - There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
  - There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
  - There is a conflict with Traffic Orders such as waiting restrictions;
  - The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
  - The trading unit obstructs the safe passage of users of the footway or carriageway;
  - The trading unit is not considered to be suitable in style or in keeping with the location requested.
  - The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;

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- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

### **Departure from Policy**

- 4.18 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 4.19 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.20 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

### **Renewal applications**

- 4.21 Renewal applications will only be considered if submitted on the Council's prescribed application form available from [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk).
- 4.22 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.
- 4.23 A reduced list of supporting documents will be required to be submitted with a renewal application and the appropriate fee. These are indicated on the renewal application form.
- 4.24 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 4.25 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.
- 4.26 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the relevant Committee for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

### **Transfer applications**

- 4.27 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.

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- 4.28 Applications will only be considered if submitted on the Council's prescribed application form available from [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk).
- 4.29 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.
- 4.30 No consultation will take place, but the following will also be required to be submitted with the transfer application:
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
  - A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
  - Proof of right to work in the UK
  - A Passport style photo of the applicant(s)
  - Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
  - Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
  - It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

### Determination of application by the relevant Committee

- 4.31 The Council's Licensing Committee and Licensing (Non-Statutory) Sub-Committee have been established to consider applications in relation to licensing matters. Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Committee with regards to Street Trading is to determine applications to which objections have been made. [The only exception to this being Host Premises applications, where objections will be determined by officers under delegated authority.](#)
- 4.32 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing (Non-Statutory) Sub-Committee or main Licensing Committee.
- 4.33 Once arrangements have been made for the application to be heard by the Committee all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.
- 4.34 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.
- 4.35 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.

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- 4.36 In determining an application, the Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.
- 4.37 Witnesses may be used, and supporting documentation may be submitted to the Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.
- 4.38 The Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.
- 4.39 The Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:
1. Considering each case on its own merits.
  2. Using these guidelines to assess applications where it is felt appropriate.
  3. Ensuring that the rules of natural justice are applied in any hearings held.
  4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

### **Refusals**

- 4.40 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

### **Duration of consents**

- 4.41 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.
- 4.42 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.
- 4.43 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.
- 4.44 The sub-letting of a pitch is prohibited.

### **5.0 Consent Conditions**

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.

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- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

### 6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk). Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at ~~£75~~40% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily, ~~and~~ Event, ~~and~~ Host Premises -consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:
- Non-commercial fetes, carnivals or similar community based and run events.<sup>1</sup>
  - Non-commercial, civic, or charitable events.<sup>1</sup>
  - Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
  - Sales of articles by householders on land contiguous with their homes.<sup>2</sup>

<sup>1</sup> In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.

<sup>2</sup> For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.

### 7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly markets held throughout the week in Ely, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets is dealt with by the Markets' Team. More information is available on the Council's website.
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

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Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.

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- 7.3 The Council will require that the applicant produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.
- 7.5 Daily permits for individual traders wishing to trade on a consent street are available. The applicable documents stated on the application form from the list of items detailed in paragraph 4.8 must accompany an application, but when determining the application, the consultation stage shall be omitted. No more than sixteen days of trading, per Consent Street location, or per trader and/or their associate, will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days' notice, and availability is strictly on a first come, first served basis. Registered "Pop-up" traders (see paragraph 8.3) trading on private land (that does not hold a Host Premises Consent (see paragraph 8.2) will require a daily permit, but may provide less than ten clear working days' notice. However, trading may not commence until their application has been approved, and they have received confirmation of this.

**8.0 "Pop-up" Street Food Trading on Private Land**

8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

**Host Premises**

8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. Where the proposed trading complies with the criteria bullet-pointed below, only responsible authorities shall be consulted, and the determination of the application will be at the discretion of the authorised officers. In all other cases a consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a Pop-up trader street trading consent with the Council.

- Proposed trading is to take place on premises defined as a Host Premises by section 1.8 of this policy, and
- such trading is ancillary to the main purpose of that premises, and
- the trading hours requested are within the permitted hours of the main premises, or 11pm (whichever is latest)

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**Pop-up food traders**

8.3 Any trader wishing to trade freely from any registered host premises in the district, must first apply for an annual "Pop-up trader Consent" using the specific notification form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your notification. The notification will be approved in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once

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issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land. They will also be able to apply for daily permits to trade on private land [falling within the definition of a Host Premises \(but not holding without a Host Premises Consent\)](#) without having to wait the requisite 10 working days for a daily permit to trade.

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### 9.0 Enforcement

- 9.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 9.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 9.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 9.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

### 10.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team  
East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE  
T: 01353 665555  
E: [licensing@eastcambs.gov.uk](mailto:licensing@eastcambs.gov.uk)  
Website: [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk)

## Annex 1 – Designated Streets

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Consent Streets
All streets as defined by the 1982 Act with the exception of the prohibited streets listed below.
Prohibited Streets
Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District

## Annex 2

### Current fees applicable to Street Trading Consents

Type of goods	Ely (central zone) daily consent fees		Annual	All other areas (daily consent fees)		Annual	Transfer
	Sun to Wed	Thurs to Sat		Sun to Wed	Thurs to Sat		
Clothing	£20	£30	£1040	£15	£20	£740	£48
Electrical spares							
DIY products							
Hot food and drink							
Furniture							
Records, CD's and DVD	£20	£30	£780	£15	£20	£480	£48
Household cleaning goods							
Books							
Fresh fish	£20	£20	£520	£15	£15	£320	£48
Fresh meat							
Fruit and Veg							
Delicatessen							
Flowers and Plants							
Ice-cream vendors							
Cakes/ Bakery							
Arts and crafts							
All other traders							
Host Premises							

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

### Special Events/Markets/Commercial Events

Number of stalls	Fee per day of the event
10 – 20	£100
21 – 40	£200
41 or more	£500

### Events listed in paragraph 6.3

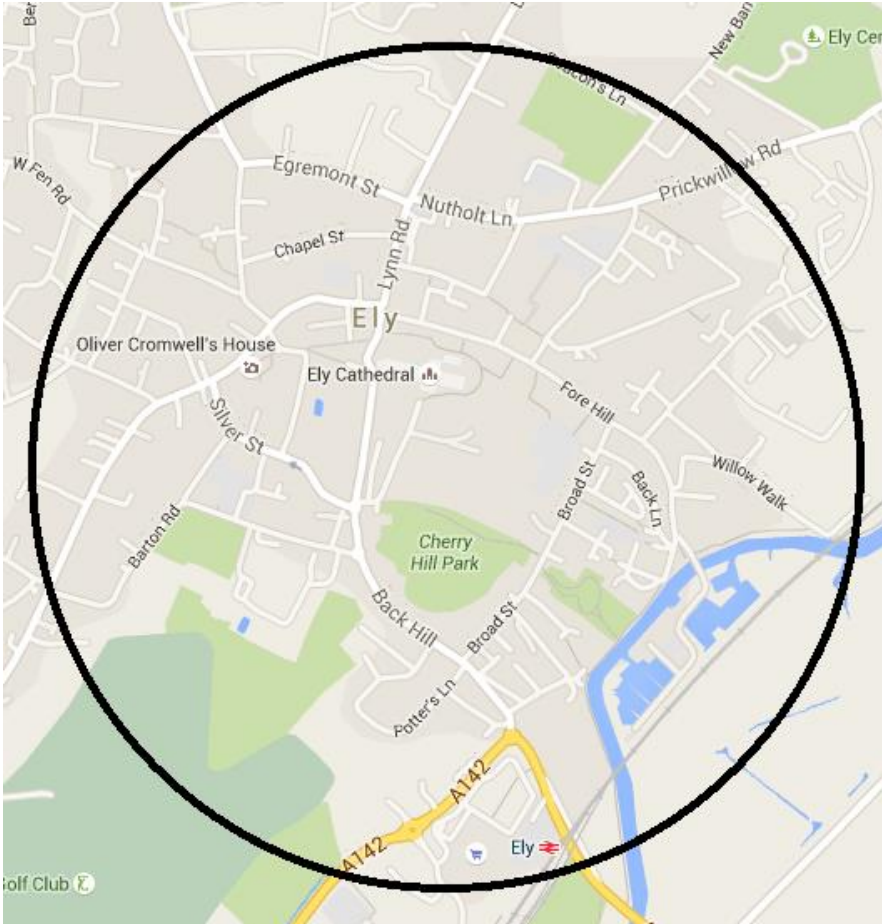
Fee per day of the event
£20

Ely central charging zone

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**Annex 3****Standard conditions applicable to Street Trading Consents****General**

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-riden by the special conditions for special events/markets.

**Standard Conditions**

1. Definitions
  - i. 'street' includes –
    - a) any road, footway, beach or other area to which the public have access without payment, and
    - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
  - ii. 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.

**Appendix 2**

15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
  - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
  - b) Cause an obstruction to the vehicles or pedestrians in the street.
  - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a

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## **Appendix 2**

place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.

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30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.22.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

### **Additional conditions applicable to Special Events/Markets**

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation firearms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

### **Specific conditions applicable to Host Premises**

**Appendix 2**

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47. The “Host Premises” Consent holder shall ensure that all traders they allow to trade from the host premises pitch are vetted to ensure that the following documents are held:

- Trader/Public Liability Insurance
- Food Hygiene certificates
- Food business registration with their local Council
- Pop-up trader badge from ECDC licensing
- Current gas and/or electricity safety/test certificates if such facilities used

Or

- Current NCASS membership
- Pop-up trader badge from ECDC licensing

48. The “Host Premises” Consent holder shall ensure that a record is maintained of all “Pop-up Traders” trading at their pitch. This record shall be retained for a period of six months, and shall be made available to an authorised officer upon request. The record shall record:

- The name of the trader
- A contact number for the trader
- The registration number of the trading unit, or vehicle towing the trading unit
- The trading name

## Street Trading Consent Fees

## Appendix 3

### Daily and annual single trader fees

Type of goods	Ely (central zone)		All other areas		Transfer
	Daily	Annual	Daily	Annual	
Clothing	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48
Electrical spares					
DIY products					
Hot food and drink					
Furniture					
Records, CD's and DVD	£20	£780 <sup>1</sup>	£15	£480 <sup>1</sup>	£48
Household cleaning goods					
Books					
Fresh fish	£20	£520 <sup>1</sup>	£15	£320 <sup>1</sup>	£48
Fresh meat					
Fruit and Veg					
Delicatessen					
Flowers and Plants					
Ice-cream vendors					
Cakes/ Bakery					
Arts and crafts					
All other traders	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48

<sup>1</sup>Applicants are required to pay £75 upon application. The remaining balance for all successful applications can be paid by quarterly upfront instalments, or in one further payment.

Replacement consent certificates cost - £10.50

### Host premises (see section 8 of the street trading policy)

Annual fee
£192
Transfer
£48

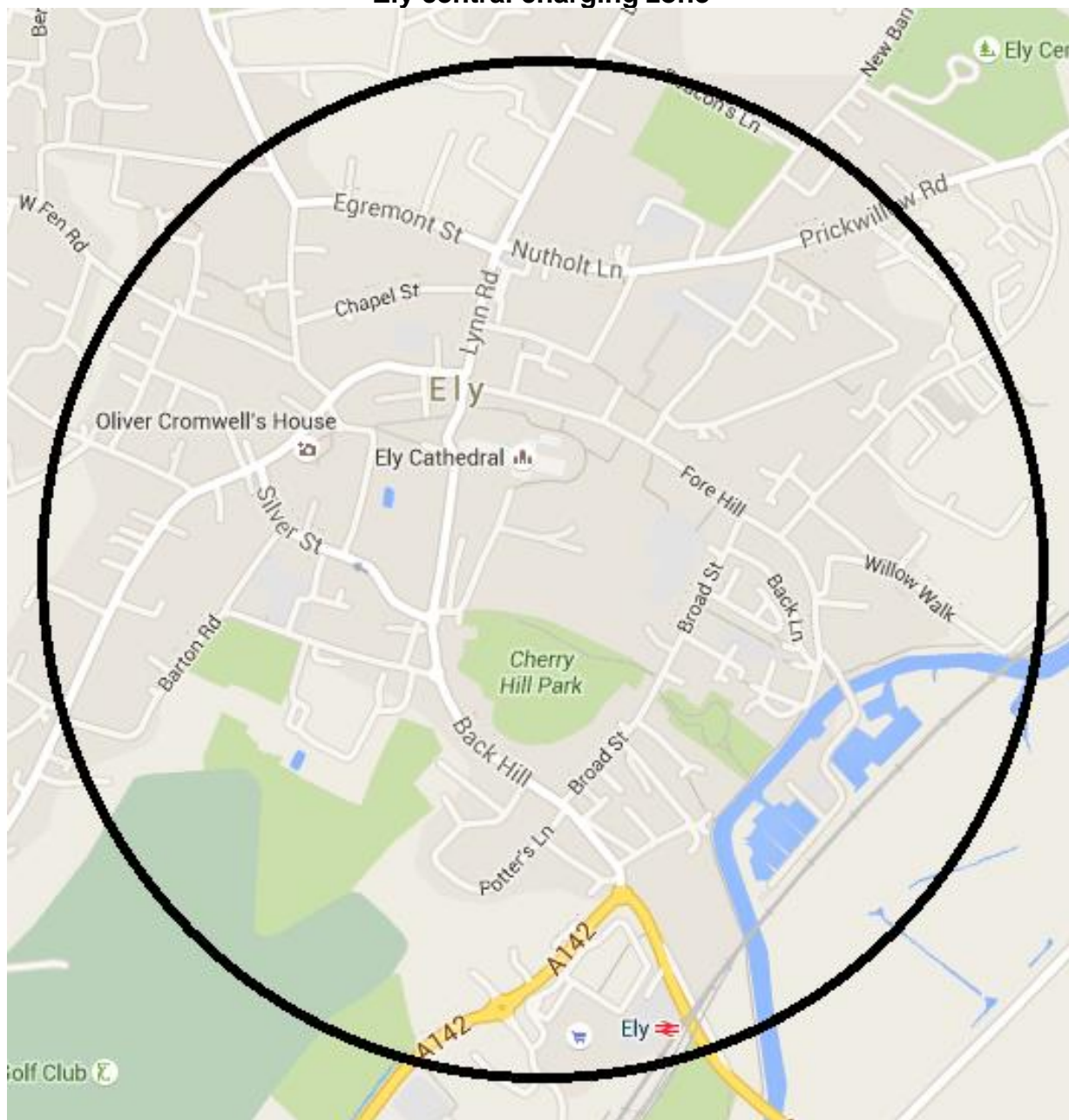
### Special events/Markets/ Commercial event fees

Number of stalls	Fee per day of the event
2 – 20	£100
21 – 40	£200
41 or more	£500

### Charity/non-commercial events (see paragraph 6.3 of the street trading policy)

Fee per day of the event
£20

### Ely central charging zone



**EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)**

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

<b>Name of Policy:</b>	Street Trading Policy
<b>Lead Officer (responsible for assessment):</b>	Stewart Broome
<b>Department:</b>	Licensing
<b>Others Involved in the Assessment (i.e. peer review, external challenge):</b>	
<b>Date Initial Screening Completed:</b>	1/6/2022

**(a) What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

A framework to assist members of the public, Officers and Committee Members with regards to controlling street trading in the district.

**(b) Who are its main beneficiaries?** i.e. who will be affected by the policy?

Persons who wish to sell goods, or hold events that will sell goods on controlled streets (as defined by the Local Government (Miscellaneous Provisions) Act 1982 within the district.

**(c) Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes, previous consultation in 2015 and working with the policy

**(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):**

<b>Ethnicity</b>	<input type="checkbox"/>	<b>Age</b>	<input type="checkbox"/>
<b>Gender</b>	<input type="checkbox"/>	<b>Religion or Belief</b>	<input type="checkbox"/>
<b>Disability</b>	<input type="checkbox"/>	<b>Sexual Orientation</b>	<input type="checkbox"/>
<b>Gender Reassignment</b>	<input type="checkbox"/>	<b>Marriage &amp; Civil Partnership</b>	<input type="checkbox"/>
<b>Pregnancy &amp; Maternity</b>	<input type="checkbox"/>	<b>Caring Responsibilities</b>	<input type="checkbox"/>

**Please explain any impact identified:** i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

This policy affects all applicants and licence holders equally.

**(e) Does the policy affect service users or the wider community?**

**YES**

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

NO
NO
NO
NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

**Signatures:**

**Completing Officer:** Stewart Broome **Date:** 1/6/2022

**Head of Service:** Liz Knox **Date:** 1/6/2022

**LICENSING COMMITTEE**

**LEAD OFFICER: Liz Knox, Environmental Services Manager**

**ANNUAL AGENDA PLAN**

**DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes**

<b>Meeting on:</b> 22 <sup>nd</sup> June 2022 9:30am		<b>Meeting on:</b> 27 <sup>th</sup> July 2022 9:30am		<b>Meeting on:</b> 21 <sup>st</sup> September 2022 9:30am	
<b>Deadline for reports/dispatch:</b> 9 <sup>th</sup> June 2022		<b>Deadline for reports/dispatch:</b> 14 <sup>th</sup> July 2022		<b>Deadline for reports/dispatch:</b> 8 <sup>th</sup> September 2022	
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Review of Street Trading Fees	S Broome Senior Licensing Officer	CCTV in Taxis	S Broome Senior Licensing Officer		
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
Forward Agenda Plan		Forward Agenda Plan		Forward Agenda Plan	
<b>Meeting on:</b> 12 <sup>th</sup> October 2022 9:30am		<b>Meeting on:</b> 9 <sup>th</sup> November 2022 9:30am		<b>Meeting on:</b> 14 <sup>th</sup> December 2022 9:30am	
<b>Deadline for reports/dispatch:</b> 29 <sup>th</sup> September 2022		<b>Deadline for reports/dispatch:</b> 27 <sup>th</sup> October 2022		<b>Deadline for reports/dispatch:</b> 5 <sup>th</sup> December 2022	
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
Forward Agenda Plan		Forward Agenda Plan		Forward Agenda Plan	