

# Proposed summary of changes to the policy

- 1 The section on the purpose and scope of the policy has been updated to include specific information on human rights, equality and the general duty to avoid duplication.
- 2 The definition of street trading has been enhanced to include a list of goods that are considered to be prohibited and to provide clarification that alcohol is not considered as controlled goods, for the purpose of the policy, and is instead governed by the provisions of the Licensing Act 2003.
- 3 The current policy in order to provide seasonal flexibility to traders to recruit extra staff makes no provision for additional employee checks beyond that of the consent holder. Whilst we wish to support the trade in removing any unnecessary burdens on operating their business, it is important that there are appropriate levels of safeguarding in place; particularly as a consent places the holder in a position of trust and gives them access to vulnerable people. The latest version of the policy seeks to strike the right balance between in the interests of both the trader and the public.
- 4 There is a risk that a consent holder may seek to sub-let the consent to a third party. This again has the potential to undermine the steps taken to safeguard the public. It could also serve to undermine the legitimate interests of other responsible traders. The issuing of a consent does not convey any legal entitlement over a particular pitch, as such pitches cannot be sold. It is proposed that any application for a consent to operate following the lapse of the original consent; will be considered on its relative merits on a 'first come first served' basis.
- 5 The Council has previously sent out renewal letters to consent holders to remind them of the expiry of the consent. This creates a significant administrative burden on the service. The date of expiry is clearly displayed on the vehicle and on the consent. It is considered reasonable to expect a consent holder to submit their renewal in good time. In the meantime, the service will explore opportunities for digital transformation, including the feasibility of sending out automated reminders.

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- 6 The Highways Authority are currently consulted on day consents. It is proposed to further simplify the administrative process so that the Highways Authority instead receive a notification. This will avoid any duplication of legislation and enable them to consider any relevant matters under the Highways Act 1980. If complaints are received applications for further day consents for the same area, or operator, may be refused.

Section 7 now includes further information for applicants on the variation process.

- 8 Section 13 on enforcement has been updated to include the ability to suspend a street trading consent on the basis of poor food hygiene; in order to allow for reasonable improvements to be made. It also now makes specific reference to the need to manage waste and to avoid any undue noise disturbance from ancillary equipment. It is proposed that consent holders be required to display their pricing structure to customers and to inform the Licensing Authority of any temporary change in their vehicle. A permanent change will require a variation.