



**WATFORD  
BOROUGH  
COUNCIL**

# **LICENSING COMMITTEE**

**25 June 2018**

**7.00 pm**

**Town Hall, Watford**

**Contact**

Jodie Kloss/Alan Garside

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**Publication date: 15 June 2018**

# Committee Membership

Councillor J Fahmy (Chair)

Councillor A Dychton (Vice-Chair)

Councillors A Barton, S Bolton, J Connal, A Grimston, K Hastrick, P Jeffree, B Mauthoor, M Mills, M Parker, G Saffery, D Scudder, R Smith and D Walford

## Agenda

### Part A - Open to the Public

1. **Apologies for absence/committee membership**
2. **Disclosure of interests (if any)**
3. **Minutes**

The [minutes](#) of the meeting held on 17 January 2018 to be submitted and signed.

4. **Continuation of the town centre street trading policy (Pages 3 - 18)**

A report of the Head of Community and Environmental Services asking the committee to extend the town centre street trading policy, with some minor amendments, until 31 December 2021; subject to the results of a public consultation.

**\*PART A**

**Report to:** Licensing Committee  
**Date of meeting:** 25 June 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Continuation of the town centre street trading policy

**1.0 Summary**

1.1 In July 2014, the Licensing Committee agreed an interim town centre street trading policy which ran until September 2015, in The Parade, to complement the Big Events programme. Apart from the purpose of regenerating The Parade area, it was also adopted to support a few micro-businesses and small to medium enterprises to add quality and value to the events.

1.2 The policy was set up as an interim measure to gauge support and feasibility of street trading in the town centre which ties in with the Big Events programme and complements the market offer. In September 2015, the Committee agreed to make the policy more permanent, and, with a few amendments, it was extended until 31 December 2018. The current town centre street trading policy is shown in Appendix 1.

1.3 The Licensing Committee is now being asked to extend the policy with some minor amendments until 31 December 2021 subject to the results of a public consultation.

1.4 It should be noted that that corporately, work is underway to develop a Town Centre Vision, as well as a 5 – 7 year Cultural Plan, which may mean that this policy will need to be reviewed before 31 December 2021.

**2.0 Risks**

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response  (Treat, tolerate, terminate,	Risk Rating (the combination of severity and

			<b>transfer)</b>	<b>likelihood)</b>
Not implementing the policy	The Parade would revert to a Prohibited Street and no commercial street trading would be permitted at any event	Ensure policy is properly implemented by 31 December 2018	Treat	2
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the courts	Carry out consultation in accordance with the Government's published principles of consultation	Treat	2

## 2.0 RECOMMENDATIONS

- 2.1 That the Committee approve the draft town centre street trading policy 2018-2021 attached at Appendix 2 for consultation.
- 2.2 That the results of the public consultation on the draft town centre street trading policy 2018-2021 be brought back to Licensing Committee in September with a view to approving the policy.

### **Contact Officer:**

For further information on this report please contact: Richard Brown,  
 Environmental Health Manager (Business)  
 telephone extension: Extension 8440      email [richard.brown@watford.gov.uk](mailto:richard.brown@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Community and Environmental Services

## 3.0 DETAILED PROPOSAL

- 3.1 The council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading within the Borough. Streets may, with the agreement of the highways authority, be:

- (1) prohibited streets, where no street trading activities may take place
  - (2) licence streets, for formalised street markets
  - (3) consent streets, for more irregular and ad-hoc trading
  - (4) undesignated, where trading may take place without restriction.
- 3.2 Street trading means offering for sale or selling any goods (including living things) but not the offer or sale of services. Therefore offering or selling balloons, food, jewellery or DVDs would be within this definition, but not offering or selling television subscription or car breakdown membership subscriptions.
- 3.3 There are a number of exemptions to the street trading controls. These include:
- (1) sales of newspapers and periodicals
  - (2) sales by holders of pedlar's certificates
  - (3) sales for charitable purposes where a street collection permit has been issued
  - (4) sales at pavement cafes licensed under the Highways Act 1980 and
  - (5) sales by a roundsman
  - (6) trading as part of a charter market.
- 3.4 Generally speaking, the council's current policy is that all streets outside of the town centre are designated as 'consent' streets where prior permission is needed to trade from within 10 metres of the roadway. Major roads within the Borough such as the A405, A41, A411 and part of the A412 are generally designated as prohibited streets.
- 3.5 Within the town centre, the High Street and roads leading from the High Street are designated as prohibited streets as is Albert Road South. St Mary's Square and The Parade are designated as consent streets. In the case of The Parade, this has been restricted since 1984 to non-commercial trading. In the case of St Mary's Square any commercial trading was limited to street markets organised by the council but only for a one-year trial in 2006 – 2007.
- 3.6 To avoid confusion it should be made clear that this policy does not impact or regulate operations of the charter market, which operates separately.
- 3.7 Under the current town centre street trading policy, a maximum of six street trading consents are issued at any one time to coincide with events and activities associated with the Big Events programme. The consents are granted for a day at a time and are time-limited to coincide with the operating times of the events or activities within The Parade.
- 3.8 When agreed by the Licensing Committee in 2015 the policy included provision for this aspect of it to be extended to other events approved by the council and organised by members of the cultural leaders group, the Town Centre Partnership and One Watford partners. This part of the policy has not, however, been extended.

It is proposed to consult on whether the policy should be amended to allow a number of street trading consents coincide with events run by other organisations such as the Business Improvement District (BID).

- 3.9 The maximum of six street trading consents agreed in 2015 was an increase from the maximum of four that was specified in the 2014 interim policy.
- 3.10 A maximum number of trading consents was specified to limit the amount of competition that traders at events such as the Big Beach would offer to existing businesses and market traders in the town centre.
- 3.11 When the town centre street trading policy was last reviewed in 2015 the Section Head (Culture and Play) suggested that the maximum number of consents be increased to increase flexibility when planning events such as the Big Beach. It is therefore proposed that this part of the policy be a particular focus of the consultation.
- 3.12 It is also suggested that the policy is reviewed when it comes to only granting consents for one day at a time. The Big Events programme is now well established and events do not only last for one day at a time, but can last for multiple days, such as the Big Beach, Big Screen, or Big Skate. It is therefore proposed that this part of the policy be a particular focus of the consultation.
- 3.13 The existing policy states that preference will be given to food businesses that have a food hygiene rating of 4 or above.

It is proposed to strengthen this part of the policy so that consents will only be issued to food businesses that have a food hygiene rating of four or above.

#### 4.0 **CONSULTATION**

- 4.1 Officers propose consulting with the bodies set out on Appendix 3, and asking the questions set out in Appendix 4. In addition, it is proposed to place a copy on the council website, and in the local press, for comments to be made by other parties, either online or by paper. It is suggested that the consultation runs from 29 June until 10 August 2018, in order that comments can be reported to the Committee at its next meeting on 26 September 2018.
- 4.2 This approach is in accordance with the Government's consultation principles. These state that the length of consultation should take into account the nature and impact of the proposal, and that consultations which are too short will not give enough time for the consultation to be considered and will reduce the quality of the responses. The proposed changes are not so wide ranging that a lengthy consultation is required, but there is sufficient time for the consultees and any other person to respond to the consultation.

## 5.0 Implications

### 5.1 Financial

5.1.1 The Shared Director of Finance comments that it is expected that there will be no change in income or workflow cost from the proposals, although this can only be confirmed or amended as necessary after the consultation. The income is a statutory fee and any Watford 2020 implications will be dealt with separately to this report.

### 5.2 Legal Issues (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the legal implications are set out in the body of the report.

### 5.3 Equalities/Human Rights

5.3.1 An Equalities Impact Assessment of the new policy will be undertaken

## Appendices

- *Appendix 1 Current Town Centre Street Trading Policy*
- *Appendix 2 Proposed Town Centre Street Trading Policy draft*
- *Appendix 3 Proposed consultees*
- *Appendix 4 Proposed consultation questions*

## Background Papers

No papers were used in the preparation of this report.

## File Reference

- *TBC*



## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Schedule 4

### TOWN CENTRE STREET TRADING POLICY

#### 1. Duration and scope

- (1) This policy applies to The Parade, Watford between its junctions with Rickmansworth Road and Bentine Lane.
- (2) It applies from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2021, unless the council's Licensing Committee resolves to revoke, vary or extend it before that time.
- (3) No more than six street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar programmes if this policy is extended).
- (4) Consents will not be issued for more than one day at a time. They may be time-limited to coincide with the operating times of the events or activities in The Parade.

#### 2. Locations

Applicants should liaise with event organisers to agree a provisionally suitable location. A maximum of six locations that are suitable for street trading will be approved on an event-by-event basis by Licensing Officers in consultation with event organisers, the council's Event Planning Group and where necessary the Watford and Three Rivers Safety Advisory Group.

#### 3. Application process

- (1) Applications must be submitted no later than 10 working days before the date of the event.
- (2) Applications will be considered in the strict date order in which they are received. If more than one application is received on the same day the one which most closely meets the criteria in this policy will be considered first.
- (3) Applications must be accompanied by:
  - (a) passport-size photographs of the applicant(s);
  - (b) copies of food registration and food hygiene training where appropriate;



- (c) copies of public liability insurance showing at least £5 million cover;
  - (d) three colour photographs showing different elevations of the stall, barrow or vehicle;
  - (e) the fee for each day to be traded;
  - (f) references, if requested.
- (4) Applications will be determined by the licensing team in consultation with the Events Team and the event organiser to ensure the proposed goods to be sold complements the event in question.
- (5) A successful applicant may re-apply for a consent, subject to the first come-first served criteria above.
- (6) Unsuccessful applicants will be given reasons as to why their application has not been accepted and may submit applications for future dates.

#### **4. Selection criteria**

- (1) The council wishes to enhance the quality of goods and stalls that are available in The Parade. Accordingly goods that are offered for sale must complement the event and have approval of the events team. Consents will be issued to allow goods to be sold exclusively from one stall at a time, and not for stalls to compete against each other.
- (2) Preference will be given to applicants
- (a) that promote healthy eating
  - (b) that will have a low environmental impact, eg low-running generators, little or no waste generation, use of recyclable packages/cartons, low emission engines and efficient waste management policies
  - (c) stalls that are of good quality, eg well-maintained, no obvious damage or repairs, clean and presentable and in keeping with the amenity of The Parade
- (3) Preference may be given to goods which complement the event or activity that will be taking place in The Parade for the duration of the street trading consent and to:
- (a) arts/crafts
  - (b) seasonal items
  - (c) jewellery
  - (d) candles
  - (e) paintings (include portraits/face painting)
  - (f) balloons
  - (g) confectionary/nuts/doughnuts
  - (h) ice cream
  - (i) hot potato vendors
  - (j) crêpes/waffles
  - (k) popcorn
  - (l) fruit juice, smoothies, soft drinks

NB: This list is not exhaustive and may be modified from time to time by officers

- (4) Consents will not be granted for:
- (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
  - (b) gas and electrical appliances
  - (c) general household goods
  - (d) pets and livestock
  - (e) explosive and flammable products
  - (f) good that do not carry where appropriate the relevant CE safety marking
  - (g) motor vehicles
  - (h) other goods deemed as unsuitable by council officers.
- (5) The Provision of Service Regulations 2009 (SI 2009 No 2999) has been taken into account in drafting this policy to ensure the requirements are not discriminatory and that it is proportionate, clear and unambiguous, objective, publicly available, transparent and accessible.
- (6) Consents cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of providing unsatisfactory references if requested, having been convicted of a criminal offence or for any other reason
- (7) Consents will not be issued to food traders that do not have a food hygiene rating of four stars or above.

## **5. Licence conditions**

Consents will be issued subject to the following reasonable and proportionate conditions

1. This consent allows the consent-holder to trade at the location shown overleaf, providing that authorised officers of the council may require the location to be changed for operational reasons relating to events or activities in The Parade.
2. The consent-holder is not permitted to place any stall, barrow or vehicle at the location more than 60 minutes before the time specified overleaf, nor remain on site for more than 60 minutes after the time stated overleaf, unless agreed otherwise with authorised officers of the council.
3. The consent-holder may employ agents if required, providing the consent-holder exercises proper control over the stall or vehicle at all times and the names of those agents are notified to the council in writing.
4. The consent-holder must ensure that they, any staff and agents, are familiar with:

- (a) the event plan for the event coinciding with the duration of this street trading consent ;
  - (b) the identity of the relevant event manager, event safety officer and/or person in charge;
  - (c) the emergency arrangements for the event in question, including means of communication and action to be taken should the event need to be cancelled.
5. The consent-holder must ensure that this consent is displayed on the stall, barrow or vehicle at all times.
  6. The consent holder(s) shall not cause any nuisance or annoyance to any other user of the highway or the occupier(s) of nearby premises.
  7. No recorded or amplified music or radio shall be played by the consent holder(s) or any agent at the stall.
  8. The consent-holder or his agent must ensure that they implement a Litter Management Strategy.
  9.
    - (1) No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property into any surface water inspection chamber or gully;
    - (2) At the end of the period for trading the consent-holder must ensure a radius of 50 metres from the stall, barrow or vehicle is swept clear of litter;
    - (3) No waste must be disposed of in litter bins placed in The Parade and must be treated as trade waste by the consent-holder.
  10. No leaflets, flyers or printed matter may be distributed within The Parade, High Street or surrounding roads unless the consent-holder has also obtained the appropriate consent from the council.
  11. The following are not permitted to be sold:
    - (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
    - (b) gas and electrical appliances
    - (c) general household goods
    - (d) pets and livestock
    - (e) explosive and flammable products
    - (f) good that do not carry where appropriate the relevant CE safety marking
    - (g) motor vehicles
    - (h) other goods deemed as unsuitable by Council officers.
  12. If this consent is granted for street trading from a trailer vehicle:
    - (1) the towing vehicle may not be parked on any footway or part of a footway;
    - (2) this consent does not give permission for the holder to park any towing

- vehicle where waiting is normally prohibited;
  - (3) towing vehicles must be immediately removed from the designated trading location once the trailer vehicle is in position;
  - (4) any trailer vehicles must be secured against unexpected movement, for example by use of wheel-chocks if necessary;
  - (5) tow-bars and other apparatus must be secured against slips, trips or falls;
  - (6) access to The Parade is prohibited unless consent-holder obtains a dispensation from the Parking Service on 01908 223507 for the towing vehicle
13. Any damage to the highway at the location for trading must be notified to the council's Transport and Infrastructure Section on 01923 278081 together with photographic evidence. Unreported damage to the highway that is subsequently found may result in a claim against the consent-holder for making good the damage.



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  - (a) passport-size photographs of the applicant(s);
  - (b) copies of food registration and food hygiene training where appropriate;
  - (c) copies of public liability insurance showing at least £1 million cover;
  - (d) three colour photographs showing different elevations of the stall, barrow or vehicle;

(e) the fee of £21 for each day to be traded.

- (4) Applications will be determined by the licensing team in consultation with the Town Centre Manager and the event organiser to ensure the proposed goods to be sold complements the event in question.
- (5) A successful applicant may re-apply for a consent, subject to the first come-first served criteria above.
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  - (b) that promote healthy eating
  - (c) that will have a low environmental impact, eg low-running generators, little or no waste generation, use of recyclable packages/cartons, low-emission engines and efficient waste management policies
  - (d) stalls that are of good quality, eg well-maintained, no obvious damage or repairs, clean and presentable and in keeping with the amenity of The Parade.
- (3) Preference will be given to goods which complement the event or activity that will be taking place in The Parade for the duration of the street trading consent and to:
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  - (b) seasonal items
  - (c) jewellery
  - (d) candles
  - (e) paintings (include portraits/face painting)
  - (f) balloons
  - (g) confectionary/Nuts/Doughnuts
  - (h) ice cream
  - (i) hot potato vendors
  - (j) crepes/waffles
  - (k) popcorn
  - (l) fruit juice, smoothies, soft drinks

NB: This list is not exhaustive and may be modified from time to time by officers

- (4) Consents will not be granted for:
  - (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
  - (b) gas and electrical appliances
  - (c) general household goods
  - (d) pets and livestock
  - (e) explosive and flammable products
  - (f) goods that do not carry where appropriate the relevant CE safety marking

- (g) motor vehicles
- (i) other goods deemed as unsuitable by Council officers.

- (5) The Provision of Service Regulations 2009 (SI 2009 No 2999) has been taken into account in drafting this policy to ensure the requirements are not discriminatory and that it is proportionate, clear and unambiguous, objective, publicly available, transparent and accessible.
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- 3. The consent-holder may employ agents if required, providing the consent-holder exercises proper control over the stall or vehicle at all times and the names of those agents are notified to the Council in writing.
- 4. The consent-holder must ensure that they, any staff and agents, are familiar with:
  - (a) the event plan for the event coinciding with the duration of this street trading consent ;
  - (b) the identify of the relevant event manager, event safety officer and/or person in charge;
  - (c) the emergency arrangements for the event in question, including means of communication and action to be taken should the event need to be cancelled.
- 5. The consent-holder must ensure that this consent is displayed on the stall, barrow or vehicle at all times.
- 6. The consent holder(s) shall not cause any nuisance or annoyance to any other user of the highway or the occupier(s) of nearby premises.
- 7. No recorded or amplified music or radio shall be played by the consent holder(s) or any agent at the stall.
- 8. The consent-holder or his agent must ensure that they implement a Litter Management Strategy.
- 9. (1) No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property into any surface water inspection chamber or gully;

- (2) At the end of the period for trading the consent-holder must ensure a radius of 50 metres from the stall, barrow or vehicle is swept clear of litter;
- (3) No waste must be disposed of in litter bins placed in The Parade and must be treated as trade waste by the consent-holder.
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- (1) the towing vehicle may not be parked on any footway or part of a footway;
  - (2) this consent does not give permission for the holder to park any towing vehicle where waiting is normally prohibited;
  - (3) towing vehicles must be immediately removed from the designated trading location once the trailer vehicle is in position;
  - (4) any trailer vehicles must be secured against unexpected movement, for example by use of wheel-chocks if necessary;
  - (5) tow-bars and other apparatus must be secured against slips, trips or falls;
  - (6) access to The Parade is prohibited unless consent-holder obtains a dispensation from the Parking Service on 01908 223507 for the towing vehicle
13. Any damage to the highway at the location for trading must be notified to the Council's Transport and Infrastructure Section on 01923 278081 together with photographic evidence. Unreported damage to the highway that is subsequently found may result in a claim against the consent-holder for making good the damage.



### **Appendix 3 Proposed Consultees**

Town centre residents

Existing holders of Commercial Street Trading Consents

The Business Improvement District

The Police

Town and Country Markets

Watford and West Herts Chamber of Commerce

Hertfordshire County Council Highways Section

Watford Borough Council Parking Section

Watford Borough Council Events Team

Watford Borough Council Place Shaping Team / Deputy MD / Development Control

Watford Borough Council Economic Development Section

Watford Borough Council Legal Section

#### Appendix 4 Consultation Questions

##### **Consultation questions:**

- (1) Do you think the current policy is still appropriate?
- (2) Do you think the current policy is working for Big Events?
- (3) Do you think the current policy has been successful?
- (4) Do you think the current policy should be extended to other days of the week (i.e. non-Big Event days)?
- (5) Do you think the current policy should include provision for commercial street trading during events organised by other bodies? If so whom?
- (6) Do you think that a maximum of six consents remains an appropriate level?
- (7) Do you think that we should continue to limit consents to one day at a time, or should we allow traders to trade continuously for the entirety of the relevant event (up to a maximum of XX days?)?
- (8) What are your views on the promotion of commercial goods or services in the town centre?
- (9) Do you agree with the proposal to only issue consents to food businesses if they have a food hygiene rating of four or above?