



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

26 September 2018

**At the rising of the Licensing
Committee (Licensing Act 2003)**

Town Hall, Watford

Contact

Jodie Kloss/Alan Garside

legalanddemocratic@watford.gov.uk

01923 278376

For information about attending meetings please visit the [council's website](#).

Publication date: 18 September 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 25 June 2018 to be submitted and signed.

4. **Continuation of the interim town centre street trading policy until 31 December 2021** (Pages 3 - 39)

A report of the Head of Community and Environmental Services asking the Committee to consider the results of the public consultation and approve the final policy.

*PART A

Report to: Licensing Committee
Date of meeting: 26th September 2018
Report of: Head of Community and Environmental Services
Title: Continuation of the interim town centre street trading policy until 31st December 2021

1.0 Summary

1.1 In July 2014, Members agreed on 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 this 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 Members agreed to make the policy more permanent, and, with a few amendments, it was extended until 31st December 2018. The current town centre street trading policy is shown in Appendix 1.

1.3 At the 25th June 2018 Licensing Committee Members agreed to extend the policy with some minor amendments until 31st December 2021 subject to the results of a public consultation.

1.4 Members are now being asked to consider the results of the public consultation and approve the final policy.

2.0 Risks

2.1

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

			transfer)	likelihood)
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 st 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

3.0 **Recommendations**

- 3.1 That the Committee approve the town centre street trading policy 2018-2021 as attached at Appendix 2.
- 3.2 That the Head of Community and Environmental Services be given delegated authority to make minor amendments to the policy in consultation with the Chair of the Licensing Committee.

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

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

4.0 **Detailed proposal**

- 4.1 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 streets, where trading may take place without restriction.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 To avoid confusion it should be made clear that this policy does not impact or regulate operations of the charter market, which operates separately. In addition, it does not impact on non-commercial street trading activities in the Town Centre.
- 4.7 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.
- 4.8 When agreed by members 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. No events have been held under this part of the policy.
- 4.9 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.

- 4.10 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.

5.0 Consultation

- 5.1 The scope of the consultation was agreed at Licensing Committee on 25th June 2018. It was carried out between 6th July 2018 and 17th August 2018. Although this was a week later than planned the length of the consultation period remained unchanged.
- 5.2 The consultees are listed in Appendix 3. Members may wish to note that 470 residents were written to, along with the 11 holders of existing commercial street trading consents issued by the council.

Details of the consultation were placed on the council website and a public notice was placed in the Watford Observer on 6th July 2018.

- 5.3 As agreed at the June committee the consultation focussed on four main issues:

- 5.3.1 Whether the policy should be amended to allow a number of commercial street trading consents to be issued to coincide with events run by other organisations such as the Business Improvement District (BID).
- 5.3.2 Whether the maximum number of 6 consents per events should be increased to give flexibility when planning events such as the Big Beach, based on previous feedback from Section Head (Culture and Play).
- 5.3.3 Whether the policy of only issuing consents for one day at a time should be reviewed.
- 5.3.4 Whether consents should only be issued to food businesses that have a food hygiene rating of four or above.

Consultation feedback

- 5.4 Fifty-six online consultation responses were received, as well as four direct submissions, broken down as follows:

Resident	27
Local business	3
Local community group or organisation	2
Council partner / stakeholder	4

5.5 The key responses that are relevant to the development of the policy are shown in Appendix 4. Analysis of the submissions in the key areas of the consultations suggests the following:

5.5.1 Whether the policy should be amended to allow a number of commercial street trading consents to be issued to coincide with events run by other organisations such as the Business Improvement District (BID).

The clear message from the responses is that commercial street trading in this area should not be limited to occasions when Big Events are happening. It is still important to retain some control over the quality frequency and duration of commercial street trading so that it does not become ad-hoc and the Town Centre become cluttered. It is therefore proposed that the policy be amended to include a mechanism for the Head of Community and Environmental Services to approve appropriate events for which the policy will apply.

New wording is therefore proposed for section 1 (3) of the policy:

No more than ten street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar events approved by the Head of Community and Environmental Services).

5.5.2 Whether the maximum number of six consents per events should be increased to give flexibility when planning events such as the Big Beach, based on previous feedback from Section Head (Culture and Play).

Comments here indicate that on the whole consultees want the number of consents associated with an event to increase. When the initial policy was introduced in 2014 a limit of four consents was in place. It is therefore suggested that the limit be increased to 10.

It is also worth noting that the limit does not apply to events run under the Market Charter, or to non-commercial street trading.

New wording is therefore proposed for section 1 (3) of the policy:

No more than ten street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar events approved by the Head of Community and Environmental Services).

5.5.3 Whether the policy of only issuing consents for one day at a time should be reviewed.

The consultation responses suggest that a flexible approach is needed that is dependent on the length and nature of the event. For example if the event lasts two days, an event long consent may be appropriate, but if the event is scheduled to last for 2-3 weeks then shorter consents may be appropriate. It is proposed to amend the policy to allow this.

New wording is therefore proposed for section 1 (4) of the policy:

In general consents will not be issued for more than one day at a time. However a flexible approach will be adopted depending on the duration and the nature of the event. Consents may be time-limited to coincide with the operating times of the events or activities in The Parade.

5.5.4 Whether consents should only be issued to food businesses that have a food hygiene rating of four or above.

There was clear support for this approach, however the Environmental Health response advises that a Food Hygiene Rating of 3 is deemed 'generally satisfactory' and when awarded would not generally result in a revisit or enforcement action. Therefore requiring a Food Hygiene Rating of 4 would prevent businesses rated 3 from trading, which is at odds with food safety guidance

New wording is therefore proposed for section 4 (2)(d):

Preference will be given to...food business with a Food Hygiene Rating of 5, then 4, then 3. Consents will not be issued to food businesses with a Food Hygiene Rating of 2 or less.

This will drive improvement and favour higher rated businesses.

5.6 Some other changes are needed as a result of the proposed changes outlined in section 5.5. In addition, the consultation responses also suggest some other minor amendments which officers have reviewed. Together these are summarised as:

5.6.1 As the proposed policy allows commercial street trading during events not run by the council, the application approval mechanism for these events needs to be clarified. Officers therefore propose the following revised wording for section 1(4):

For council run events, applications will be determined by the council's Licensing Officers in consultation with the Events Team. For non-council events, applications will be determined by the council's Licensing Officers in consultation with the event organisers. This will be done to ensure the proposed goods to be sold complement the event in question.

- 5.6.2 A requirement for goods to be age an audience appropriate has been added to paragraph 4(1).
- 5.6.3 The prohibition on the sale of corrosive substances has been added to paragraph 4(4)(e).
- 5.6.4 A wider litter control specification has been added to paragraph 5(9)(3).
- 5.6.5 Paragraph 1(5) clarifies that the policy does not apply to events held under the Market Charter.
- 5.6.6 Telephone numbers and job titles have been checked and amended where necessary.

5.7 Members should note that the developing Town Centre Vision and the emerging Cultural Plan may affect the types of event held in the Town Centre in the future, as well as the location that they might be held. This policy therefore needs to be kept under review so that it can support and help deliver both strategies.

6.0 **Implications**

6.1 **Financial**

6.1.1 The Shared Director of Finance comments that, whilst there is a charge for licences, the Council is limited to recovery of costs and any additional income is likely to be immaterial. The cost of licences will be reviewed as part of the Budget process for 2019/20. Any additional work will be absorbed within existing resources.

6.2 **Legal Issues** (Monitoring Officer)

6.2.1 The Head of Democracy and Governance comments that The legal implications are contained within the report.

6.3 **Equalities/Human Rights**

6.3.1 An Equalities Impact Assessment of the proposed policy was undertaken and this is attached at Appendix 5. The assessment did not identify any negative impacts associated with the policy so no amendments have been made to it.

6.4 **Staffing**

6.4.1 There are no staffing issues associated with this report

6.5 Accommodation

6.5.1 There are no accommodation issues associated with this report

6.6 Community Safety/Crime and Disorder

6.6.1 The policy itself does not impact on Community Safety, but as part of the processing function discussion will be held with applicants should any concerns arise and most town centre event also have to be considered by the Safety Advisory Group.

6.7 Sustainability

There are no sustainability issues associated with this report

Appendices

- *Appendix 1 Current Town Centre Street Trading Policy*
- *Appendix 2 Proposed Town Centre Street Trading Policy*
- *Appendix 3 Consultees*
- *Appendix 4 Key consultation responses*
- *Appendix 5 Equalities Impact Assessment*

Background Papers

No papers were used in the preparation of this report.



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 1st January 2019 to 31st December 2021, unless the Council's Licensing Committee resolves to revoke, vary or extend it before that time.
- (3) No more than ten street trading consents will be granted at any one time to coincide with events and activities associated with the Big Events programme (or similar events approved by the Head of Community and Environmental Services).
- (4) In general consents will not be issued for more than one day at a time. However a flexible approach will be adopted depending on the duration and the nature of the event. Consents may be time-limited to coincide with the operating times of the events or activities in The Parade.
- (5) This policy does not apply to events held under the Market Charter.

2. Locations

- (1) Applicants should liaise with event organisers and the council's Licensing Officers to agree a provisionally suitable location, prior to submitting an application. A maximum of ten 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 Events Team 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.
- (4) For council run events, applications will be determined by the council's Licensing Officers in consultation with the Events Team. For non-council events, applications will be determined by the council's Licensing Officers in consultation with the event organisers. This will be done to ensure the proposed goods to be sold complement 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, be age and audience appropriate, and have approval of the council's Events Team (for council events) or the council's Licensing Officers (for non-council events). 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:
- (a) applicants that promote healthy eating
 - (b) applicants that will have a low environmental impact, e.g. 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, e.g. well-maintained, no obvious damage or repairs, clean and presentable and in keeping with the amenity of The Parade
 - (d) food business with a Food Hygiene Rating of 5, then of 4, then of 3. Consents will not be issued to food businesses with a Food Hygiene Rating of 2 or less
- (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:
- (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) 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 the council's Licensing Officers

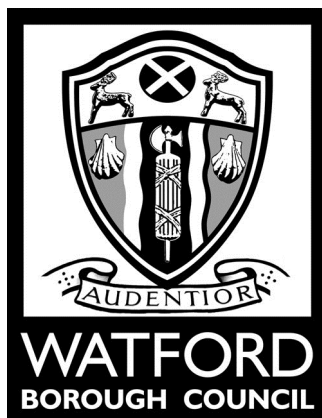
- (4) Consents will not be granted for:
- (a) age-restricted products (excluding alcohol – however, sales of alcohol must also be authorised under the Licensing Act 2003)
 - (b) gas and electrical appliances
 - (c) general household goods
 - (d) pets and livestock
 - (e) explosive, corrosive or flammable 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's Licensing 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

5. Conditions to be attached to each consent

1. This consent allows the consent-holder to trade at the location shown in the plan attached to the consent, with the proviso 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 in the consent, nor remain on site for more than 60 minutes after the time stated in the consent, 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, their 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 their 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 or into any surface water inspection chamber or gulley;
 - (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 located on The Parade, The High Street or the surrounding area and must be treated as trade waste by the consent-holder.
10. No leaflets, flyers or printed matter may be distributed on The Parade, High Street or the surrounding area 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, corrosive or flammable products
 - (f) good that do not carry where appropriate the relevant CE safety marking
 - (g) motor vehicles
 - (i) 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 01923 278890 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.



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 01 October 2015 to 31 December 2018, 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

- (1) 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 £1 million cover;
 - (d) three colour photographs showing different elevations of the stall, barrow or vehicle;
 - (e) the fee 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.
- (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 have a food hygiene rating of four stars or above
 - (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
 - (e) that sell Fairtrade certified goods
- (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:
 - (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) 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
 - (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.

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 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.
 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.

Appendix 3 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? Or not?
- (2) Do you think the current policy is working for Big Events? Or not?
- (3) Do you think it has been successful? Or not?
- (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 we should continue to issue a maximum of six consents or increase the number?
- (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?
- (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.

Responses to the consultation on proposed Town Centre Street Trading Policy 2018-2021

56 responses were received via an online survey, broken down as follows:

Residents	27
Local business	2
Local community group or organisation	2
Council partner / stakeholder	1
Unspecified	24

The summary of responses and comments of note is as follows:

Question 1: Do you think the current Town Centre Street Trading Policy is still appropriate for Watford?

Answered: 54 Skipped: 2

Yes	24	44.44%
No	14	25.93%
Not sure	16	29.63%

Q2 Thinking about your answer to the previous question about the current policy, please give reasons for your answer.

Answered: 28 Skipped: 28

Key responses:

- 2.1 *The Big Events are popular and well attended, and so it is important to focus activity on these, rather than increasing competition at other, quieter times of the year. The market and retailers in the town are struggling enough without adding additional competition when there is no additional footfall* **[Town and County Markets]**
- 2.2 *Currently our Ice Cream vans all hold a 5 star rating so being required to have a 4 star rating is not a problem us, however, are the food street traders being held to the same standards as those food outlets that are more permanent (market stalls, food court and local takeaways and restaurants that are on the parade. In the event that consent is given it should be for the entirety of the event, not on a day by day basis.* **[Local Business]**
- 2.3 *Focused on local authority led events with little flexibility for other large events. Too restrictive. No provision for the potential of commercial operators coming into the town - income generation (e.g. Sky, Virgin, EE etc.). Stevenage BC manage to draw in additional annual income by opening up to commercial operators - I am sure a balance could be achieved and managed. Any additional income could be reinvested back into events or developing the cultural strategy.* **[Business Improvement District]**
- 2.4 *I think there needs to be a much smaller limit on street trading in Watford.* **[Resident]**
- 2.5 *We need to protect our shops first before having outside traders unless a completely different trade to what is nearby* **[Watford Community Action Group]**

- 2.6 *Limiting to 6 seems too few* **[Anon.]**
- 2.7 *Trading has changed and is changing every year. The policy needs to reflect the needs of consumers and the users of the high street, as well as providing appropriate employment for traders.* **[Resident]**
- 2.8 *I like the wide variety of traders/shops coupled with community activities.* **[Resident]**
- 2.9 *Most of the policy is excellent my only query is why limit it to 6 vendors?* **[Resident]**
- 2.10 *Yes, as long as stalls are carefully vetted and not providing a danger/overcrowding.* **[Resident]**
- 2.11 *Higher standards need to be implemented. More high quality craft goods and less lower quality goods. More Local farmers selling fresh produce directly.* **[Resident]**
- 2.12 *With the large number of eating establishments already in the parade area and even more lower down the high street the last thing required is more food.* **[Resident]**
- 2.13 *YES It has brought a lot more into the town especially at Christmas time with the ice rink etc.* **[Resident]**

Officer comments: a range of views but taken with the breakdown of yes and no responses in question 1 and subject to comments made elsewhere in the consultation, the policy seems to be appropriate for Watford.

Q3 Do you think the current Town Centre Trading Policy is working successfully for the Big Events programme?

Answered: 46 Skipped 10

Yes	21	45.65%
No	9	19.57%
Not Sure	16	34.78%

Q4 Thinking about your answer to the previous question as to whether the current policy is, or is not, working for the 'Big Events' programme please give reasons for your answer.

Answered: 21 Skipped: 35

- 4.1 *The products sold complement the Big Events and create a holistic experience for the customers who view it all as one activity happening in one town. The combination is good for Watford as a whole* **[Town and County Markets]**
- 4.2 *Previously consent for Big events has not been given as it's been felt by some at the council that we would be in competition with permanent food outlets - is this official policy?* **[Local Business]**
- 4.3 *It would depend on what other opportunities have been declined. Also the Big Events is a Council programme and therefore the policy is about supporting Council ran events and not others which may be developed. This alone can be a hindrance for organisations looking to*

host events in the town. The policy is probably counter to the emerging Cultural Strategy.
[Business Improvement District]

4.4 *Too much street trading* **[Resident]**

4.5 *More traders would help* **[Anon.]**

4.6 *Great events for families and locals to enjoy. The variety is excellent and appropriate for Watford users. Bring back the German markets/beer Keller's at Christmas.* **[Resident]**

4.7 *Yes but only for limited periods of time and should be more events outside of these organised events.* **[Resident]**

4.8 *It is good to restrict the number of traders; otherwise there is pressure on families who just want to enjoy the free events.* **[Resident]**

Officer comments: a range of views but taken with the breakdown of yes and no responses in question 3 and subject to comments made elsewhere in the consultation, the policy seems to be working well for the Big Events Programme.

Q5 Overall, do you think the current policy has been successful for Watford?

Answered: 45 Skipped: 11

Yes	17	37.78%
No	7	15.56%
Not sure	21	46.67%

Q6 Please tell us why.

Answered: 20 Skipped: 36

6.1 *We still have empty shops, particularly at the top end of town. These are unsightly and spoil the overall look of the town centre.* **[Anon]**

6.2 *How much profit have you made from these events and what was the profits used for is the big question. You must publish income from extra traders for big events to show us that they are value for money and worth putting on in the future. We would also like to see feedback on how these events are received by the general public as a whole. I for one do not visit these events as I have no need, but I am a very successful event organiser large scale and would like to see costs made available to the public.* **[Watford Community Action Group]**

Officer comments: taken with the breakdown of yes and no responses in question 5 the policy seems to be working well for the Big Events Programme.

Q7 Do you think the current policy should be extended to days of the week when there are no Big Events (i.e. same approach adopted as for Big Events)?

Answered: 39 Skipped: 17

Yes	24	61.54%
-----	----	--------

No	8	20.51%
Not sure	7	17.95%

Q8 Please give your reasons for your answer.

Answered: 16 Skipped: 40

- 8.1 *It needs to be fundamentally reviewed in light of the emerging Cultural Strategy and the how the BID works in the town. This is currently too much of a Council Policy for Council run events it needs to be more flexible. [Business Improvement District]*
- 8.2 *More street traders are likely to increase the risk of noise and nuisance to residents and existing businesses. There is an increase in the number of residential properties being developed both through planning permissions and 'permitted developments' increasing the number of people potentially affected. We can't put conditions on 'permitted development' conversions to protect residents from noise and nuisance. There is a risk that there will be a rise general noise levels. In addition extending to other days of the week the events are not special and become ordinary - reducing their beneficial effect. [Environmental Health]*
- 8.3 *No – too messy and crowded [Resident]*
- 8.4 *No Retail units are all fighting to stay afloat right now why make it harder for them than it already is. [Watford Community Action Group]*
- 8.5 *More diversity of offering in Watford [Anon.]*
- 8.6 *Not everyone shops at a weekend due to crowds so have some events in the week that people can use. [Resident]*
- 8.7 *Yes - not everyone shops at a weekend due to crowds so have some events in the week that people can use. [Resident]*
- 8.8 *Again would depend on the offering and if it was in line to adding to the Town Centre rather than doing for the sake of doing.*
- 8.9 *The opportunity should be there all year round! It is what will make the town stand out - and provide opportunity for more trade. Also I shop all year around in Watford not just at the time of 'big events'. [Resident]*
- 8.10 *It would be good to see regular street market type stalls pretty much all the way down the parade and the high street to get back to a more market like feel rather than the sorry excuse for a market which we have at present. [Resident]*
- 8.11 *Yes because this will bring more people out during the week and will benefit all business not just event ones resident [Resident]*

Officer comments: taken with the responses to question 7 the view is that the policy should be extended. The responses need to be considered with the responses to questions 9 and 10 in order to determine the best way to amend the policy.

Q9 Do you think the current policy should include provision for commercial street trading during events organised by other organisations?

Answered: 37 Skipped: 19

Yes	22	59.46%
No	8	21.62%
Not sure	7	18.92%

Q10 Thinking about your answer to the previous question, which organisations, if any, do you think the current policy should be extended to in terms of allowing commercial street trading during events they are organising?

Answered: 14 Skipped: 42

- 10.1 *Possibly - depends on what the size, scale and type of event. If they are large enough to attract substantial footfall, then additional street traders would benefit everyone. [Town and Country Markets]*
- 10.2 *Any event that is relevant, let traders decide if they want to apply for consent. [Local Business]*
- 10.3 *Yes, however, it shouldn't be only during events, this approach will fundamentally limit opportunities - it should be opened up to all year. [Business Improvement District]*
- 10.4 *Yes -any that can bring attractive things to our town that make it stand out and different and that can help generate jobs, and trade and nice things to buy for people like me. [Resident]*
- 10.5 *I have no specific organisations in mind but each application should be judged on its merits by a combined WBC, Business and lay panel - having declared any vested interests. [Resident]*
- 10.6 *If it is market traders than yes [Resident]*
- 10.7 *There could be opportunity for registered Social Enterprise & Community Interest Companies to trade which is for Watford community benefit. [Resident]*

Officer comments: taken with the split of yes and no responses to questions 7 and 9, and the answers to question 8, the view is that commercial street trading should not only be limited to occasions when Big Events are happening. It is still important to retain some control over the quality frequency and duration of commercial street trading so that it does not become ad-hoc, and the Town Centre does not become cluttered. It is therefore proposed that the policy be amended to include a mechanism for the Head of Community and Environment to approve appropriate events for which the policy will apply. For example an event run by the Business Improvement District may be appropriate.

It is also worth pointing out that this policy does not apply to events held under the Market Charter.

Q11 Do you think that a maximum of six consents per event remains the right level?

Answered: 34 Skipped: 22

Yes	6	17.65%
-----	---	--------

No	17	50.00%
Not sure	11	32.35%

Q12 Please tell us why.

Answered: 17 Skipped: 39

12.1 *Depends on if the trader is a good one, maybe they shouldn't be so restricted. Each application and trader should be considered on their merit and what value they can add to the town centre. [Town and County Markets]*

12.2 *6 consents can be used up very quickly if you include non-food traders, and a range of international food. [Local Business]*

12.3 *No- The events space should be available to use throughout the year - the controls should be put in place at the application and consideration stage. The policy needs to be more flexible and embracing - and again needs to be done with a view to addressing the cultural strategy and what is happening at the BID. The town is changing and if this policy does not radically change then there is a significant risk that the majority of the town's activity will focus around the Intu centre, thereby creating a divided town. [Business Improvement District]*

12.4 *Could increase slightly - perhaps to 8-10. The risk is that there would be additional noise and nuisance with an increased number of traders. We would need good controls on the consents given and consider carefully who we give consents to in order to prevent noise and nuisance occurring. [Environmental Health]*

12.5 *Less please [Resident]*

12.6 *No - More diversity needed in Watford [Anon.]*

12.7 *Why limit it to 6?! More the better [Resident]*

12.8 *Traders should be allowed to trade continuously. One day at a time and your constantly fighting red tape - hardly attractive to prospective traders [Resident]*

12.9 *Should be doubled to allow more in [Resident]*

12.10 *If Social Enterprise & Community Interest Companies only, this should be more. If private enterprise then 6 is about right. [Resident]*

Officer comments: These comments and the responses to question 11 indicate that consultees want the number of consents associated with an event to increase. When the initial policy was introduced in 2014 a limit of four consents was in place. It is therefore suggested that the limit be increased to 10.

It is also worth noting that the limit does not apply to events run under the Market Charter, or to non-commercial street trading.

Q13 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?

Answered: 33 Skipped: 23

Yes	16	48.48%
No	8	24.24%
Not sure	9	27.27%

Officer comments: whilst this question was perhaps phrased ambiguously, comments made elsewhere in the consultation, suggest that a flexible approach is needed that is dependent on the length and nature of the event. For example if the event lasts two days, an event long consent may be appropriate, but if the event is scheduled to last for 2-3 weeks then shorter consents may be appropriate. It is proposed to amend the policy to allow this.

Q14 What are your views on allowing the promotion of commercial goods or services in the town centre? Please write in below.

Answered: 22 Skipped: 34

- 14.1 *Again, depends on the value they are adding to the town centre offer for the customer. It can become daunting to walk down streets where promotional stands are set up, but on the other hand, they can add to the experience if managed properly* **[Town and Country Markets]**
- 14.2 *I think this an opportunity - where restrictions can be put in place, and income can be reinvested back into the town.* **[Business Improvement District]**
- 14.3 *Promotions are OK if monitored and prices are not too steep as Watford is a family town but I'd becoming more and more commercialised and becoming less affordable for families.* **[Resident]**
- 14.4 *Shouldn't be allowed* **[Resident]**
- 14.5 *Good idea it would allow access to more bespoke and niche quality products from smaller vendors for whom sales and costs would not warrant them having a permanent space.* **[Resident]**
- 14.6 *I do not wish to see promotions of commercial goods or services in the town centre.* **[Resident]**
- 14.7 *I have no issue with it providing the goods for sale are generally within legal and moral decency rules. I.e. no alcohol, tobacco, vapes or food which is clearly not good for you.* **[Resident]**

Officer comments: in some circumstances the promotion of commercial goods or services does not classify as commercial street trading, so a commercial street trading consent would not be needed (although other permissions may be needed). Officers propose to develop a set of guidance and FAQs so that it is clear what types of activities may be permitted.

Q15 Do you agree with the proposal to only issue consents to food businesses if they have a food hygiene rating of four or above?

Answered:	34	Skipped:	22
Yes	27	79.41%	
No	6	17.65%	
Not sure	1	2.94%	

15.1 *We believe that food businesses must have a rating of 3 or above to trade. 3 is broadly compliant; we would not normally revisit on a 3; and a 3 rating can be given verification visits, therefore preventing a 3 business from trading when food safety guidance says that they are acceptable is not consistent with what we do daily with food businesses. We suggest that under section 4(2) of the policy preference is given to food business with a rating of 5, then of 4, then of 3. This will promote businesses who have high ratings and also encourage lower rated businesses to improve their ratings. [Environmental Health]*

15.2 *3.3.c should insist on a minimum 4 star food hygiene rating. [Resident]*

Officer Comments: Whilst the proposal to only issue consents to food businesses if they have a Food Hygiene Rating of 4 or above, the Environmental Health point is a valid one so it is proposed to amend the policy in accordance with their recommendation. This will drive improvement and favour higher rated businesses.

Key points of consultation responses received outside Survey Monkey

Other responses received directly:

Watford Police Licensing Unit

1. As far as we, the police are concerned the current policy is fit for purpose.
2. Our overall concerns would be the amount of street furniture (IE Stalls) in the areas mentioned, this can often mean an area becomes congested and gives rise to ASB within our NTE.
3. The Town Centre and High street need to be carefully managed so the safety of the public isn't compromised and people can move freely around our town centre. We also need to consider how the town centre is set up currently and any additional stalls etc. could compromise our CCTV capability.

Officer Comments: Issues 2 and 3 would be picked up at the event planning stage, in consultation with Hertfordshire Highways.

Head of Culture and Events, Watford Borough Council

1. Can we extend the number of street traders up to 30 at any one time? This will allow the council flexibility if the BIG events transfer to Cassiobury Park and the events space and Parade is used as the market space.
2. Or to allow up to 20 stalls for the BIG events space for specialist continental food style markets, say up to 6 per annum.
3. We feel that the fees should be dropped for the BIG events as currently we agree a contract fee then the fees for street trading are on top. For the operator it feels like we are not joined up and is discouraging traders potentially. We want to provide an incentive to be part of the BIG event rather than place barriers in the way.

Officer comments:

1. As mentioned previously the proposal is to increase the number of consent for an event to 10.
2. This policy does apply to events held under the Market Charter.
3. The policy only relates to what we will allow, not the fees that we charge – these are set by the Licensing Committee.

Economic Development Officer, Watford Borough Council

1. The policy as written (para 1-1) applies to The Parade between Rickmansworth Road and Bentine Lane – why doesn't it extend to the area from Bentine Lane down to the end of the pedestrian area where it joins the High Street / Clarendon Road?

Officer Comments: The policy was introduced in 2014 to allow commercial street trading only in the Events Space, rather than in the Town Centre as a whole. Officers are aware of the developing Town Centre Vision and emerging Cultural Plan and it may be that the policy needs to change to reflect their content.

2. The policy refers to a lot of different people / groups of people by role / title – e.g. Council's Licensing Committee, Licensing Officers, Council's Event Planning Group, licensing team, Town Centre Manager (we've not had one of these since Watford BID came in to operation), events team, authorised officers of the Council, authorised officers, officers, event organisers, Watford and Three Rivers Safety Advisory Group – and I think it would be clearer to streamline and use fewer titles.

Officer Comments: Roles and titles rationalised where possible.

3. The policy (para 2-1) says that applicants should liaise with event organisers to agree a provisionally suitable location, shouldn't we be setting locations as part of an agreed event plan with the organiser before individual street trading licenses can be applied for. This would be particularly important if the event organiser was not the council.

Officer Comments: Proposed policy amended to make this clear.

4. Under selection criteria (para 4-1) it says that goods for sale should complement the event, is it worth adding they should be age and audience appropriate? It also says the events team must approve – if the event organiser is not the council who would approval sit with? The wording of this should be expressed to cover both council and non-council events.

Officer Comments: Policy amended to include age and audience appropriate references. Approval procedures now amended to cover council and other events.

5. I don't think we should rule out granting permission for events outside of the Big Events or for other organisations to organise and run events, for example Watford BID, community events / fairs, craft / specialist markets. This would add diversity to the events programme in the town centre, bring activity to spaces that are not utilised for long periods of time and hopefully attract people to spend money with our town centre businesses as well as at the event. Extending the policy will also help to deliver the actions from the emerging cultural plan and destination management plan work that is currently underway. All events should be of a high standard, complement the Big Events and other programmes running in the town centre, contribute to the delivery of the cultural and destination management action plans and not compete with existing businesses, including the current market.

Officer Comments: covered elsewhere in comments relating to consultation questions 7, 8, 9 and 10.

6. Given the above, for some events, e.g. a craft market, limiting the number of street trading licences to six would limit the attractiveness of events to both organisers and visitors, for others, such as the Big Beach, which takes up a lot of space, six seems sufficient. The nature of the event and the space required for the "core" of it should be the determining factor.

Officer comments: covered by proposing to allow 10 consents for Big Events and other similar events approved by the Head of Community and Environmental Services, and noting that events held under the market charter are outside the scope of this policy.

7. On day consents vs event long consents I think it depends on the nature of the event – if it's a two day event granting an event-long consent may be the most appropriate; if it's a 2-3 week event then this may limit the variety for returning visitors so event-long consents may detract from the attractiveness of the event.

Officer Comments: see response to consultation question 15.

Solicitor representing a Town Centre Business

Firstly, we have been asked to highlight that our client believes that the development plans for Watford, generally, have been and are going to be a very significant success. He believes that this is precisely what Watford needs to rejuvenate the town centre and bring the town centre back to the busy thriving and vibrant area it once was. As your letter advises, and a point with which our client respectfully agrees, the works are making it more appealing to pedestrians and cyclists, are broadening the appeal of the town centre, are encouraging a wider range of visitors to enjoy what's on offer.

In terms of the specifics of the Town Centre Street Trading Policy, Our client does believe that a minimum 4* food hygiene rating should be a compulsory requirement for those wishing to take advantage of the Street Trading Permission. Presumably there are more applicants for these pitches than there are positions and that seems a perfectly legitimate and appropriate means of ensuring that standards are of the highest order. After all these permissions are granted in order to compliment and improve "big events" and so both visitors and residents could and should be offered high standards so as to enjoy the events.

In terms of the number of consents to be granted in one day, we do not object to consideration being given to an increased number of street trading consents. Provided that the standard is maintained then these seem to be a welcome contribution to the big events and making the events as vibrant and successful as possible seems to be to everyone's advantage. Perhaps six might be considered for, say the next three such events with an opportunity for a further two or even four consents to be granted (subject to assessment, standards etc.) thereafter.

One further point to be made is that with regard to the big events the vendors should be responsible for all litter and mess created by their businesses and their customers at the conclusion of the event. Our client does not have concerns about litter, certainly not on Market Street but believes that if the city is looking to develop and promote itself then obligations imposed on street vendors to ensure that the premises is left "immaculate" are not unreasonable.

Officer Comments: supportive of current approach and proposed amendments.



**WATFORD
BOROUGH
COUNCIL**

Equality Impact Analysis

Title of policy, function or service	Town Centre Street Trading Policy 31.12.18 – 31.12.21
Lead officer	Richard Brown
Person completing the EIA	Richard Brown
Type of policy, function or service:	Existing (reviewed) <input checked="" type="checkbox"/> New/Proposed <input type="checkbox"/>
Version & Date	Version 1, 13 th September 2018

1. Background

An interim Town Centre Street Trading Policy was introduced in July 2014 to complement the Big Events programme. It allows Commercial Street Trading in a specific area of the Parade. The policy was extended for a further three years in September 2015, and the report being taken to committee on 26 September seeks approval to extend the policy until 31 December 2021.

At Licensing Committee in June 2018, members agreed that the consultation should focus on four main issues;

1. Whether the policy should be amended to allow a number of commercial street trading consents to be issued to coincide with events run by other organisations such as the Business Improvement District (BID).
2. Whether the maximum number of 6 consents per events should be increased to give flexibility when planning events such as the Big Beach, based on previous feedback from Section Head (Culture and Play).
3. Whether the policy of only issuing consents for one day at a time should be reviewed.
4. Whether consents should only be issued to food businesses that have a food hygiene rating of four or above.

Without this policy, the High Street and roads leading from the High Street would remain prohibited streets under the Local Government (Miscellaneous Provisions) Act 1982 and no commercial street trading would be permitted.

2. Focus of the Equality Impact Analysis

This EIA, therefore, considers the potential equality related impacts, both positive and negative of Town Centre Street Trading Policy on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

3. Engagement and consultation

A public consultation exercise was carried out between 6th July 2018 and 17th August 2018. The following organisations written to:

- 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

In addition, 470 town centre residents were written to along with the 11 holders of existing Commercial Street Trading Consents issued by the council. Details of the consultation were placed on the council website and a public notice was placed in the Watford Observer on 6th July 2018.

60 responses were received, of which 56 were via an online survey which included a number or equality and diversity question. The breakdown of responses was as follows:

In what capacity are you answering this survey?	
Local resident	27
On behalf of a local business	2
On behalf of a local community group or organisation	2
On behalf of a council partner / stakeholder	1
Skipped	24

Gender	
Male	12
Female 3	10
Non-binary	1
Skipped	43

Are your day-to-day activities limited because of a health problem or a disability which has lasted, or is expected to last, at least 12 months	
Yes, limited a lot	18
Yes, limited a little	2
No	2
Skipped	44

Age	
18 – 29	2
30 - 39	7
40 – 49	5
50 - 59	5
60 - 64	2
65 - 74	1
75 – 84	1
85+	0
Skipped	33

To which of these groups do you consider you belong?	
English / Welsh / Scottish / Northern Irish / British	17
Gypsy or Irish Traveller	0
Irish	0
Any other White background	1
White & Black Caribbean	0
White & Black African	1
White & Asian	1
Any other mixed / multiple ethnic background	0
Arab	0
Caribbean	1
African	0
Any other Black background	0
Indian	0
Pakistani	1
Bangladeshi	0
Chinese	0
Any other Asian background	0
Other ethnic group	1
Skipped	33

None of the responses suggested that any of the protected characteristics would be adversely impacted by the four proposed revisions to the policy, or that the policy as a whole would adversely affect a particular sector of the community. It is also worth noting that no complaints relating to equalities have been received in the duration of operation of the previous Policy.

4. What we know about the Watford population

The current population of Watford is 96,800 (mid 2017 estimate) and is estimated to grow by 16% by 2026. Population growth estimates stated that they expected Watford to reach 100,000 by the end of 2017. In terms of gender breakdown, there are estimated to be fractionally more female than male residents but the difference is not significant.

The 2011 2011 shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%).

Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time to reflect more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014).

5. How will the council ensure equality is promoted through the Town Centre Street Trading Policy 31.12.18 – 31.12.21?

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Town Centre Street Trading Policy 31.12.18 – 31.12.21:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

Town Centre Commercial Street Trading consents applications are not assessed based on the characteristics of the applicant. Instead they are issued in accordance with the law and depend on the application being 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 £1 million cover;
- (d) three colour photographs showing different elevations of the stall, barrow or vehicle;
- (e) the fee for each day to be traded.

The information people will need to know about the consents, as well as the application process is accessed via the council's webpages and this feature provides additional support and help to those with a range of equalities related issues such as those for whom English is not the first language, those with visual impairment or learning difficulties.

The council's website features 'browsealoud' which allows people to:

- translate pages into a range of different languages
- enlarge web pages
- activate voice over for web pages
- simplify web page content

Should an applicant's characteristics make it difficult to use this channel then face to face and telephone contact is still possible.

In relation to the selection criteria for approval of applications; restrictions on goods and services are not considered to impact on any protected characteristics and are there to ensure suitability, legality and promotion of the towns values and vision. Any goods or services that would appear to impact or fail to promote the Council's equalities duties would be refused.

It is recognised that any obstructions on the highway have the potential to impact on accessibility in the town, and that the town is at times already crowded by both people and street furniture. All

applications require approval of location and layout of associated furniture. This is considered in line with the whole event layout and provisions are also in place to restrict other street trading permissions where required such as pavement licenses. This is considered by Highways where necessary and this consultation and approval is specifically designed to prevent any adverse impacts of accessibility.

A. Positive impacts

The council has not identified any positive effects from the analysis of consultation responses, the makeup of the Borough, the permission to trade in this area and the way that applications are processed and consents issued.

However, by supporting the Big Events programme, the Street Trading Policy is supporting the council's public sector equality duty to foster good relations between those who share a protected characteristic and those who don't. The Big Events offer opportunities for the Watford community to come together to share experiences in a safe and well-managed environment, thus promoting a cohesive and more tolerant community.

B. Negative impacts

The council has not identified any negative effects from the analysis of consultation responses, the makeup of the Borough, the permission to trade in this area and the way that applications are processed and consents issued.

Potential negative impacts of the Policy in terms of the application process have been identified (including potential barriers such as language, visual impairment) and ways to mitigate these have also been identified. The council has a range of measures to ensure potential barriers are removed including extensive translation services, larger text size and face to face communications if required.

6. Overall conclusion

In applying this Policy, no particular group is given priority over another in relation to implementation of the Policy and how any applicant is dealt with. Applications are assessed on their individual merits, so all groups should be treated fairly. The processing of applications requires approval of goods and locations. This allows for any potential impacts in relation to the nature of goods or location to be managed.

Accordingly the council is not in a position where it can proactively affect the profile of licence holders, but the Policy ensures that the process of obtaining a licence is fair and free of discrimination with identified barriers identified and mitigated.

On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy.

	Positive	Negative	None	Reasons for Decision
All groups in society	x			Positive: By supporting the Big Events programme, the Street Trading Policy is supporting the council's public sector equality duty to foster good relations between those who share a protected characteristic and those who don't. The Big Events offer opportunities for the Watford community to come together to share experiences in a safe and well-managed environment, thus promoting a cohesive and more tolerant community.
Age	x			
Disability			x	Potential negative impacts of the Policy in terms of the application process have been identified (including potential barriers such as language, visual impairment) and ways to mitigate these have also been identified. The council has a range of measures to ensure potential barriers are removed including extensive translation services, larger text size and face to face communications if required
Gender Reassignment			x	
Pregnancy and maternity			x	
Race			x	
Religion or belief			x	
Sex (gender)			x	
Sexual Orientation			x	
Marriage and Civil Partnership.			x	

This EIA has been approved by:



... ..

Justine Hoy, Head of Environmental Health & Licensing

Date: 17th September 2018