

17th November 2014**Notice of meeting:****Licensing & Regulatory Committee****Tuesday 25th November 2014 at 10.00a.m.****Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA****AGENDA**

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Item No	Item
1.	Apologies for absence.
2.	Declarations of Interest.
3.	To confirm for accuracy the minutes of the Licensing and Regulatory Committee held on Tuesday 30 th September 2014 (copy attached).
4.	To consider whether to exclude the press and public from the meeting during consideration of the following items of business in accordance with Section 100A of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act, having regard to the certificates prepared under Schedule 12A of the Local Government Act 1972 – Exemption From Disclosure of Documents
5.	To consider a report from the Principal Licensing Officer, to consider whether to issue a Hackney Carriage/Private Hire Drivers Licence (copy attached).
6.	To re-admit the press and the public to the meeting for the following items of business.

7.	To consider a report from the Senior Licensing Officer, Application for a Street Trading Consent – High Street, Abergavenny (copy attached).
8.	To note the date and time of the next Licensing and Regulatory Committee: <ul style="list-style-type: none"><li data-bbox="316 376 927 421">• Tuesday 20th January 2015 at 10.00am

Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

CYNGOR SIR FYNWY

THE CONSTITUTION OF THE LICENSING & REGULATORY COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Chapman
R. Edwards
D.J. Evans
L. Guppy
M. Hickman
R.J. Higginson
S.G.M. Howarth
J. Prosser
B. Strong
F. Taylor
P. Watts
A.E. Webb

Aims and Values of Monmouthshire County Council

Building Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 30th September 2014 at 10.00 a.m.

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Chapman, R.J. Higginson, J. Prosser, B. Strong and P. Watts.

OFFICERS IN ATTENDANCE:

Mr D. Jones	-	Head of Regulatory Services
Mr C. Rann	-	Senior Licensing Officer
Mrs P. Perkins	-	Legal Assistant
Mrs N. Perry	-	Democratic Services Officer

APOLOGIES FOR ABSENCE

1. Apologies for absence were received from County Councillors R. Edwards, D. Evans, M. Hickman, S. Howarth, A. Webb and F. Taylor

DECLARATIONS OF INTEREST

2. There were no declarations of interest.

CONFIRMATION OF MINUTES

3. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 29th July 2014 were confirmed as a correct record and signed by the Chairman. The Head of Regulatory Services requested that Members inform the Licensing team should they see or be notified of the scrap metal dealer whose application was refused at the previous meeting of the Licensing Committee trading in the county.

REPORTS FROM THE SENIOR LICENSING OFFICER

4. We received the following reports presented by the Senior Licensing Officer:

i) Application for an Annual Block Street Trading Consent for Chepstow Town Centre.

We received an application in respect of a Block Street Trading Consent for Chepstow Town Centre.

The Chairman welcomed the applicant to the meeting and introduced Members of the Committee and the attending Officers.

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 30th September 2014 at 10.00 a.m.**

The Committee were asked to consider the application received from the Town Clerk for Chepstow Town Council to trade on Thursday, Friday, Saturday and Sunday between the hours of 09:00 and 15:00. The locations requested were as follows:

- | | | |
|--|---|------------|
| • Beaufort Square | - | 4 pitches |
| • Bank Square | - | 2 pitches |
| • Cormeilles Square | - | 10 pitches |
| • High Street (adjacent to Gatehouse) | - | 1 pitch |
| • High Street (subject to road closure in place) | - | 10 pitches |
| • Library Place / Manor Way | - | 3 pitches |

We were informed that the High Street trading would be subject to road closures in order to create a pedestrianised area and would be more likely to take place on the last weekend of the month. However, should the consent be granted the area could be used on the days requested (as above).

The Town Clerk expressed that the Town Council aims to encourage and promote a local producers market in the area, popularity of this was increasing. This would be encouraging to local farmers and producers, and would provide low cost local produce to shoppers in Chepstow. It was felt that it would create a higher footfall throughout the town centre.

The Head of Regulatory Services stated that stall-holders would struggle, noting their produce can often be of low value, to cover the day fee of £41, if charged individually. The new proposed scheme would bring all traders under the Town Council which would mean a better level control. We were informed that the ward Member was very supportive of the proposals

During discussion it was noted that Members felt the initiative was commendable and a good initiative. It was agreed that the market and stalls enhance the town and increase trade.

A Member recommended that the Town Council seek advice from the Local Chamber of Trade or the Chamber of Commerce regarding the differences between the rates being paid by traders and stall holders. Also the placing of stalls would be of important consideration, to avoid the sale of similar produce next to retail shops. The Town Clerk confirmed that the Town Council were working with the Chamber of Commerce and the Marketing Committee. The Clerk stated that feedback from traders had proven positive, including a recent flea market that had brought more trade to the town.

The Legal Assistant asked the committee to note that should there be a need for a traffic order to be in place, this would be a lengthy and expensive process.

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 30th September 2014 at 10.00 a.m.

A Member recommended that market stall applicants should be reminded that they would be required to comply with trading standards and food hygiene regulations.

The Committee resolved to accept and approve the application.

DATE OF NEXT MEETING

5. We noted the date of the next meeting of the Licensing and Regulatory Committee as Tuesday 25th November 2014, 10am at County Hall, Usk.

The meeting ended at 10.30am.

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: To consider the Drivers Licence Application,
of the person referred to in the accompanying report

AUTHOR: Linda O’Gorman

**MEETING AND DATE OF
MEETING:** Tuesday 25th November 2014
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public

Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 25th November 2014 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of **not disclosing** outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 14th November 2014

Signed: 

Post: Principal Licensing Officer

I accept/do not accept the recommendation made above.


Proper Officer

Date: 14/11/14

SUBJECT: Application for a Street Trading Consent – High Street, Abergavenny
DIRECTORATE: Regeneration and Culture
MEETING: Licensing & Regulatory Committee
Date to be considered: 25 th November 2014
DIVISION/WARDS AFFECTED: Abergavenny

1. PURPOSE:

- 1.1 An application has been received for Street Trading consent to trade on High Street, Abergavenny, (plan attached as Appendix A).

2. RECOMMENDATION(S):

- 2.1 Members consider the application attached.

3. KEY ISSUES

- 3.1 An application has been made by Mr Copner for trading from Monday to Saturday 10:00hrs until 17:30hrs and occasionally a Sunday 10:00hrs until 16:00hrs to sell soft ice cream, ice lollies, soft drinks and Norwegian Style Frankfurter Hot Dogs Mr Copner has submitted a document in excess of 200 pages which includes the application form. The Street Trading consent application is attached as Appendix B and the supporting documents are available to view by the Licensing and Regulatory Committee Members at County Hall, Rhadyr, Usk. The application along with the supporting documents was forwarded to the following consultees, Heddlu Gwent Police, Monmouthshire Highways Department, Monmouthshire Engineers Department, Monmouthshire Planning Department, Monmouthshire Environment Department the Local Ward Member, Abergavenny One Stop Shop and Abergavenny Town Council.
- 3.2 Comments received from the consultees are outlined below:

Heddlu Gwent Police: The only concern I would raise is that the proposal seems to be for it to take place in the main retail area of the town which is pedestrianized so the applicant may require a dispensation to take a vehicle in this area together with the possible congestion and possible opposition from traders of similar goods who pay to have premises in this area. I appreciate that the applicant is trying to set up a business, however we need to be sure this will not create a problem in relation to congestion, contravention of traffic orders or raise issues with other traders which the police may be called into.

Monmouthshire Highways: The locating of an ice cream van in the High Street will cause an unnecessary additional road safety hazard to pedestrians due to the increased likelihood of collisions between delivery vehicles (undertaking deliveries to premises in the High Street) and pedestrian's queuing and generally congregating in the vicinity of the ice cream van. The Ice Cream Van positioned here for such long hours and days of the week may also adversely affect deliveries to premises and prevent other community orientated displays or events from being held at this location in the High Street,

Monmouthshire Planning: No comments from Planning, as the proposed van would be parked for a temporary period on what appears to be public highway.

Monmouthshire Environmental Department: No objection to the application from an Environmental Health point of view.

Councillor Douglas Edwards, Grofield Ward: I understand Mr Copner has extended his application to include the sale of food. In view of this request I confirm as a consultee my objection to this application for a licence to trade in the High Street in Abergavenny. About 20/30 metres away is an outlet whose major activity is to sell food by way of take away. My original objection and reasons for that objection are now pertinent and it would be unfair for Mr Copner to trade in the immediate vicinity of the retail shop. In fact there are several other shops also adjacent in St John's Street and Flannel Street.

I have now received the location plan and object to its location on the following grounds: The suggested location is known locally as 'Red Square' which is the busiest area for pedestrians and closed to all cars/lorries from 11am to 4pm. The retailer Edwards (Butcher) has windows facing into the high street and would be visually impeded by the van. On the same side there are a series of wall benches which would be unusable by people wishing to rest. Traffic is permitted to move through the area before 11am and after 4pm.

The location together with the area outside the Town Hall and Boots Chemist is reserved in the main for pedestrians and is a general meeting place and leaves no room for a van selling on six days per week and occasionally Sundays. 'Red Square' is also used a few times per annum to highlight special events and we would lose that facility.

Abergavenny Town Council: It is an amenity space and should not be committed to such a use for the purposes of trading. There are adjoining seats which are well used by the public and they would be significantly obstructed by this proposal. In a recent survey of public footfall this area was identified as one of the busiest in Abergavenny so that the congestion that this could cause would be unacceptable. The area is used from time to time for one-off exhibitions, consultations or very occasionally, Market Traders. Allowing such comprehensive use would compromise that opportunity. We do not know if the refrigeration requirements of the vehicle require it to have motor running while in place; if it does, then this is a source of pollution which is undesirable. A constructive alternative would be for the applicant to be included as a market trader and to set up at the rear of the Market Hall. We hope that you will take note of these objections and will not grant this application. We could see this becoming a lever to also allow burger vans or other food sellers into this valuable open space. The Council's objections are not against the individual in any way but against the principle of the application to occupy this space for such long periods of time and the use proposed.

I note your policy refers to there not being other traders within 100metres of the site. The Council believes that there are other premises within this radius of the proposed site. (Cariad in Cross Street). The photographs show the street being used by delivery and collection vehicles as normal use and also some of the occasional trading and exhibition use. There is no problem with that, but it points up the variety of use of the amenity space at present. I have conveyed to you this Council's views about the application, and I note you refer to a possible meeting to try to overcome difficulties. Such a meeting would have to be with members of the Council, but there is a fundamental problem here that the Council's grounds of objection clearly cover - the use of this space for a dedicated activity would be detrimental to the amenity of the area and the current flexibility of its use for a variety of purposes. Given the application is for such a comprehensive coverage, it is unlikely that there could be a rapprochement in these circumstances. I refer again to the suggestion at the end of the original comments, that the applicant should apply to be located within the markets and fairs that take place on quite a number of days each week in the Brewery Yard area.

Abergavenny One Stop Shop: No response received.

3.3 Mr Copner has had sight of the above responses to his application and has responded as follows:-

Gwent Police; The proposal is for it to take place in the main retail area as outlined on the scale map included. We have measured around the location and confirm it is suitable for such a unit. We have aloud extra space than highways would usually expect minimum for a footpath for example to ensure benches can be used without interruption. I am not aware of any traders in the town centre who sell similar products to myself. We are also offering 50% discount to emergency services employees for example, police, NHS and fire.

Engineers; The High street is closed for delivery vehicles between the hours of 11:00-16:00, an alternative to this would be to put the unit into position by 10:00 when the location is less busy to pedestrians and then trade after 11:00 when the barriers are put into position. This does not prevent displays as we are keen to work with the council to encourage more use of the town prior to Morrison's taking over the trade, for special events and displays we can simply move the unit easily to another location or such as cycle events that are on all weekend we will not attend.

Abergavenny Town Council; I have issued a statement to the town council of my intentions as I see from communications between them and Leigh Beach at Licensing that they do not wish to have a meeting easily after Councillor Edwards has brought the matter to their attention. I am not selling any products that are primarily the same as any other trader in the town or within 100meters, I have not breached the authority's policy in relation to this.

County Councillor Douglas Edwards;

I am a little disappointed at the responses from Mr Edwards I contacted him in July 2014 to arrange a meeting with him prior to making this second application. He emailed me on the 27/07/14 and advised he would speak to Linda O Gorman at Licensing and then contact me further for a meeting, that did not happen. I was advised of Mr Edwards's first objection on 24/09/2014. That evening me and my partner attended Mr Edwards contact address at around 7:30 for a chat about his concerns. During that discussion Mr Edwards informed us that he had not read

the street trading policy or even seen it as it was common sense. When asked about the reasons for his objections on rent and rates he implicated the licensing department on advising him he could object on those grounds. On 21/10/2014 Mr Edwards then contacted the licensing department claiming to have now seen the location map and that I was proposing to sell hot food, suggesting that he had not even read the application at the time of his first objection. On 27/09/2014 I also received an email from Mr Edwards saying that he is a former shop keeper of 30 years and that I would have difficulty in convincing him what I wanted to do was fair on shop keepers. I have also been informed by Peter Johns town clerk it was Mr Edwards who brought my application to the town councils attention to raise concerns for my application and then leave immediately after. During the time of Mr Edwards visit to town council he was undergoing review by the Ombudsman for his code of conduct in relation to my application, because of this further attack at my application and the documented evidence I have forwarded, the Ombudsman has now decided a more formal investigation needs to take place and is ongoing.

After going through this process for a second time it is now clear to me that legal traders are not something the local authority wants or supports. The illegal ice cream vans and street traders have got thriving business and I am now regretting trying to do things properly and asking for the councils support in doing so.

- 3.4 Monmouthshire County Council Policy for Street Trading is attached as Appendix C.

4. REASONS:

- 4.1 An application has been made to Monmouthshire County Council for street trading consent and objections received. Should the Committee refuse consent, reasons must be given.
- 4.2 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
- 4.3 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.
- 4.4 The Authority is under no duty to grant a street trading consent and need not specify statutory grounds for refusal, however in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson the court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

5. RESOURCE IMPLICATIONS:

- 5.1 Nil

6. CONSULTEES:

Heddlu Gwent Police, Monmouthshire Highways Department, Monmouthshire Planning Department, Monmouthshire Environment Department, Local Ward Member, Abergavenny Town Council, Abergavenny One Stop Shop

7. BACKGROUND PAPERS:

Consultee responses, Street Trading Policy.

8. AUTHOR:

Samantha Winn

Senior Licensing Officer

CONTACT DETAILS: Tel:01633 644221

Email: samanthawinn@monmouthshire.gov.uk

Appendix A



Christopher James Copner

Monmouthshire County Council
Licensing Section
Drama Centre
Abergavenny
Monmouthshire.

14/09/2014

Application for a street trading consent

Dear Sirs,

I would like to apply for a street trading consent for an ice cream van in Abergavenny. I would be a reputable trader with public liability insurance, HACCP and professional knowledge and memberships in order to deliver an experience to tourists and the community from a purpose built new unit. I am well respected in the ice cream community as my enclosed references from industry leaders will show. I have also joined the Abergavenny Carnival Committee as treasurer to help them develop and run next years event with the knowledge and financial understanding as a professional accountant and member of the ACCA. I am keen to help encourage more tourists back into Abergavenny by placing a new ice cream van in the centre along with involving local business in making carnival floats. Every person has fond memories of an ice cream van and that's the unique experience I want to offer along with helping the authority battle the unlicensed and unregistered illegal traders which use the town on a weekly basis. Over recent years the town I have grown up in has gone from a busy trading high street to more and more empty shops, I want to try and help get this back before the new Morrisons store opens and wipes out what independent shops we still have left. Most purchases are now made over the internet with the likes of Ebay offering everything at a reduced price and quite often free postage, what cant you get from the internet, a freshly made soft ice cream and that's what I want to use to encourage people back into our town.

Why I want an ice cream van;

I have the biggest collection of model ice cream vans and memorabilia in the UK, I am currently going through the Guinness World Record process to gain the world title. I have been interested in ice cream vehicles from a very young age and have built up a huge collection over the years and as a result have been on the news, tv and in many national magazines. I currently have one fully restored 1976 ice cream van and a 1979 ice cream van which I am currently restoring,

both appeared on the popular Stella series written and starred by Ruth Jones, I have also done work for Being Human, Casualty, Channel 4 and Heston Blumenthal to name a few. Abergavenny is currently the go to place for the south wales television industry for ice cream vans and signs for productions.

This year I have successfully pulled off a national road safety campaign backed by industry leaders and the department for transport, I have now gained a sponsor from a major insurance company for next years campaign which will allow me to grow it even bigger and deliver the message to more schools nationwide.

I am currently a full time accountant and wanting to make the change to run my ice cream passion as a full time business and have more time in the Abergavenny area to help with the carnival, toy and train collectors fair and my local clients to help develop their businesses.

I would like to apply for 01/03/2015, thus allows for the council licensing process along with the order and six week build time on a bespoke new vehicle built in Crewe.

I hope you enjoy looking at the various achievements of my passion shown in my application and I look forward to hearing from you.

Yours faithfully



Christopher James Copner

MONMOUTHSHIRE COUNTY COUNCIL,
 LICENSING SECTION, THE MELVILLE
 CENTRE, PEN-Y-POUND ROAD,
 ABERGAVENNY NP7 5UD.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR A STREET TRADING CONSENT

1. APPLICANT DETAILS	
Full Name:	CHRISTOPHER JAMES COPNER
Current Residential Address:	
Telephone Number:	
Mobile Number (optional):	
Email (optional):	
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Do you have any unspent convictions? (If yes please state details)	Yes/No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	Yes/No

2. ASSISTANTS	
State the number of assistants that will be used including their names and addresses and date of birth. If none please write "None". Assistants must be accompanied and supervised by the Consent holder at all times.	MAREN VON WACKENFELD

3. TRADING DETAILS	
Trading Name: (If applicable)	C.J. COPNER ICE CREAM VANS
Please state if you are applying for a Mobile or Pitch Consent:	PITCH.
Address of the precise location of where you wish to Trade: (Please include names of streets)	HIGH STREET ABERGAVENNY
Do you have permission from the owner of the land where you wish to trade? (If yes please ensure that you submit a copy of the written permission)	Yes/No N/A.
Please provide contact details for the owner of the land: (Please include name, address and telephone number)	AUTHORITY.
Please provide details of the articles which you wish to sell:	ICE CREAM SOFT JERSEY ICE LOLLIES SOFT DRINKS, FRANK FERTER HOT DOG (NORWEGIAN STYLE).
Please provide a description of the stall, vehicle and equipment you wish to use: (size, trailer, gas and electrical appliances, generators, etc)	MERCEDES WHITBY MORRISON MONDIAL ICE CREAM VAN.

Full address of location where the stall or container will be stored when not in use:	TBC
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4. TYPE OF CONSENT BEING APPLIED FOR	
Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Annual Street Trading Consents will take a maximum of 60 days to be determined)	Annual Street Trading Consent <input checked="" type="checkbox"/>
	Daily Street Trading Consent <input type="checkbox"/>
Are there any other consent holders in the vicinity? (If yes please give further details)	Yes/No

5. TRADING DATES AND TIMES	DAY	TIMES From/To
Please give details of day and times in which you wish to trade: (Trading in Alcohol will require an additional licence under the Licensing Act 2003, as will Hot Food and Drink after 11p.m. up to 5a.m.)	Monday:	10 - 16 17:30
	Tuesday:	10 - 17:30
	Wednesday:	10 - 17:30
	Thursday:	10 - 17:30
	Friday:	10 - 17:30
	Saturday:	10 - 17:30
	Sunday:	10 - 16:00 - OCCASIONAL

6. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£ The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

7. ADDITIONAL DOCUMENTATION

To apply for a Street Trading Consent you **MUST** submit the following documents to support your application

- 10% of the full fee ✓
- Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary line with a red line. Available online including from www.planningportal.gov.uk/planning/applications/plans (Google or bing style maps are not acceptable) ✓
- Written permission from the land owner (If applicable) ✗
- Proof of Food Registration (If applicable). Information available at <http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/>
- Licence under the Licensing Act 2003 (If applicable) ✗
- One Passport-type photograph of the applicant and each assistant ✓

8. DECLARATION

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:

A person who engages in street trading in a consent street without being authorised to do so or being authorised by a consent, trades in that street

- (i) From a van, cart, barrow or other vehicle, or
- (ii) From a portable stall.

Without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence.

Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

I declare that I have read and understood the Standard Conditions and any additional conditions which may apply. I believe that all of the above particulars are correct and to the best of my knowledge.

I understand that the 10% administration fee I pay will not be refundable if the application is withdrawn or if the consent is granted and I do not take it up.

Applicant Signature:
 Print Name: CHRIS COPNER Date: 16/09/2014.

Street Trading Fees

Type of Street Trading Consent	Full Fee	10% Admin Fee
Annual Street Trading Consent	£592	£59.20
Daily Street Trading Consent	£41 per day	£4.10

Payment can be made as follows:-

cheque/postal order should be made payable to Monmouthshire County Council and returned to, Licensing Section, Monmouthshire County Council, Melville Theatre, Pen-y-Pound, Abergavenny, NP7 5UD.

If you wish to pay by BACS you may do so by using the following information (quoting your licence number as a reference)

Bank: Barclays Bank plc

Sort Code: 20-18-15

Account Number: 13996565

Account Name: Monmouthshire Main ACC

(If you do pay by BACS you will need to inform the licensing office that the payment has been made, you can do so by emailing licensing@monmouthshire.gov.uk quoting your licence number)

You can also make a payment by telephoning our payments line on 01873 735420 (quoting your licence number as a reference).

APPLICANT CHECKLIST
<input checked="" type="checkbox"/> Signed Street trading application form
<input type="checkbox"/> 10% Administration Fee
<input checked="" type="checkbox"/> Copy of a map, site position marked by red line
<input checked="" type="checkbox"/> Permission from the land owner (if applicable)
<input checked="" type="checkbox"/> Food Registration (if selling food)
<input checked="" type="checkbox"/> Licence under the Licensing Act 2003 (if applicable)
<input checked="" type="checkbox"/> One passport type photograph of you and each assistant

Whitby Morrison Mondial SWB Chassis Cab

Length:

211" - 5310mm

Height with Roof Vent:

107" - 2718mm

Height with Electric Roof Vent:

108.75" - 2762mm

Height with no Roof Vent:

104.75" - 2661mm

*** Width with Mirrors Extended:**

93.75" - 2181mm

Width with Mirrors Folded:

82.75" - 2102mm

Maximum width of Body:

79.125" - 2010mm

Height of standard Serving Counter:

26.375" - 670mm

Height to Base of Machine:

27" - 685mm

Height to top of Machine:

59.75" - 1518mm



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

MONMOUTHSHIRE COUNTY COUNCIL

STREET TRADING POLICY
June 2014

STREET TRADING POLICY

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Introduction

This Policy has been adopted to control street trading and sets out the Council's standards for determining applications for, and enforcement of, street trading activities in Monmouthshire County Council.

Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Monmouthshire County Council has resolved to control street trading within its boundaries.

As such Monmouthshire County Council has designated all streets as consent streets, i.e. consent is required prior to trading taking place.

Any person convicted of trading on a consent street without consent will be guilty of an offence and liable upon conviction to a fine of up to £1,000.

Monmouthshire County Council will apply this Policy to street trading activities in its area to ensure consistency of decision-making. However each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

This Policy takes effect on 17th June 2014.

1. Definitions

The council. Means Monmouthshire County Council

The applicant. The trader who has submitted an application for Street Trading Consent.

Consent holder. An individual that holds a Street Trading Consent.

Street trading. Means the selling or exposing or offering for sale of any article (including a living thing) in any street.

Street. Includes any roadway, footway, pavement, precinct, other area to which the public have access without payment, e.g. lay-by or car park whether on private land or not.

Consent street. A street in which street trading is prohibited without the consent of the council.

Street Trading Consent. A permission to trade, which is granted by a council subject to conditions and the payment of a fee.

Block Street Trading Consent. One Street Trading Consent issued to an individual to cover the organised street trading of two or more traders in line with block street trading conditions. The holder of a Block Street Trading Consent is responsible for ensuring that individual traders comply with the Council's consent conditions.

Static Street Trader. Means trader granted permission by Monmouthshire County Council to trade from a specified position.

Mobile Trader. Means a trader who moves from street to street.

A roundsman. An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. Ice-cream vans are not classed as rounds men.

A pedlar. To operate legally as a pedlar you must; (i) keep moving, stopping only to serve customers at their request. (ii) move from place to place and not circulate within the same area. (iii) carry all goods for sale. (iv) hold a valid pedlar's certificate, issued by a Chief Constable of Police.

Authorised Officer. Means an officer employed by Monmouthshire County Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2. Purpose

Monmouthshire Council's street trading policy aims to:

- Create a trading environment that compliments premises based trading.
- Promote fairness and consistency across the county
- Improve the local environment
- Be sensitive to the needs and concerns of residents
- Involve local communities in street trading decisions
- Control street trading through a fair and proportionate enforcement procedure

3. Objectives

The Council will carry out its functions in respect of controlling street trading activities in its area, to protect the public, by promoting the following licensing objectives (each of which is of equal importance);

- Public order
- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

4. Exemptions

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (a) Trading by a person acting as a pedlar, i.e. going on foot from house to house selling goods directly, under the authority of a pedlar's certificate granted under the Pedlars Act 1871.

- (b) Anything done in a market or fair to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) Trading as a newsvendor, selling newspapers or periodicals.
- (e) Trading which is:
 - (i) Carried on at a premises used as a petrol filling station; or
 - (ii) Carried on at a premises used as a shop or in a street premises so used and as part of the business or shop.
- (f) Selling things, or offering or exposing them for sale, as a roundsman.
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- (i) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

5. Block Street Trading Consents

A Block Street Trading Consent will permit two or more traders to trade at an organised event or market, subject to the terms and conditions of the consent. The event organiser in receipt of a Block Street Trading Consent is responsible for all individual trading activities and must ensure that street traders at their event comply with the standard consent conditions and any additional conditions attached to the license.

Block Street Trading Consents will normally only be issued to the following:-

- A market approved by the Council.
- Charitable, local authority organised and community type events (where an admission charge is not made for entry)

Commercial vendors will not normally be permitted to obtain a Block Street Trading Consents, however each application will be assessed on its own merit.

6. Day Street Trading Consents

A Day Street Trading Consent will permit a person to trade on one specified date at a specified location.

7. Guidelines for an application

In order to deal with applications quickly and to allow an applicant at an early stage whether the application is likely to be supported, the council has adopted the following guidelines:-

- The trader shall provide a service which is of a benefit to the public
- The use shall not be in direct competition, in terms of goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away and market place (which includes block consents)
- The use shall not be located within 100 metres of an existing shop, restaurant or hot food take-away which primarily sells the same goods and market (which includes block consents) – This may be relaxed for one-off or short-term applications.
- The use shall not be located within 250 metres of the boundary of any hospital, nursing or residential care home.
- The use shall not be permitted within 500 metres of the boundary of any school or college.
- The use shall not be permitted within 30 metres of any roundabout, road junction or pedestrian crossing.
- The use shall not be permitted on any Council owned pay and display car parks.
- The number of traders in any one street shall be limited so as not to cause undue concentration.
- The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirement of emergency vehicles.
- Uses involving the sale of food and noise emissions shall meet the requirements of Environmental Health and these should be identified before a consent is considered.
- The appearance and use of associated equipment or structures shall be of good quality and the precise appearance of the facility shall be identified before a consent is granted.
- The use shall be compatible with the character of the area in which it is proposed to be situated.
- The safety and suitability of goods may require a further report from Trading Standards before a consent is considered.
- The use shall not be likely to cause problems of noise, smell, litter or late night disturbance, especially in residential streets.

8. Prohibited Goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:-

- Alcohol except:

- Sales of mulled wine and similar at street fairs or community events. No sale will be permitted to anyone under the age of 18. (The sale of alcohol will require a separate permission under the Licensing Act 2003)
- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons
- Tobacco products
- Fireworks
- Articles that would typically be sold in sex shops
- Animals
- Legal Highs

The above list is not exhaustive and the Authority has the right to refuse any item for sale it deems necessary.

9. Application Process

Applicants must submit the following to the Licensing Section, Monmouthshire County Council, The Drama Centre, Pen-y-Pound, Abergavenny NP7 5UD.:-

- Application Form
- 10% of the consent fee, which is non-refundable. Upon grant of the consent, before it is issued, the balance of the fee must be paid, or an invoice will be arranged to enable direct debit payments.
- Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary line with a red line.
- Written permission from the land owner (if applicable)
- Proof of Food Registration (if applicable)
- Licence under the Licensing Act 2003 (if applicable)
- One passport type photograph of the applicant and each assistant.
- Copy of the certificate of insurance covering the street trading activity for third party and public liability risks up to £5million
- Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports (if applicable)

A Street Trading Consent is not transferrable. Any proposed change to the type of vehicle or stall to be used, the goods to be sold, the times and days of operation, or the exact location of the trading site, requires an application for variation of the street consent. No person under the age of 17 years can apply for a Street Trading Consent.

For a block street trading consent, the applicant will be required to identify the arrangements that they will put in place to ensure that the Council's conditions are met by all traders attending all events covered by the consent.

An applicant can apply on-line at www.monmouthshire.gov.uk

10. Consultation on applications

Officers will carry out a consultation process with relevant interested persons and groups before a street trading application is considered.

This may include:

- Planning and Economic Development for Monmouthshire County Council
- Highways Department for Monmouthshire County Council
- Environmental Health for Monmouthshire County Council
- Town/Community Councils for the County of Monmouthshire
- One Stop Shops for Monmouthshire County Council
- Heddlu Gwent Police
- Welsh Assembly Government
- Gwent Consultancy

11. Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consent and shall comply in all respects to the relevant legislation and conditions.

12. Determination of applications

The Authorised officer will assess applications for Street Trading Consents against the following criteria:

- **Site safety.** The location should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. Observations from Council Officers will be taken into consideration.
- **Public order.** The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from Heddlu Gwent Police and Council Officers will be taken into consideration.
- **Avoidance of nuisance.** The street trading activity should not present a substantial risk of nuisance from noise, smells, fumes, litter or the discharge of fluids to households or businesses in the vicinity of the proposed street trading site. Observations from Council Officers, residents and businesses will be taken into consideration.
- **Consultees' observations.** Consideration will be given to written observations and recommendations will be assessed by the Authorised

Officer for reasonableness and appropriateness before they are taken into consideration.

- **Permitted trading hours.** The Council will consider each application on its merits before agreeing permitted trading times. The Council retains the right to specify permitted trading hours that are less than that applied for. Any trading involving hot food and drink between 11p.m. and 5a.m. will also require a separate application under the Licensing Act 2003.
- **Suitability of the applicant.** The council may take any relevant unspent convictions, complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a Street Trading Consent into account.
- **Proximity to schools and college.** No Street Trading Consents will be granted for trading at locations within 500 metres of its boundary, unless otherwise agreed in writing by Monmouthshire County Council.
- **Proximity to existing consent holders.** Consideration will be given to the number of existing consent holders in the area.

13. Objections

An Authorised Officer will approve the application if it:-

- Meets the criteria and
- There are no reasonable and appropriate objections.

If the application:

- Does not meet the criteria, or
- There are reasonable and appropriate objections.

The Authorised Officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. The Officer, applicant and objectors may discuss (i) changes that could be made to the proposed locations, goods or trading hours and (ii) additional conditions that could be introduced. If the objections and failure to meet scheme criteria can be resolved by changing the application and/or introducing additional conditions the Authorised Officer will approve the application.

If the applicant refuses an offer of a meeting following objections or failing to meet the criteria or if matters cannot be resolved the matter will be deferred to the Licensing and Regulatory Committee to be determined. Except where objections are received for safety reasons the Head of Community and Environmental Protection can determine the application or defer the matter to the Licensing and Regulatory Committee.

14. Approval of applications.

The applicant will be advised by letter that their application has been successful and they need to accept the off of a Street Trading Consent and make full payment within 21 days or make arrangements for an invoice to be arranged to enable direct debit payments.

After that time a letter will be sent to the applicant reminding them of the need to make a full payment.

If the fee is still not received within five working days the offer will lapse and the applicant will need to make a new application to the council and pay another ten percent of the consent fee.

A street trading consent will not be issued until the street trading fee has been paid in full.

Applications may be approved subject to additional conditions. These additional conditions form part of the Street Trading Consent and must be complied with at all times.

15. Refusal of applications

Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.

There is no right of appeal to the Magistrates Court.

A person aggrieved by a decision of the Licensing and Regulatory Committee may make an application to the High Court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

16. Issue of Street Trading Consents

Where approved, before the Street Trading Consent is issued the applicant will need to provide.

- An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million.
- Copies of Gas, Electrical Safety Certificates and recent records Periodic Inspections Reports.

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or renewed, or may be subject to prosecutions proceedings.

All Street Trading Consents are issued subject to a set of standard conditions. The Council may attach additional conditions to the standard conditions.

All conditions attached to the Street Trading Consent must be complied with at all times. Failure to comply with either standards conditions or additional conditions may lead to the consent being revoked or not renewed. Consent holders are requested to familiarise themselves and their employees with the conditions attached to their Street Trading Consent.

The granting of a Street Trading Consent does not in any circumstance exempt the Consent holder from the need to obtain any other licence or permission that may be

required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent holder shall not assign, underlet or part with this interest or possession of a Street Trading Consent, but it may be surrendered to the Council at any time.

The Council reserves the right to revoke the Street Trading Consent at any time without compensation.

17. Renewals

All Street Trading Consents will be renewed automatically if no objections are received from Heddlu Gwent Police and Highways Department for Monmouthshire County Council following consultation. This automatic renewal will be made unless:

- There have been any complaints from members of the public, or
- Concerns raised by consultees or Council Officers, or
- Consent conditions have been breached.

In these circumstances a full or revised application process may be used at the discretion of the Authorised Officer.

18. Reimbursement of Fees

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Council. Any fee reimbursement will be strictly on the basis:-

- From the date the Consent is surrendered to Monmouthshire County Council, or
- From the date that the Consent is revoked by Monmouthshire County Council.

Any refunds of a fee paid in connection with the granting of Street Trading Consent will be non-refundable. Refunds will be based on the number of complete days remaining.

19. Enforcement

The Council may revoke a Street Trading Consent at any time and shall not be liable to pay compensation to the Consent Holder, although some fees will be reimbursed.

The following principles will be applied to all enforcement action:

- **Openness and transparency.** Council officers will discuss all problems, including failure to comply with conditions, clearly and in plain language. The

council will be open about how it enforces street trading legislation and will inform interested parties of what they can expect from the enforcement procedure.

- **Consistency.** Council officers will seek to take a similar approach in similar circumstances and will carry out their duties in a fair and equitable manner.
- **Proportionality.** The Council will ensure that the action taken is proportionate to the risks involved or the seriousness of the breach of conditions.
- **Helpfulness.** The Council will provide advice on the relevant legislation and assist with compliance. Council Officers will provide a courteous and efficient service.

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:-

‘A person who engages in street trading in a consent street without being authorised to do so, or being authorised by a consent, trades in that street.

- (i) From a van, cart, barrow or other vehicle, or
- (ii) From a portable stall,

Without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence.

Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

A person guilty of an offence shall be liable on summary conviction to a fine. The maximum fine is level 3 on the standard scale, currently £1,000.’

20. Standard Conditions for all Consent Holders

General Conditions

1. The holder of this Consent (hereinafter referred to as ‘the holder’, which expression where appropriate, includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Monmouthshire County Council (hereinafter referred to as ‘the Council’)
2. A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.

3. A consent holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.
4. In accordance with Monmouthshire County Council's byelaws adopted on 11th February 1999 for the employment of children made under Sections 18(2) and 20(2) of the Children and Young Persons Act 1933
 - No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless (i) he is employed to do so by his parents, in connection with their retail business and under their direct supervision; and (ii) he has been granted a licence to do so ('a street trader's licence') by the authority and is acting in compliance with the terms of that licence.
 - The Authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to his health, welfare or ability to take full advantage of his education or the child's street trader's licence has been revoked.
 - A street trader's licence granted to a child shall prohibit the holder from engaging in street trading on a Sunday and shall (i) be valid for not more than 12 months and shall expire on 31 December, (ii) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place, and (iii) require that the child notify the authority within one week of any change of address.
 - The Authority may suspend or revoke a street trader's licence granted to a child if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare, or ability to take full advantage of his education, or if the holder is (i) found guilty of an offence connected with street trading, (ii) commits any breach of these Byelaws or the terms of his street trader's licence, (iii) uses the licence as a means for begging, immorality or any other improper purpose; or (iv) fails to notify the authority within one week of any change of address.
5. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Monmouthshire County Council.
6. Consent Holders shall not trade outside the designated trading area.
7. The Consent Holder shall pay the street trading fee.
8. The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.
9. The Consent Holder shall have written permission from the owner of the land to trade on private land which is not part of the highway.

10. The sale of the following goods are not permitted Alcohol-except sales of mulled wine and similar at streets fairs or community events, firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Council has to right to refuse the sale of any goods.
11. The holder shall not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
12. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
13. The holder shall indemnify and save harmless the Council and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this consent.
14. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
15. The holder shall not place on the street any advertisement, furniture or equipment other than as permitted by this Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
16. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.
17. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
18. The holder of a consent for trading in hot foods shall at all times carry on the vehicle 4.5 kilo Dry Powder Fire Extinguisher.
19. Where the holder trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use

Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.

20. The Consent Holder will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
21. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
22. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of the Council.
23. The holder shall keep his vehicle or stall or other mode used for trading, and trading location and the immediately area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.
24. The holder shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.
25. The holder shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
26. The Consent holder shall comply with all requirements of the Council in respect of street trading.
27. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of Monmouthshire County Council shall be complied with in respect of such matters.
28. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer.
29. The holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but he may surrender it to the Council at any time.

30. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
31. The Council may vary, amend or add to the conditions of this Consent at any time.
32. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not operate to entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
33. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
34. Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
35. Consent Holders and their employees shall not trade under the influence of any illegal or intoxicating substance.

Mobile Traders

36. The consent holder must comply with Section 62 of the Control of Pollution Act 1974 which relates to noise in streets and the Code of Practice on Noise from Ice-Cream Van Chimes 1982. Attention is drawn particularly to the requirement that no loud speaker is to be used to advertise the sale of any perishable goods for human consumption before 12 noon or after 7.00pm, on any day.
37. In addition to the above statutory requirements, it is a condition of this consent that no audible form of advertising (including hand bells) is to be used by the consent holder before 9am or after 9pm, on any day.
38. Any form of advertising device, whether a loudspeaker or otherwise, must not be used at any time so as to cause nuisance to persons in the vicinity.
39. Mobile vehicle consent holders are permitted to trade in any one place for a continuous period of no more than 30 minutes and the consent holder must not then again trade at that location within a period of 5 hours.
40. No street trading may be carried on at any location on any bus route for any continuous period of more than 10 minutes.