

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Wednesday, 26 August 2020

## Notice of meeting

### Licensing and Regulatory Committee

Thursday, 3rd September, 2020 at 10.00 am,  
Remote Meeting

### AGENDA

Item No	Item	Pages
1.	Apologies for absence.	
2.	Declarations of interest.	
3.	To confirm and sign the minutes of the previous meeting.	1 - 2
4.	Application to licence a Tuk Tuk as a Private Hire vehicle.	3 - 10
5.	Application for Street Trading Consent - Mathew's Mighty Bites, Adjacent to Aldi car park/ BW Autos, Mill Street, Abergavenny, NP7 5HE	11 - 40
6.	Next Meeting: Tuesday 10th November 2020 at 10.00am.	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong  
J. Higginson  
S. Howarth  
A. Easson  
S.B. Jones  
M.Lane  
R.Roden  
J.Treharne  
R. Edwards  
D. Evans  
L. Guppy  
A. Webb

## Public Information

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### Welsh Language

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# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.



# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee Remote Meeting on Tuesday, 23rd June, 2020 at 10.00 am

**PRESENT:** County Councillor B. Strong (Chairman)  
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, M.Lane, R.Roden, J.Treharne,  
R. Edwards, D. Evans and A. Webb

#### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Leigh Beach	Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

County Councillor L. Guppy

#### **1. Declarations of Interest**

None.

#### **2. Proposal for Taxi and Private Hire Policy and Conditions amendment to include Tuk Tuks and Rickshaw Licensing**

We considered a report regarding the proposal to amend the Taxi and Private Hire Policy Conditions 2020 to include the Licensing of Rickshaw vehicles.

In doing so, the following points were noted:

- The policy has been slightly amended so that licenced Rickshaws and Tuk Tuks will be fitted with passenger doors on both sides of the vehicles with at least one of the doors having access and egress.
- Two members of the Licensing and Regulatory Committee had trialled the use of a Tuk Tuk around the Abergavenny area. It was considered that for local journeys these type of vehicles would be suitable.
- The wording within the policy outlining the dress code for Tuk Tuk drivers would be reviewed and amended to outline the main body of the policy itself.

We resolved:

- (i) to adopt the amended Taxi and Private Hire Policy Conditions 2020 (amendments in part 4.3, to remove points 32 and 33 in appendix J and amend Appendix M of this policy to include points 66 to 92). This amendment will include the licensing of Tuk Tuks, Electric and Cycle Rickshaws (pedicabs);

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Licensing and Regulatory Committee Remote Meeting on Tuesday, 23rd June, 2020 at 10.00 am**

- (ii) that the policy be slightly amended so that licenced Rickshaws and Tuk Tuks will be fitted with passenger doors on both sides of the vehicles with at least one of the doors having access and egress.

#### **3. Gambling Act 2005 - Premises Licence Fees**

We received a report regarding the fees for this Authority in relation to Premises Licences under the Gambling Act 2005 retrospectively for 21st May 2020 – 20th May 2021.

We resolved:

- (i) to approve the fees and charges outlined in Appendix A of the report to come into effect retrospectively from 21<sup>st</sup> May 2020;
- (ii) that the fees be subsequently reviewed annually.

#### **4. Confirmation of Minutes:**

##### **4.1. Licensing and Regulatory Committee dated 14th January 2020**

We confirmed the minutes of the Licensing and Regulatory Committee dated 14<sup>th</sup> January 2020.

##### **4.2. Licensing and Regulatory Sub Committee dated 14th January 2020**

We confirmed the minutes of the Licensing and Regulatory Committee Sub Committee dated 14<sup>th</sup> January 2020.

**The meeting ended at 10.20 am.**

## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Application to licence a Tuk Tuk as a Private Hire vehicle.  
**DIRECTORATE:** Social Care and Health  
**MEETING:** Licensing & Regulatory Committee  
**Date to be considered:** 3<sup>rd</sup> September 2020  
**DIVISION/WARDS AFFECTED:** ALL WARDS

### 1. PURPOSE:

Monmouthshire County Council's Licensing Section has received an application from Mr Jones for a private hire vehicle. The vehicle to be considered is a Tuk Tuk. Members must determine to issue a licence or reject the application in accordance with Section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that Members consider and determine whether the vehicle, namely a Tuk Tuk owned by Mr Jones, is either -
- Suitable to be licensed as a Private Hire vehicle in Monmouthshire for hire or reward, with the application accepted.
  - Not suitable to be licensed as a Private Hire vehicle in Monmouthshire for hire or reward, with the application refused.

### 3. KEY ISSUES

- 3.1 An enquiry was made to the Licensing Section by Mr Jones as to whether he could licence a Tuk Tuk with Monmouthshire County Council, for the purposes of hire and reward. Mr Jones was informed that there was no policy in place within Monmouthshire County Council for this type of vehicle, and that the Taxi and Private Hire Policy and Conditions would need to be reviewed to accommodate the request.
- 3.2 The Local Government Miscellaneous Provisions Act 1976 section 48 (1)(a) states a Council must issue a Private Hire vehicle licence if they determine the vehicle is suitable in type, size and design for use as a private hire vehicle, not of the appearance of a Hackney Carriage, in a suitable mechanical condition, safe and comfortable. To transport passengers for hire or reward using the Tuk Tuk, Mr Jones would require a Private Hire Operator, Vehicle and Driver Licence.
- 3.3 Mr Jones invited Members of the Licensing and Regulatory Committee and Licensing Officers to view and be a passenger in the Tuk Tuk he wished to licence. On 21st February 2020, Mr Jones produced the vehicle for Members to inspect in Llanfoist, Monmouthshire. County Councillors Jim Higginson and Richard Roden inspected the vehicle and sat in the vehicle to gauge a passenger's experience whilst being transported towards Abergavenny and back to Llanfoist. Linda O'Gorman and Leigh Beach, Officers from Licensing, also attended that day to view the vehicle. Photographs were taken of the vehicle which are attached to this report as Appendix A.
- 3.4 Following the enquiry to licence Tuk Tuks, on 23<sup>rd</sup> June 2020, Monmouthshire County Council revised its Taxi and Private Hire Policy and Conditions to include Tuk Tuk and Rickshaw vehicles. The Section that relates to Tuk Tuks of this revised Policy is attached to this report as Appendix B.

3.5 An application, dated 3<sup>rd</sup> July 2020 was received by the Licensing Section from Mr Jones to licence a Tuk Tuk for the purpose of hire or reward within Monmouthshire. The Policy in 3.4 above states in Appendix M, item 67, that applications for Tuk Tuks, Electrical and Cycle Rickshaws (pedicabs) shall be deferred to the Licensing and Regulatory Committee for consideration, to allow them to be considered on a case by case basis.

3.6 If granted the applicant would be subject to the Policy referred to in 3.4 above. Mr Jones has confirmed the Tuk Tuk will be used for special occasions and pre-booked business contracts only. The vehicle would be licensed for two passengers and will comply with the width requirement for passengers. The vehicle does hold a Motorcycle Single Vehicle Approval (MSVA) certificate, approved by Driver and Vehicle Standards Agency (DVSA) and proof of this has been submitted to the Licensing Section along with the application and vehicle registration form issued by the Driver and Vehicle Licensing Agency (DVLA). The Tuk Tuk has also passed an inspection report from an approved garage with Monmouthshire County Council. The inspection of the vehicle complied with the appearance and mechanical requirements requested within the Policy.

3.7 Mr Jones has applied for a Private Hire Operator Licence and this will be processed if the Private Hire Vehicle Licence is approved for the Tuk Tuk requested within this report. Mr Jones is currently a licensed Hackney Carriage/Private Hire Driver with this Authority.

**4. REASONS:**

4.1 The vehicle does not resemble a Hackney Carriage, mechanically the applicant has provided sufficient proof the vehicle is fit for purpose. Members must consider the information provided to determine if they are willing to licence this type of novelty vehicle for specific private hire use within the Local Authority area, whilst considering its use, size and design and safety.

4.2 The applicant has obtained the relevant Operators Licence and holds a hackney carriage/private hire drivers licence with this Authority. Therefore, subject to approval, Mr Jones could start using the vehicle shortly.

**5. RESOURCE IMPLICATIONS:**

Nil

**6. CONSULTEES:**

None

**7. BACKGROUND PAPERS:**

Local Government (Miscellaneous Provisions) Act 1976.  
Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2020.

**8. AUTHOR:**

Leigh Beach  
Licensing Officer

**Tel:**

**01633 644224**

**Email:**

**[leighbeach@monmouthshire.gov.uk](mailto:leighbeach@monmouthshire.gov.uk)**



## Appendix A





# Appendix B

## Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2020 – Adopted 23<sup>rd</sup> June 2020 (APPENDIX M)

### NON-STANDARD VEHICLES – Executive Vehicles Stretched Limousines, Novelty Vehicles, Tuk Tuks, Electric and Cycle Rickshaws (pedicabs)

#### \*\*\*\*\* ***Tuk Tuks, Electric and Cycle Rickshaws (pedicabs)***

66. With regard to Tuk Tuks, Electric and Cycle Rickshaws (pedicabs), these vehicles do not fall within the set criteria for this Policy, as a result the following conditions apply.

#### **Limitations of Use**

67. Applications for Tuk Tuks, Electrical and Cycle Rickshaws (pedicabs) shall be deferred to the Licensing and Regulatory Committee for consideration, to allow them to be considered on a case by case basis.
68. The vehicle shall only be used for special occasions and pre-booked business contracts. Vehicles licensed within this category shall not be used for everyday private hire use. The vehicle would be licensed as a Private Hire Vehicle except for cycle rickshaws (pedicabs). Non-motorised vehicles cannot be licensed as private hire vehicles, in accordance with Section 48 (1)(a) Local Government (Miscellaneous Provisions) Act 1976. In order for a cycle rickshaw (pedicabs) to be licensed as a hackney carriage vehicle, applicants need to demonstrate how they propose to comply with the Council's Hackney Carriage Vehicle Policy (as far as practicable), which includes tariff and roof signs.
69. The vehicle will be limited to travel at a maximum speed of 30 miles per hour, with specific care exercised when using trunk roads. Such vehicles shall not be used on dual carriageways or motorways.
70. Use of the vehicle will not be permitted if the weather causes hindrance to the stability and use of the vehicle, compromising safety.
71. All other criteria set down within this Policy shall be complied with.
72. The use of the vehicles for weddings and funerals are exempt from the requirement to hold a licence in accordance with Section 75 Local Government (Miscellaneous Provisions) Act 1976. As such, conditions cannot be considered for these purposes.

## **Vehicle Design**

73. Tuk Tuks and Rickshaws whether pedalled, electrically motorised or powered by the traditional two-stroke engine, usually have three wheels. The design of which has the driver/rider to the front and the passengers seated to the rear. Tuk Tuk are the same design as Electric and Cycle Rickshaws (pedicabs). However, Rickshaws are often smaller and can only carry 1 or 2 passengers in the rear of the vehicle
74. For the purpose of calculating the seating capacity of a vehicle the minimum width of passenger seat is 400mm.

## **Transport of Passengers**

75. The number of passengers to be carried shall not exceed the number for which it is licensed, as specified on the licence and the vehicle plate.
76. No person shall be permitted to travel sitting on the lap of any of the passengers. Passengers are to remain seated throughout the journey and be restrained by a lap belt at all times.
77. Children under 16 years of age are not permitted to travel in the vehicle unless accompanied by an appropriate adult. Children under 4 years of age are not permitted in the vehicle.
78. The driver shall not convey any animal unless it is in the custody of the hirer and in any case shall ensure that the animal is securely restrained.

## **Additional Documents Required.**

79. Tuk Tuks and Electric Rickshaws presented for licensing will be required to have either European Whole Vehicle Type Approval (EWVTA) or be approved through the Motorcycle Single Vehicle Approval (MSVA), and be registered with the Driver and Vehicle Standards Agency (DVSA).
80. Cycle-rickshaws must comply, where applicable, with:
  - a. The Pedal Cycle (Construction and Use) Regulations 1983 and The Pedal Cycle (Construction and Use)(Amendment) Regulations 2015.
  - b. The Pedal Bicycle (Safety) Regulations 2010.
  - c. The Electrically Assisted Pedal Cycle Regulation 1983 and The Electrically assisted Pedal Cycle (Amendment) Regulations 2015.

And, in addition, have two rear position lamps and two rear reflectors; where appropriate.

The Tuk Tuk and/or Rickshaws must also be presented for examination and inspection at an approved garage.

### **Appearance and Mechanical Considerations**

81. The vehicle licence plate, issued by the Council, must be affixed to the outside of the rear of the vehicle.
82. Licensed Tuk Tuks and Rickshaws must be fitted with seatbelts or lap belts which will be adequate to retain passengers in the vehicle. The seatbelts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.
83. Licensed Tuk Tuks and Rickshaws must be fitted with passenger doors on both sides of the vehicle, with at least one door allowing for access/egress.
84. No fittings, except those approved by the Council, shall be attached to the inside or outside of the vehicle.
85. The body-work of the vehicle is in good condition and the paintwork is clean and well maintained.
86. Licensed Tuk Tuks, Rickshaws must be kept in good order, the inside and outside clean and braking machinery efficient, with all fixtures and fittings well maintained at all times to prevent injury to any passengers or damage or soiling of clothing or luggage. The vehicle must also be provided with an audible warning device such as a bell or horn.
87. Licensed Tuk Tuks and Rickshaws must have a watertight roof covering. Any rain coverings must be watertight and cover the passenger area. The vehicles must be fitted with retractable rain coverings that cover both sides and rear of the vehicle and are secured to ensure the vehicle remains watertight. The covers must be transparent to allow the drivers and passengers unrestricted views out of the vehicle.
88. The seats of the vehicle must be properly cushioned or covered; fittings and furniture must be kept clean and adequate for the convenience of persons conveyed therein.
89. The floor of the vehicle must be covered in carpet, mat or other suitable, non slip floor covering which is sound and clean.
90. Wheels in the vicinity of the passenger compartment must be covered for the protection of the passengers and their clothing.
91. The tyres must be suitable for the proposed load being carried and must have a clearly visible tread pattern over the entire circumference, and over the full breadth of the tyre with no exposed cord. A suitable spare wheel and tyre is provided and readily available for use, or an alternative temporary repair system

is provided, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.

92. The condition, fixing and routing or positioning of electric cable and fitting, if any, are such that there is no risk of electrical fire or other incident.



## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Application for Street Trading Consent – Mathew’s Mighty Bites, Adjacent to Aldi car park/ BW Autos, Mill Street, Abergavenny, NP7 5HE  
**DIRECTORATE:** Social Care and Health  
**MEETING:** Licensing & Regulatory Committee  
**Date to be considered:** 3<sup>rd</sup> September 2020  
**DIVISION/WARDS AFFECTED:** ALL WARDS

### 1. PURPOSE:

- 1.1 Monmouthshire County Council received an application from Mr Bevan for Street Trading Consent on a yard adjacent to Aldi car park/ BW Autos, Mill Street, Abergavenny, NP7 5HE in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The application has been referred to The Licensing and Regulatory Committee due to the proximity of a nearby Street Trading Consent, and responses received by the Licensing Section during the consultation process.
- 1.3 The Local Government Miscellaneous Provisions Act 1982 Schedule 4, section 2 provides the Council may grant a consent if they think fit.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that Members consider and determine whether -
  - To issue a Street Trading Consent for 12 months.
  - To issue a Street Trading Consent for 6 months, as recommended by Environmental Health.
  - To refuse to issue the Street Trading Consent.

### 3. KEY ISSUES

- 3.1 On 17<sup>th</sup> July 2020 Monmouthshire County Council received a new Street Trading Consent application from Mr Bevan to trade at the yard adjacent to Aldi’s Car Park/ BW Autos, Mill Street, Abergavenny. This was accompanied by the land owners consent. The application and consent is attached as Appendix A. The items to be sold, if the Street Trading consent is granted, are burgers, hot dogs, breakfast rolls, hot and cold drinks.
- 3.2 Leigh Beach, Licensing Officer, informed the applicant that the Licensing Section had already received an application for a Street Trading Consent that was within the vicinity of the pitch that he proposed, and that it conflicted with the Street Trading Policy dated 9<sup>th</sup> February 2016 adopted by Monmouthshire County Council. This policy is attached to this report as Appendix B. Mr Bevan confirmed he had considered the policy and was aware of the other application and still wished to proceed with his application, as he felt he intends to sell different types of food and will only sell similar soft drinks. As such, Mr Bevan submitted the relevant fee to proceed with the application.
- 3.3 The other consent application referred to in 3.2 above was received by Licensing on 28<sup>th</sup> May prior to Mr Bevan’s application and was duly issued on 1 August 2020 by Monmouthshire County Council for a 6 month period to “The Grill at the Mill” trading at The Old Yard, 8 Mill Street, Abergavenny, NP7 5HE. This food catering van is located

approximately 70m from the location Mr Bevan intends to trade. "The Grill at the Mill" sells the following items - soft drinks, cakes, vegetarian dishes, chilli, and potentially pre-cooked meats such as meatballs and gammon. No burgers/sausages/onions fried chips etc. as offered in a burger van environment.

3.4 Licensing conducted a consultation period requesting comments from consultees, the following provided no reply or no objections;

- Environmental Health – Commercial (Food Hygiene Officer)
- Heddlu Gwent Police
- Highways

3.5 The Licensing Section received the following comments -

- Abergavenny Town Council - I have not received any objections from Town Councillors, however comments have been made regarding the potential increase of litter in the area, given that there may be 2 street traders in close proximity.
- Planning - Due to the fact that this is a pitch not a mobile unit moved every day the siting of it would require planning permission for a change of use. Currently the land only has permission for the storage/parking of vehicles not for the use of the site as a café (A3). Therefore planning do not support the application.

*(Planning have confirmed if the vehicle is removed from site each day there will be no requirement for a change of use with planning).*

- County Councillor Maureen Powell (Castle Ward) - Following on from my conversation with the licensing department recently, I see that there is now another application for a burger van on Mr Todd's site. As I said before, the houses at the bottom of Monmouth Road and opposite the Abergavenny Hotel had complained of the smell of cooking fat and were not happy with the position of the van. It is also rather close to the garage repair business where there is oil and fuel. Would this pose a fire hazard? Personally, I have no objections, but I am obliged to pass on wishes of local people.
- Environmental Health (Nuisance Team) - There are residential dwellings in the area the closest at approximately 25 – 30m from the site. In view of the proposed early morning start of 7am Mondays to Saturdays inclusive and the hot food being cooked eg burgers, hot dogs etc, I am concerned that there may be the potential for some inconvenience to be caused to the nearby residents from noise such as customers arriving / leaving, voices and odour from the cooking of food. Please note Officers of this section are unlikely to be in a position to require such complaints of noise / odour to be resolved through the use of the statutory nuisance legislation in our remit. I therefore recommend that the licence, if granted, is for an initial 6 month trial period to enable any complaints to be considered and if appropriate investigated.

3.6 The relevant parts of the Street Trading Policy dated 9<sup>th</sup> February 2016 referred to in 3.2 above states the following:-

*"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"*



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

3.6.2 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

3.6.3 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

3.6.4 The use shall not be located within 100 metres of an existing shop, restaurant, hot food take-away, those holding a street trading consent and market (which includes block consents) which primarily sells the same goods. This may be relaxed for one-off or short-term applications.

3.6.5 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.

3.6.6 When issues cannot be resolved, the application will be deferred to the Licensing and Regulatory Committee to be determined.

#### **4. REASONS:**

4.1 The application for street trading consent is approximately 70m of an existing trader however the applicant believes they will not be in direct competition as they intend to sell different types of food and may only sell similar soft drinks. The policy states 100m is the recommended minimum distance to other Street Trading consents as outlined in 3.7.4 above.

4.2 Concerns have been raised through the consultation process for members of the Licensing and Regulatory Committee to consider outlined in 3.5 of this report. Ultimately, the Committee must hereby decide if they are willing or not to deviate from the policy on this occasion, for the reasons mentioned above, and/or consider the consent period.

#### **5. RESOURCE IMPLICATIONS:**

Nil

#### **6. CONSULTEES:**

None

#### **7. BACKGROUND PAPERS:**

- 8. AUTHOR:**  
Leigh Beach  
Licensing Officer  
**Tel:** 01633 644224  
**Email:** leighbeach@monmouthshire.gov.uk

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

<b>1. APPLICANT DETAILS</b>	
Full Name:	[REDACTED] bevan
Current Residential Address:	[REDACTED]
Telephone Number:	[REDACTED]
Mobile Number (optional):	
Email (optional):	[REDACTED]
Date of Birth: (DD/MM/YYYY)	[REDACTED]
National Insurance Number:	[REDACTED]
Are you entitled to work in the UK	Yes
Do you have any unspent convictions? (If yes please state details)	NO
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	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.	N/A

3. TRADING DETAILS	
Trading Name: (If applicable)	Mathew's mighty bites
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)	Adjacent to aldi car park/bw autos mill street abergavenny  np7 5he
Do you have permission from the owner of the land where you wish to trade? <b>(If yes please ensure that you submit a copy of the written permission)</b>	Yes
Please provide contact details for the owner of the land: (Please include name, address and telephone number )	Jp tod commercials walnut tree garage mill street abergavenny np7 5he [REDACTED]
Please provide details of the articles which you wish to sell:	Burgers hot dogs breakfast rolls hot drnks cold drinks
Please provide a description of the stall, vehicle and equipment you wish to use: (size, trailer, gas and electrical appliances, generators, etc) (Reg number if using vehicle)	14 x 7.6ft catering trailer. Lpg gas hot plate gas baine marie and tea ern mains electric cooker

	fridge freezer
Full address of location where the stall or container will be stored when not in use:	Location of pitch behind locked gates.

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 <b>maximum of 60 days</b> to be determined) If a day consent please state the date you require: _____	Annual Street Trading Consent  Daily Street Trading Consent
Are there any other consent holders in the vicinity? (If yes please give further details)	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:	7 am till 2 pm
	Tuesday:	7 am till 2pm
	Wednesday:	7 am till 2pm
	Thursday:	7 am till 2pm
	Friday:	7 am till 2 pm
	Saturday:	7 am till 2pm
	Sunday:	

6. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£502.70 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](http://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.

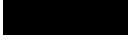
PLEASE NOTE: The Council's Licensing Committee is, with specific exceptions, a public forum. Not all applications require consideration by the Committee. Where our processes, as defined by relevant legislation, policies and guidance, require your application for a licence/permit/consent to be considered by the Licensing Committee, the identifying details you provide in your application may appear on documents which are considered by the Committee and are therefore available to the public. The personal information you provide will be used only for purposes related to the assessment of your application and future management of any licence/permit/consent granted. If you believe there is a legitimate reason for non-publication of your personal data, please provide those reasons with your application so that they can be considered in advance of preparation of Committee papers.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering

public funds for these purposes. For further information, see [NFI information on MCC website](#) or contact the Audit Manager on 01633 644258

**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: Mathew Tyrone Bevan    Date: 22/06/2020

## **GENERAL**

Where an application has been approved the following also will be required prior to the issue of Street Trading Consent:-

- **An original copy of a 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.**

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 not renewed, or in a prosecution.

The granting of a Street Trading Consent does not in any circumstances 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 his 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 a Street Trading Consent at any time without compensation.

Please send completed application to:-

Licensing Section  
Monmouthshire County Council  
Abergavenny Community Education Centre  
Old Hereford Road  
Abergavenny  
NP7 6EL  
Telephone: 01873 735420  
Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)

### **Street Trading Fees**

<b>Type of Street Trading Consent</b>	<b>Full Fee</b>	<b>10% Admin Fee</b>
Annual Street Trading Consent	£457:00	£45.70
Daily Street Trading Consent	£46 per day	£4.60

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, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL

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: 20-18-23

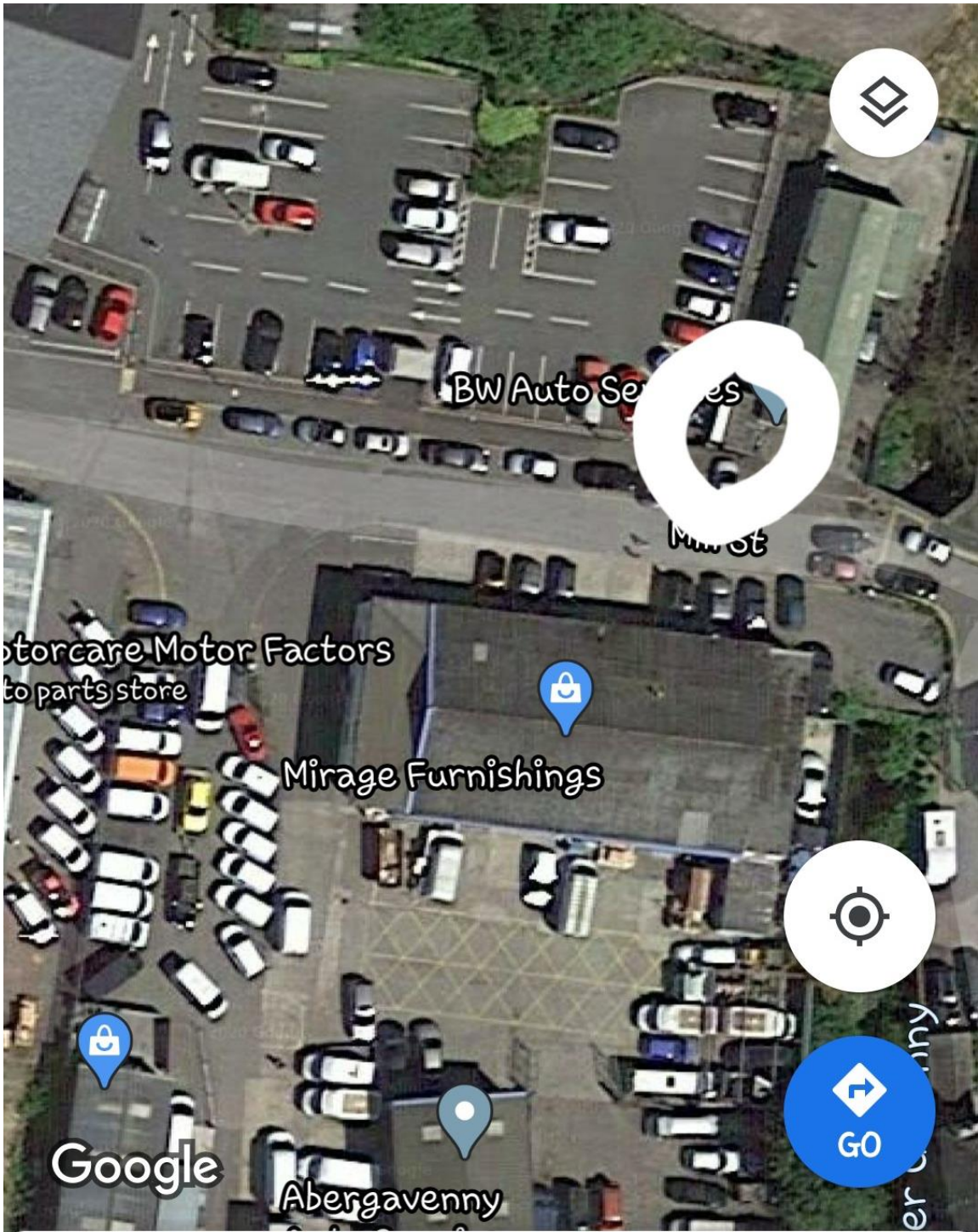
Account Number: 13996565

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](mailto: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).





[REDACTED]  
Tel: [REDACTED]

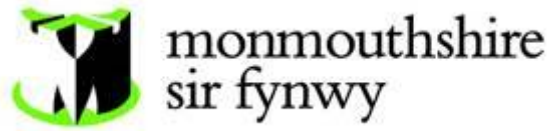
The 22nd of June 2020

To whom it may concern,

I am writing this letter to confirm that [REDACTED] Bevan is authorized by myself, [REDACTED], as the landlord/owner of the burger van pitch adjacent to the Aldi car park and BW auto services, Mill Street Abergavenny to operate and trade a catering van at this location. This pitch was established as a trading pitch for burger/catering vans for Mad Dog Catering and more recently for [REDACTED], which has off-road parking facilities, access to fresh water, mains electricity and a exclusive use of a toilet and hand washing facilities. I am also led to believe and have been contacted by [REDACTED] that he will be applying for a catering license at the other end of the street and will by no means be selling competing goods/foods/drinks to Mr [REDACTED] Bevan.

Yours sincerely,

[REDACTED]



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

MONMOUTHSHIRE COUNTY COUNCIL

**STREET TRADING POLICY AND CONDITIONS**  
**Revision : 9<sup>th</sup> February 2016**

# STREET TRADING POLICY

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## Introduction

This Authority's Street Trading Policy was originally adopted in June 2014. It was amended in February 2016 to include necessary updates.

The aim of the Policy is to control street trading and sets out the Council's standards for determining applications and enforcement of street trading activities, in Monmouthshire.

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

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 revised Policy takes effect on 9<sup>th</sup> February 2016.

### 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 undertaken in a market or fair, the right 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 news vendor, 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 together with any additional conditions attached to the licence. For example, if a Town Council holds the Block Consent, they will ensure compliance with their conditions.

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

- A market approved by the Council.
- A Town or Community 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 Consent, 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 to know 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, those holding a street trading consent and market place (which includes block consents)
- The use shall not be located within 100 metres of an existing shop, restaurant, hot food take-away, those holding a street trading consent and market (which includes block consents) which primarily sells the same goods. – 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. Unless otherwise agreed in writing by Monmouthshire County Council.
- The use shall not be permitted within 500 metres of the boundary of any school or college, whilst pupils attend the school or college. Unless otherwise agreed in writing by Monmouthshire County Council.
- The use shall not be permitted within 30 metres of any roundabout, road junction or pedestrian crossing, the permitted meters are subject to change if it is proven it will not affect road safety.
- 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. However, each application will be treated on its own merit.
- 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.
- The use and siting of the trader shall not contravene Traffic Regulation Orders, Highway Law or cause an immediate danger or obstruction to the highway and highway users.
- 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.
- Consent is dependent on the landowner's permission to allow trading. Should the landowner withdraw their permission, the Licensing Authority would also withdraw the street trading consent.

## 8. Prohibited Goods

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

- 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, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL:-

- 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.
- A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each application will be treated on its own merit.
- Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary 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](http://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
- County Councillors 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, whilst pupils attend the school or college, 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 a meeting with an authorised officer following objections, fails to meet the criteria or if matters cannot be resolved, the application will be deferred to

the Licensing and Regulatory Committee to be determined. Except where objections are received for safety reasons the Head of Regulatory Services 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 offer of a Street Trading Consent and make full payment within 21 days or request to be invoiced (once invoiced arrangements can be made to set up direct debit payments with Monmouthshire County Councils Finance Department).

If after 21 days the applicant has not made any payment provisions, a letter will be sent reminding them of the need to make a full payment or request an invoice as above. If the fee is still not received within five working days, following this letter, 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 and the application process will start again.

A street trading consent will not be issued until the street trading fee has either been paid in full or invoicing arrangements has been made.

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 comply with the Street Trading Consent and its conditions may result in the consent being revoked or refusal to renew, or may be subject to legal proceedings. As such, Consent holders are requested to familiarise themselves and their employees with the conditions attached to their Street Trading Consent.

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

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.

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.

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 11<sup>th</sup> 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 consent') 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 consent 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 consent 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 consent, (iii) uses the consent 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 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 the 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, Welsh Ministers 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 a 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 immediate 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 lawfully 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 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.
41. Mobile Street trading consent holders must not obstruct a driveway so as to prevent access.

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