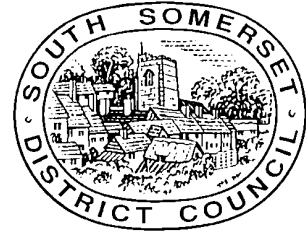


South Somerset District Council

Notice of Meeting



Scrutiny Committee

Making a difference where it counts

Thursday 1st June 2017

10.00 am

**Council Chamber B, Council Offices
Brympton Way, Yeovil BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting.

Chairman: Sue Steele
Vice-chairmen: Dave Bulmer and John Clark

Jason Baker
Carol Goodall
Tony Lock
Paul Maxwell

David Norris
Alan Smith
Rob Stickland
Gerard Tucker

Martin Wale
Colin Winder

If you would like any further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 22 May 2017.

Ian Clarke, Director (Support Services)

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**



Information for the Public

What is Scrutiny?

The Local Government Act 2000 requires all councils in England and Wales to introduce new political structures which provide a clear role for the Council, the Executive and non-executive councillors.

One of the key roles for non-executive councillors is to undertake an overview and scrutiny role for the council. In this Council the overview and scrutiny role involves reviewing and developing, scrutinising organisations external to the council and holding the executive to account

Scrutiny also has an important role to play in organisational performance management.

The Scrutiny Committee is made up of 14 non-executive members and meets monthly to consider items where executive decisions need to be reviewed before or after their implementation, and to commission reviews of policy or other public interest.

Members of the public are able to:

- attend meetings of the Scrutiny Committee except where, for example, personal or confidential matters are being discussed;
- speak at Scrutiny Committee meetings (limited to up to 3 minutes per person and at the Chairman's discretion usually no more than a total of 15 minutes is allocated for public speaking); and
- see agenda reports.

Meetings of the Scrutiny Committee are held monthly on the Tuesday prior to meetings of the District Executive at 10.00am in the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of these meetings are published on the Council's website www.southsomerset.gov.uk.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Scrutiny Committee

Thursday 1 June 2017

Agenda

Preliminary Items

1. Minutes (Pages 5 - 12)

To approve as a correct record the minutes of the previous meetings held on 4 April 2017 and 18 April 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. Public question time

5. Issues arising from previous meetings

This is an opportunity for Members to question the progress on issues arising from previous meetings. However, this does not allow for the re-opening of a debate on any item not forming part of this agenda.

6. Chairman's Announcements

Items for Discussion

7. Verbal update on reports considered by District Executive on 6th and 18th April 2017 (Page 13)

8. Reports to be considered by District Executive on 1st June 2017 (Page 14)

9. Street Trading Policy - Draft Report of the Task and Finish Group (Pages 15 - 71)

10. Appointment of Members to Somerset Waste Board Informal Joint Scrutiny Panel (Page 72)

11. Appointment of Members to Somerset Rivers Authority Scrutiny Panel (Pages 73 - 76)

12. Verbal update on Task and Finish reviews (Page 77)

13. Update on matters of interest (Page 78)

14. Scrutiny Work Programme (Pages 79 - 81)

15. Date of next meeting (Page 82)

Agenda Item 1

South Somerset District Council

Draft Minutes of a meeting of the **Scrutiny Committee** held in **Council Chamber B, Council Offices, Brympton Way, Yeovil on Tuesday 4 April 2017.**

(10.00 am - 11.40 am)

Present:

Members: Councillor Sue Steele (Chairman)

Jason Baker	Sue Osborne
Amanda Broom	Rob Stickland
John Clark	Linda Vijeh
Val Keitch	Martin Wale
Tony Lock	

Also Present:

Henry Hobhouse	Angie Singleton
Ric Pallister	

Officers

Jo Wilkins	Senior Policy Planner
David Norris	Development Manager
Martin Woods	Director (Service Delivery)
Jo Gale	Scrutiny Manager
Becky Sanders	Democratic Services Officer

131. Minutes (Agenda Item 1)

The minutes of the meeting held on 28 February 2017 were approved as a correct record and signed by the Chairman.

132. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Dave Bulmer and David Norris.

133. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

134. Public question time (Agenda Item 4)

There were no members of public present at the meeting.

135. Issues arising from previous meetings (Agenda Item 5)

There were no issues raised from previous meetings.

136. Chairman's Announcements (Agenda Item 6)

The following announcements were made by the Chairman and Vice-Chairman:

- A reminder to members of the Special Scrutiny Committee and District Executive meetings to be held on Tuesday 18 April 2017.
 - A reminder of the briefing for all members on 10 April 2017.
 - At the Transformation Board held on the 8 March a governance structure had been presented. In future there will be quarterly monitoring reports to District Executive and so Scrutiny Committee would have the opportunity to comment. The Transformation Board had been re-named. The Scrutiny Chairman and Vice-Chairman were now on the re-named 'Transformation – High Level Steering Group'
 - Councillor Mike Beech had resigned from the Scrutiny Committee and the Somerset Rivers Authority (SRA) Joint Scrutiny. Being so close to the end of the municipal year a new appointment to the SRA Joint Scrutiny would not be made until after Full Council in May.
-

137. Verbal update on reports considered by District Executive on 2 March 2017 (Agenda Item 7)

The Chairman noted that the Scrutiny comments had been considered and were included in the District Executive minutes which had been circulated.

138. Reports to be considered by District Executive on 6 April 2017 (Agenda Item 8)

Members considered the reports within the District Executive agenda for 6 April 2017 and made the following comments:

Approval of Local Development Scheme (2017-2020) (Agenda item 6)

- With regard to the Boundary Commission and the current review of the ward boundaries - they need a lot of information will this be manageable with the current resources of the Planning Policy team?
- Scrutiny considered the Risk Matrix and asked what the main threats are, how they would be mitigated and if resources would be required.
- Para 9 on page 5 – What happens if we do not meet the March 2018 target for a review?
- Page 12 table – How are we going to manage the Community Infrastructure Levy until 2018?
- Para 5.4 on Page 16 – How will it be monitored?
- Some members sought clarification that the Inspector's comment about a review for Wincanton was effectively a recommendation rather than a requirement?
- Members also noted that equalities analysis work also needs to be undertaken and have regard to this when contracting consultants to do work also.

Proposal to Establish a Commercial Income Generation Fund (Agenda item 7)

- Query if there is a need to do this now. Some background information would be useful to justify the required amount.
- Why agree this now before the Council Plan and Capital Programme have been agreed? Is there the capital available to be ring-fenced?
- If going into the commercial world then the democracy factor is likely to be a cause of delay. Concerns that we won't be in a position to move swiftly enough.
- Understanding that there will be a need to look at internal processes and officer delegations, Scrutiny Committee would like to help support the work to identify the most effective and efficient process to do this.
- Is there a need to separate out the two funds? Scrutiny Committee recommend District Executive consider the removal of this separation to prevent inflexibility in the future.
- Committee feel that the report is lacking information and it was only because of being able to ask the Portfolio Holder and Leader several questions that the committee have reached a position where they are able to support this recommendation, the content of reports should be understandable for the public!

Business Rates Relief – Spring Budget 2017 Measures (Agenda item 8)

- Scrutiny made no comments and supported the recommendations.

Capital Programme 2017/18 to 2021/22 (Agenda item 9)

- Members noted this item would now be considered at the District Executive meeting on 18 April 2017.

Implementing Charges for Pre-Application Development Control Advice (Agenda item 10)

- Members asked which category residential development on farms would be in, for example, an agricultural worker dwelling?
- Scrutiny sought clarification that the fees indicated are cost-covering rather than profit making. It was suggested that the fees should be reviewed regularly.
- Page 44 – Exemptions – members sought clarity about what was meant by 'community uses' and what it would cover.
- Committee members recommend that this arrangement is reviewed in a years' time in terms of recouping costs and the revaluation of the fees

Community Right to Bid Half Year Report – October 2016 to March 2017 (Agenda item 11)

- Scrutiny made no comments.

District Executive Forward Plan (Agenda item 12)

- Members noted some officer contact names needed to be updated.

139. Disposal of Third Party Properties - Draft Report of the Task and Finish Group (Agenda Item 9)

The Scrutiny Manager presented the report as detailed in the agenda and provided a brief overview of the Task and Finish work. She explained that members needed to consider endorsing the report for recommendation to District Executive.

Members raised a few comments about the disposal of properties in general, and it was also noted there had been several more disposals since the date of the appendix in the report.

At the end of the brief discussion members were content to endorse the report and recommend it to District Executive.

ACTION: The Scrutiny Manager to forward the report to District Executive.

140. Verbal update on Task and Finish reviews (Agenda Item 10)

Members noted the updates provided the Scrutiny Manager and Task and Finish Group Chairman on each of the Task and Finish groups currently in progress:

Street Trading – The work had finished and the final report would be made to the next Scrutiny meeting for endorsement before being forwarded to the Licensing Committee for consideration.

Council Tax Support - The Revenues and Benefits Manager is currently collecting evidence from South Gloucestershire and Bath & North East Somerset Councils. When this information is received we can build a picture of the level of savings that could potentially be made, the impact on recipients and the risks.

Community Council for Somerset – This work had been put on hold. Previously members had requested a presentation on the work of the Yeovil One Team, but because Village Agents were not across the whole district there would always been some disparity. A discussion had taken place with the SSDC Senior Leadership Team about this review and it had been deemed that it was no longer an urgent issue.

The Scrutiny Manager also noted:

Rural Allocations Policy – The Disposal of Third Party properties had highlighted issues with the Rural Allocations Policy and some work needed to be done to review the policy.

141. Update on matters of interest (Agenda Item 11)

Councillor John Clark referred to a briefing paper that he had circulated to members in advance of the meeting regarding the proposed Somerset & Devon Joint Committee and Productivity Plan (previously referred to as Devolution). He drew members attention to points raised at the Leaders meeting on 17 March and responded to comments raised during a short discussion, and clarified who attends the Leaders meetings both from SSDC and the other authorities.

The Chairman noted she had had a meeting with Chief Executive and Leader and raised concern about the lack of resource to undertake a Scrutiny review on the matter. She noted it was near the end of the Council year and she suggested holding on the consideration of a possible review until the membership of Scrutiny Committee for the coming year was known. Another member also suggested stalling a possible review until the next update report, due in July, had been considered at Full Council.

At the end of discussion it was generally agreed to put a hold on the possibilities of undertaking a Task and Finish review until more information was known and the update report in July to Council had been received.

142. Scrutiny Work Programme (Agenda Item 12)

The Scrutiny Manager explained that following the report to Council about Council Tax Penalties, it had been suggested there was monitoring undertaken to ensure that we are not spending more on administration of the penalties than we are actually receiving in penalties. Members agreed for this to be added to the Scrutiny Work Programme for October.

The Scrutiny Manager requested members to give thought to any performance information they may like to see captured in preparation for the item in May regarding the Review of Performance Indicators. She reminded members that benchmark data would need to be collated in order to manage, and monitor, performance as the authority goes through Transformation.

ACTION: The Scrutiny Manager to add Monitoring of Council Tax Penalties to the Scrutiny Work Programme for October.

143. Date of next meeting (Agenda Item 13)

Members noted the next meeting of the Scrutiny Committee would be held at 10.00am on 18 April 2017, in the Council Chamber, Brympton Way.

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Chairman

South Somerset District Council

Draft Minutes of a meeting of the **Scrutiny Committee** held at **the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT** on **Tuesday 18 April 2017**.

(10.05 - 11.50 am)

Present:

Members: Councillor Sue Steele (Chairman)

Jason Baker	David Norris
Dave Bulmer	Sue Osborne
John Clark	Rob Stickland
Val Keitch	Linda Vijeh

Also Present:

Ric Pallister	Angie Singleton
Jo Roundell Greene	Derek Yeomans
Gina Seaton	

Officers

Alex Parmley	Chief Executive
Andrew Gillespie	Performance Manager
Paul Fitzgerald	Section 151 Officer
Catherine Hood	Finance Manager
Jo Gale	Scrutiny Manager
Becky Sanders	Democratic Services Officer

144. Apologies for absence (Agenda Item 1)

Apologies for absence were received from Councillors Amanda Broom and Tony Lock.

145. Declarations of Interest (Agenda Item 2)

There were no declarations of interest.

146. Public question time (Agenda Item 3)

There were no members of public present at the meeting.

147. Chairman's Announcements (Agenda Item 4)

There were no announcements made by the Chairman.

148. Reports to be considered by District Executive on 18 April 2017 (Agenda Item 5)

Members considered the reports within the District Executive agenda for 18 April 2017 and made the following comments:

SSDC Council Action Plan 2017-18 (Agenda item 5)

- Some members questioned the process that had been gone through to establish the priorities and felt this needed to be improved upon in the future, particularly to know what projects or areas of work may not proceed or will be delayed.
- The Committee felt that the Transformation Priority should be rephrased to also include Income Generation.
- Members are unsure with regard to the phrasing of the last two priorities as these are not SMART and are more aspirational. Is it therefore right that these should be included as a priority particularly when they are not entirely in SSDC control?
- Members feel the wording of priority 6 is very strong with the use of 'ensure' and 'needs are met'.
- Members appreciate that we still have the funds set aside for the superfast broadband.
- There are * next to some of the names of services under the titles By Partnerships or Shared Services and Directly Provided by SSDC, these need explaining or removed.
- Members questioned if Area Working will remain.

SSDC Transformation Project (Agenda item 6)

- Members questioned the makeup of the redundancy provisions and the additional capital expenditure budget.
- Members suggested that the graph shown in the member presentation with regard to the investment / headline business case was made available to all members for Full Council.
- The contingency figures for Capital and Revenue appear very low. Please can you explain what this provision is specifically for and if there is contingency provision elsewhere in the budget? If there isn't enough contingency where would the additional funding come from?
- Scrutiny would like to be involved in identifying the Key Performance Indicators for Transformation.
- It was queried if the fourth director post was necessary.
- Members sought reassurance what could be done if the underspends did not come forward towards the £1,100,000 for the redundancy reserve.
- The risk assessment table has no recognised risk of the potential reputational impact of transformation on customers and partners, please can this be included.
- Under the governance arrangements it should be made clear that the appointment to the High level steering group role is Scrutiny Chair and Vice Chair.

Capital Programme 2017/18 to 2021/22 (Agenda item 7)

- Paragraph 7 shows possible capital bids for the next 5 years estimated at 21.2 million yet we currently only have 17.6 million, should we be reviewing the capital

strategy scoring methodology to fit the more commercial investment vs corporate priorities?

149. Date of next meeting (Agenda Item 6)

Members noted the next meeting of the Scrutiny Committee would be held at 10.00am on 9 May 2017 in Council Chamber A at Brympton Way.

(Post meeting note: the May meeting of Scrutiny Committee was cancelled.)

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Chairman

Agenda Item 7

Verbal update on reports considered by District Executive on 6th and 18th April 2017

The Chairman will update members on the issues raised by Scrutiny members at the District Executive meetings held on 6th and 18th April 2017.

The draft minutes from the District Executive meetings held on 6th and 18th April have been circulated with the District Executive agenda.

Agenda Item 8

Reports to be considered by District Executive on 1st June 2017

Lead Officer: Jo Gale, Scrutiny Manager
Contact Details: joanna.gale@southsomerset.gov.uk or 01935 462077

Scrutiny Committee members will receive a copy of the District Executive agenda containing the reports to be considered at the meeting on 1 June 2017.

Members are asked to read the reports and bring any concerns/issues from the reports to be discussed at the Scrutiny Committee meeting on 1 June 2017.

The Chairman will take forward any views raised by Scrutiny members to the District Executive meeting on 1 June 2017.

Please note:

The Press and Public will be excluded from the meeting when a report or appendix on the District Executive agenda has been classed as confidential, Scrutiny Committee will consider this in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3 (or for any other reason as stated in the District Executive agenda):

“Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 9

Street Trading Policy – Draft Report of the Task and Finish Group

Lead Officer: Nigel Marston, Licensing Manager

Contact Details: nigel.marston@southsomerset.gov.uk or 01935 462150

Purpose of the Report

To present the review methodology and findings of an Overview and Scrutiny Task and Finish group that conducted a review of the Street Trading policy at the request of the Licensing Service Manager.

Action Required

Scrutiny Committee members are asked to consider the draft report (as attached) of the Task and Finish Group and endorse the recommendations to the Licensing Committee and District Executive.



Review of Street Trading Policy – Report of the Scrutiny Task and Finish Group

May 2017

Chair's Foreword

The Task and Finish Group was commissioned to conduct a thorough and detailed review of the current Street Trading Policy.

This report sets out the work of the Task and Finish group and recommends a revised policy.

I would like to take this opportunity to thank the officers who supported us on this review to make informed decisions, produce this report and revised policy.

Martin Wale

Task and Finish Review Chair

Task and Finish Group Membership

- Councillors Martin Wale (Chair),
- Jason Baker
- Val Keitch
- Tony Lock
- Rob Stickland
- Tony Capozzoli
- Neil Bloomfield

All members worked collectively with the support of Emily McGuinness - Scrutiny Manager and Nigel Marston Licensing Manager

Review methodology:

As with all Scrutiny Task and Finish work, members first agreed their Terms of Reference, in this case, that they would:

- Conduct the review as commissioned by the Scrutiny Committee.
- Submit regular update reports to the Scrutiny Committee.
- Conduct detailed research and analysis in order to make well-evidenced recommendations to the Executive, Licensing Committee and Council as appropriate.
- To engage members, officers, members of the community and external witnesses in the review as appropriate.

The Task and Finish Group conducted a thorough and detailed review of the current Street Trading Policy in 5 stages, namely:

1. To review the existing policy.
2. To propose a new policy.
3. To undertake consultation on the new policy.
4. To consider the consultation responses received.
5. Having reviewed the responses, to amend the new policy as necessary before the policy is taken through the required committee procedures.

Phase One: Review of Existing Policy

The existing Street Trading Policy was adopted by Council in November 2010 and has been in operation since that date.

The policy has proved to be robust and has stood up to legal challenge in the Magistrates' Court and also in the Crown Court on appeal. It was noted by the Judge in one case that the policy was clear unambiguous and easy to understand.

There have been changes since the last policy was agreed, most notably that the responsibility for administering and enforcing street trading in Wincanton and Yeovil has returned to the district council. Members recognised that in light of this, the policy required updating to reflect this.

As the policy was working well, it was the opinion of the group that no further major changes to the policy were required. The Licensing Manager was asked to draft a new policy to reflect this and to bring the policy back to the group prior to consultation.

Proposal & Consultation

The new policy was prepared and submitted to the task and finish group.

The group decided to undertake a consultation on the new policy from the 5th December 2016 to 3rd February 2017. This 9 week consultation period was felt necessary to ensure a wide range of responses were received and that traders who would be busy in the run up to Christmas, would have sufficient time to respond.

The consultation was sent to current street traders, all town and parish clerks, in addition a press release was sent out to all press agencies drawing their attention to the consultation.

Consideration of Responses

Members of the Task and Finish Group were supported by the Licensing Manager in this element of their work. A total of 15 responses from a wide variety of organisations were received to the consultation. A full list of the responses and the groups comments on each are attached as Appendix One

Many of the comments were discounted after consideration as members felt that the policy already covered these points. Other comments were considered to be helpful and minor alterations to the policy were made as a result.

There were two particular areas that members felt required further input, these were carnivals and mobile traders such as ice cream sellers and sandwich rounds. The Licensing Manager was requested to look at both of these issues and provide members with an opportunity to look at these two particular areas in more detail.

Carnivals

The Licensing Manager reported back to members that other Somerset Council's do not charge a fee for street trading at carnivals. In other areas of the country street trading at carnivals is chargeable.

Members were keen to support carnivals but were not entirely convinced that such a large scale event should be totally exempt. It was therefore suggested that carnivals should be able to apply for an exemption from the requirements of street trading. This was on the proviso that they submitted an application with relevant supporting documentation and paid a nominal fee designed purely to cover the cost of dealing with the application and providing the exemption certificate. It was suggested that this fee should be no more than £50.00, with the exact fee to be determined via the normal fee setting process. It was agreed that the policy be amended to reflect this.

Mobile Sandwich Delivery & Ice Cream Sellers

Research was carried out looking at other licensing authorities and how they treat mobile ice cream vendors and sandwich rounds. It is clear that if they are at a venue in a fixed spot they will require permission unless it is an event that requires payment to enter. However if they are mobile there is no uniform approach. It is apparent that some have treated them as roundsmen, South Somerset District Council is a case in point. However R v Bulldog which was an ice cream sales company who challenged Brighton council, states from the court ruling that ice cream vendors could not be treated as roundsmen.

Hillingdon Council in London were identified as a council who deal with them as itinerant vendors and therefore do not issue them with a licence or consent unless they are static. The same can be said of North Somerset Council and Sedgemoor District Council.

The only issue that would need to be clarified is how long a trader can stay in one place to be regarded as static. This is a common sense issue and we would consider 15 minutes long enough in one road. As identified previously this is the time limit used by London local authorities.

The issue of enforcement of any kind in respect of itinerant street traders is very difficult as they may have a route they follow but this is open to change by the nature of their business and it would clearly be time consuming and inefficient to wait to see if someone is operating with or without a consent. In addition to this fact, the licensing team do not currently have any capacity to undertake further enforcement.

In conclusion members were of the opinion that any sort of control by the licensing department of mobile street vendors which are not static or part of an event was unnecessary and the policy should be amended to make it clear that these types of traders are to be considered exempt from street trading.

The Task and Finish group Recommends:

- (1) Recommend the adoption of the revised Street Trading Policy as detailed in the appendix
- (2) Request that Council delegate the power to make any minor amendments to the Street Trading Policy to the Licensing Manager in consultation with the Director for Service Delivery.

Appendix One – Consultation responses and Task and Finish group comments

Appendix Two – Revised Street Trading proposal

Appendix 1 – Consultation Responses

Comments received from :	Comments Made	Response to Comments
<p>Wincanton Carnival Association</p>	<p>Page 4, para 3, Exemptions from the need to obtain consent, 1st bullet</p> <p>Council’s implementation of persons trading as pedlars, needs to be improved. They should be included the same as any other street trader – they have mobile units, and do not walk to a carnival event.</p> <p>If the certificates are issued by the police, perhaps talks on the design of the certificate can be held. They currently have no photo, can easily be photocopied, need laminating to prevent fraud. Then it needs looking at whose responsibility it is to enforce what the guidelines are that they have to walk to hawk, and only carry their goods.</p> <p>As a carnival we have no powers to stop them turning up, they cause problems in the traffic flow of the procession, as at times dangerous in how they wheel their trolleys out of the procession vehicles, and the crowds, and so on. It needs establishing who is the authority who controls them, if the police issue the licence, then they say they have no powers to move them on, if it is a licensing issue then SSDC needs to up its game. It is difficult to see what they are charged for their certificate. They should be treated as Street Traders, when they attend carnivals – they trade - not peddle/hawk.</p> <p>Page 5, 5th bullet</p> <p>Insert Carnival wares, i.e. programmes, items such as hawkers</p>	<ol style="list-style-type: none"> <li data-bbox="1451 456 2051 842">1. This section relates entirely to pedlars/hawkers. The legislation that controls the activities of pedlars is the Pedlars Act 1871. The Pedlars Act 1871 contains its enforcement powers in sections 17 to 20. These sections all clearly state that a constable or officer of police has the power for enforcement within these sections. There is no duty, responsibility or authority within this act to allow for local authority enforcement. <li data-bbox="1451 1321 2051 1383">2. Not necessary as selling for non-commercial purposes by carnival organisations or

	<p>sell, but at a much lower price. Hawkers should not be exempt.</p> <p>Page 5, 10th bullet</p> <p>Insert Carnival. Traders who donate to carnival should be exempt from paying the fee. Food traders in Somerset come from a long family tradition of supporting carnival. The hike in fees last year to £57, nearly resulted in us not having Food Traders. They did give a donation, but it must have hit their profit of the evening. In addition, one of the traders supported carnival by supplying food at 50% cost, and so gave even more to the carnival. I believe in other local District councils, the Food Traders on carnival night do not have to pay a fee, provided they make a donation. Alternatively, the council could look at reducing the fee to what it was £12, as they are only there for 3 hours, and not like a street trader trading all days for the same fee. Perhaps the council could reintroduce a reduced rate or even better still a zero rate for these traders.</p> <p>Page 6, para 4, last para</p> <p>After Council's Licensing Manger insert “, and needs to be included in the event's contingency plan,”</p> <p>Page 9 Yellowed paragraphs</p> <p>Should this consent apply to hawkers as well. They speak no English, they do not contribute to carnival. They may even be illegal immigrants. The identification badge/permit has to be of a better design, with photo ID and forger- resistant.</p>	<p>community groups is already covered by an exemption.</p> <p>3. This was discussed at length and members felt that in order to support carnival an exemption scheme could be introduced. This would mean that a carnival could apply for their event to be exempt from the street trading regime. Upon receipt of an application supported by relevant documentation and a nominal fee to cover the cost (to be determined) an exemption certificate could be issued to the carnival.</p> <p>The carnival would then be free to organise their own traders.</p> <p>4. Not necessary</p> <p>5. See point 1 above.</p>
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	<p>Page 9, para 7</p> <p>Hawkers should be issued with a 'Plate for each of their 'units, whether they be converted shopping trolleys or more sophisticated units. '. Issuing of the plate should only be given when the hawker can show they have donated to the charitable event.</p> <p>Page 10, para 5</p> <p>Food Traders have long memories in relation to position at a carnival, even after a 6 year gap. They demand a certain spot and get very aggressive if they do not get their spot. Need to have some wording here which indicate to traders that their pitch is not for ever, and that organisers can chose who they invite to a carnival. I recognise that the wording hers is meant for actual street market type trading.</p> <p>Page12 Section 6, yellow para</p> <p>This would not apply to carnival -the organisers should be free to invite who they wish.</p> <p>Page 12, section 7 Fees</p> <p>Strongly ask that street traders who come on invitation to a carnival be allowed a nil fee charge, provided they have donate to the carnival – they are only there a short time. Some councils do not charge for carnivals. It cost us over £8000 to put on this year's carnival – a lot of expense for 2 hours of fun. We need the support of the traders.</p>	<p>6. See point 1 above</p> <p>7. See pont 3 above which resolves this issue.</p> <p>8. See point 3 above, which resolves this issue for carnivals.</p> <p>9. See point 3 above which resolves this issue for carnivals.</p>
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	<p>Final comments</p> <p>Licensing Officers, with police, should be in attendance at all events where Hawkers, in particular, attend, to enforce licensing measures.</p> <p>The problem of the Hawkers should be tackled and not just ignored. Both police and council say it is not their responsibility. It has to be someone's – they are trading, they are not hawking in the legal sense. They cause danger, and exploit the families that foolishly buy.</p> <p>Exemption of fees could follow practice of other district councils – Mendip for example does not charge food traders for carnival, which helps to cover the costs involved, as the traders donate to the carnival.</p> <p>On behalf of Wincanton Carnival Association</p>	10. See point 1 above.
Yeovil Chamber of Trade	<p>I am writing in response to the Street Trading Policy consultation. I read through the 28 pages of the Street Trading Regulations, currently under consideration, and consulted with affected Chamber retail members, who have provided me with some insight into the proposals.</p> <p>At a time when SSDC Area South are working to encourage growth in the town centre and working positively with stakeholders such as Yeovil Chamber, creating opportunities and the potential for growth, I am dismayed at the apparent potential negative implications of the (district wide?) Street Trading proposals.</p>	

	<p>Yeovil Chamber is the voice of the business community in and around Yeovil, and currently has a growing membership, comprising over 120 member businesses. I currently chair the Love Yeovil Group, and am a board member of Yeovil Vision, both of which exist to bring town centre businesses to the table; encouraging footfall into Yeovil via a programme of events and attractions.</p> <p>The proposed changes to the SSDC street trading policy seem to fly in the face of all the good work currently being carried out by SSDC and other Stakeholders. One business is claiming that the new rules will impose an additional £800 per year, just to carry on delivering food & drink by motor vehicle to other businesses, some of which are located away from shops. Life for retailers is challenging enough, with high business rates and competition from internet trading. Why does SSDC require additional revenue from the business sector, by different means? I could understand (but would not be happy) if business rates were increased, but to apparently create additional policy conditions to generate additional revenue seems underhanded.</p> <p>The regulations apparently give SSDC scope to apply Street Trading legislation to certain areas under private ownership (SSDC definition of the term ‘street’ includes ‘any road, footway, beach or other area to which the public have access without payment’). That definition opens the door for SSDC as that could be interpreted as ‘any property that a Company owns that you can walk onto by some route that is not entirely shut off’. That would include supermarket car parks, trading estates, shopping malls, the land YTFC own around their stadium, forecourts – the list is endless.</p>	<p>11. No decision on fees has yet been made, this will be a matter for Licensing Committee once the policy has been agreed.</p> <p>12. Delivery of pre-ordered food would not constitute street trading and would be exempt. It is only where sales are made of non pre-ordered product that street trading consent would be required.</p> <p>13. This is the current legal position in the UK and has been for some while. The definition is one that is set out in the relevant act and had been further decided by the Courts by case law. SSDC have been challenged on this in both the Magistrates’ and Crown Court and has been succesful in defending our current policy on appeal.</p>
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	<p>The changes would mean that if a Chamber member business had commercial third party operators taking money in areas that meet this definition, even if it is private property owned by that Chamber member, aside from the Chamber member's own procedures the third party operator concerned would legally have to: (a); go through a SSDC Street Trading application process, and (b); would have to pay the Street Trading Fee which currently can be over £50 per day? It also seems to suggest that even if a Chamber member was happy with the third party concerned coming onto their land, SSDC could enforce the Street Licensing system. I am aware of at least one Chamber member business which has already suffered under this system. Their projects and plans designed to bring much-needed footfall into town have collapsed because of the rules and cases where commercial users of their property would have to pay SSDC more for fees than they are paying the resident business. That business will also be making its views known as part of the consultation.</p> <p>SSDC Area South is investing time and money in Yeovil town centre, and working with business community stakeholders such as Chamber to build confidence and foster the right conditions for town centre businesses to flourish. It would be a shame if the current regeneration work being undertaken in the town centre, and investment by SSDC Areas South, is undermined by these proposed changes to the Street Trading Regulations.</p> <p>My main question is; what is driving the need for additional SSDC revenue, by these alternative means? The retail community and in particular, Yeovil town centre retail is beginning to fight it's corner, in the face of internet trading</p>	<p>14. Area South have been consulted on the proposed policy.</p>
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	and high business rates, building a collective proposition and creating the conditions for prosperity for all in Yeovil. Why create additional financial challenges and red tape?	
Brenda Ford No5 Catering Ltd	<p>I work for Charlie at No.5 Catering and I am responding, on behalf of the business, to the suggested £800 per vehicle levy proposed in your new street trading policy.</p> <p>Why is this levy being brought in at this time and what do SSDC hope to gain by it? I feel the implications of this charge for every vehicle delivering food and drink to business premises in and around the area can only be negative.</p> <p>Most small delivery vehicles operate on a very tight budget and provide a valuable service to people working in areas where there is no easy access to any food and drink outlets. In the case of No5, this service is a fundamental part of the working day for a great many people.</p> <p>To keep such a vehicle on the road the costs leave very little margin already: fuel, wages, cost of production, share of overheads. etc. etc. To impose another £800 would result in many vehicles being taken off the road, jobs lost and a much needed service no longer available.</p> <p>I would appreciate your comments.</p>	15. See point 11, 12 and 13 above.
Tony Smith (1)	<p>Dear Nigel</p> <p>Something has been bothering me since reading through your draft.</p> <p>Was not sure what it was, but bizarrely it has now surfaced.</p> <p>Many, maybe all, market traders use the National Market Traders Federation insurance service to cover both public and employers liability. The cover is excellent and satisfies every market operator I have encountered. However.... your draft seeks to view the appropriate certificate, and there lies the</p>	16. A good point. The proposed policy will be amended to include sight of the traders NABMA membership card as proof of public liability insurance.

<p>Tony Smith (2)</p>	<p>potential problem. Maybe even danger. The Federation arranges a group policy, a Swiss company last time I looked. This annual policy has a "random" start/ finish not remotely likely to coincide with the cover given to insured members on their own specific membership renewal date. In times past, though I have not seen one lately, the Federation sent out a copy of the employers liability certificate, so it could be properly displayed. This however did not necessarily guarantee that the member was covered if he had not renewed his membership, even though the master policy still showed time to run. They never, routinely, send out copies of the public liability certificate, but I can only assume the same system must apply, providing the same difficulty in guaranteeing cover from the presence of a current certificate. Now.... the market world gets round the problem in simple fashion. It never asks for a certificate but instead accepts sight or photocopy of the trader's membership card. This card shows if the membership is current , and until when, and on the reverse details the extent of the cover both for public and employers liability. I have attempted to attach a copy of my own card. Simply put, maybe your draft can include wording to allow NMTF membership cards to be acceptable as though they are a certificate. Little chance of a mistake, and no chance of lapsed cover</p> <p>Sir, Thank you for including me in your mailing list regarding the proposed revised street trading provisions. Aside from a natural aversion to the length and complexity of any regulations, and the rules covering their enforcement, I have little to say regarding either the existing or proposed</p>	<p>17. Members discussed this matter and felt that there was no need for a seasonal consent as the quarterly fee of £425 was reasonable and gave the opportunity to trade for up to 3 months. The previous regime fee of £13 per day, would equate to £390 for only 30 days</p>
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	<p>document, though there are some errors of grammar and it might be more sympathetic not to refer to activities being "caught" by legislation.</p> <p>However,</p> <p>These proposals fail to address the difficulties faced by seasonal traders, operating on limited profit margins, who are effectively excluded by virtue of the much larger fees you ask for short periods of trading.</p> <p>It is worthy of note that the charges for market pitches in Yeovil are some of the highest of any locally, and yet your fees for street trading are around 3 times this amount!</p> <p>I understand your need to recover costs, but if you had more traders, the cost to administer each would diminish in proportion.</p> <p>It is easy to see the problem, somewhat more difficult to find an equitable solution.</p> <p>One way might be to licence the town council, or shopping mall owner, in respect of all pitches within its boundaries, then empower them to examine, approve, and regulate traders they, with even more local knowledge, wish to have in their town, or mall. They could then charge a more modest rate for each pitch.</p> <p>This in some ways goes back to the previous system, and I understand you may prefer centralisation.</p> <p>To keep matters in your hands maybe you can consider some method of "advance approval "of a trader for a period, say 1 year, and this for a fee, say £50, to cover the documentary examination costs, without thereby defining on which specific days he will trade. Those trading days to be specified only by groups for example " the three weeks before Easter plus the four weeks before Christmas "</p> <p>The trader then, giving reasonable notice, being able to select the days he wants, on which he assesses the weather will</p>	<p>trading.</p>
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	<p>permit trade, on which he expects to be able to secure adequate stock, etc.</p> <p>To pay, on giving above notice, a more reasonable daily rate , say £25.</p> <p>Such a system defrays your costs in advance,(even if the trader fails to reappear!) but encourages the trader to go to work on as many days as possible, thus, by apportionment, reducing the impact of his original registration fee upon his day's trade.</p> <p>It is important that such a scheme does not materially change the fees of an annual licence, but should encourage more seasonal traders whose presence is presently sadly lost to the town.</p> <p>Save that he would pay (both elements) in advance this would be similar to the ancient market system of the casual trader joining a casual queue at the start of a charter market, where he would be allowed a pitch if a regular failed to attend, but with the more modern benefit of his " credentials " being adequately scrutinised in advance.</p> <p>I would like to join any public debate you have planned, and welcome any other ideas you may have to encourage more street traders. That both in number and variety.</p>	
Jo Morrison	<p>Having read in the Western Gazette that ‘the public’s views [are] sought over street trading’ and then read about a proposed additional £800 levy for businesses delivering food, I chose to view the consultation documents. Unfortunately, I was unable to find the information about the levy and was unsure what the yellow highlighting referred to in the document. Furthermore, the consultation letter (see below) doesn’t mention anything about any proposed levy. Please can you clarify:</p>	<p>18. Questions answered directly to respondent, please see points 11 and 12 above.</p>

	<p>a) are the changes to be consulted on found solely within the yellow highlighted sections?</p> <p>b) where is the information about the proposed additional levy located within the document?</p> <p>c) is the consultation document about street trading policy that I have viewed, the correct one?</p>	
<p>Wayford Parish Council</p>	<p>Wayford is a small village close to Chard and Crewkerne. Street trading is unlikely to take place in the village itself. However residents of Wayford attend events in both Chard and Crewkerne and possibly in Ilminster.</p> <p>Wayford Parish Councillors are concerned about the impact this new policy will have on community events, particularly the carnivals, which have a short duration of 2 - 3 hours. Mendip District Council reviewed their policy last year but following consultation with organisers of some of these types of events decided to include an exemption for events such as carnivals and locally organised community events.</p> <p>Although there are exemptions in SSDC's policy it is not wide enough and does not cover the short amount of trading at the sort of events described above where the trader will keep some of the profit.</p> <p>Wayford Parish Council would therefore like to see SSDC include an exemption similar to that in Mendip Council's policy.</p>	<p>19. See point 3 above.</p>

<p>Castle Cary Town Council</p>	<p>This is the response from Castle Cary Town Council (CCTC) to the above document concerning Street Trading within South Somerset District.</p> <p>After several discussions and meetings we offer the following concerns and suggestions that we would ask you to consider when finalising the Street Trading Policy for 2017</p> <p>Charitable and Community Exemption Events run for Community or Charitable purposes should be included in the list of exemptions.</p> <p>The reasons for requesting this exemption is that there are several events in the Town, usually held on an Annual basis such as the Town Carnival, Big Christmas etc. These events are organised solely for charitable or community benefit purposes and a significant part of the attraction of such events is the quantity and diversity of street traders who commonly make donations of part of their takings to the organisers.</p> <p>Recent changes to street trading charging tariffs mean that for the relatively short time (typically 3 or 4 hours) that these events last, several traders will not take part. This has already happened with the Town Carnival where there was a 30% drop in the number of traders and a 15% drop in donations from Traders</p> <p>As worded, the policy will apply to The Big Christmas event and the future of such popular community and charitable events would become unsustainable if they are included in the Policy.</p> <p>Householder Exemption Occasional sales by householders from land contiguous with their homes.</p> <p>This exemption is requested to allow householders to hold occasional “garage” sales and the sale of excess garden</p>	<p>20. These are already included in the policy, but there is no exemption where there is an element of private gain.</p> <p>21. See point 3 above.</p> <p>22. This is already included as an exemption in the policy (see page 5 bullet point 9)</p>
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	<p>produce from their own land. The imposition of the Policy to these sales would be unreasonable.</p> <p>Exemption of the Market House Curtilage There already exists and exemption in the document for the Undercroft of Castle Cary Market House. This exemption is requested for the small cobbled area between the pavement and the railings at the front of the Undercroft. This exemption is requested as with some events the Undercroft quickly fills with public and traders and the small extra area would prevent this congestion. In addition the cobbled area is commonly used for tables & chairs for the public to use during events and these are sometimes directly served by food and beverage traders in the Undercroft. In the wording of the document this could be construed as “trading” outside the Undercroft and would therefore become subject to the new Policy, this exemption is requested to remove this uncertainty.</p> <p>General Comments on the Document Note that passages in “<i>italics and enclosed by inverted commas</i>” are quotes directly from the Draft Street Trading Policy Version 4</p> <ol style="list-style-type: none"> 1. It would be very helpful if a numbering system was used throughout to make referencing the relevant sections of the document simpler 2. Page 6 – “<i>The Council would not normally grant, a Consent for the sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent</i>” – this seems very “woolly” and who decides what conflicts, based on what criteria? We understand the aims behind this but consider it too broad and highly subjective and should be more specifically worded, or preferably removed. 3. Page 7 – “<i>Where the proposed site for trading concerns</i> 	<ol style="list-style-type: none"> 23. Members considered this, but felt that as this area was an open outside area to which the public have free access then an exemption would not be appropriate. 24. Members didn’t feel that this was necessary. 25. Members felt that this should remain as it gave the Licensing Manager the ability to refuse consents that would seek to sell similar items to those already available in the vicinity from established premises.
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	<p><i>land owned by this Council or Somerset County Council, as Highway Authority, then permission from the relevant Council must be obtained before an application for Consent is made". This seems reasonable when a third party organisation owns the land concerned but for SSDC owned land could not both applications be rolled up into a single application?</i></p> <p>4. Page 9 – <i>"Consents shall only be issued to persons who have the legal right to work in the UK. Applicants applying for a 3 month consent or longer shall provide proof of this right to the Council where requested. If the applicant is assisted by any persons at their pitch, they shall also supply proof that their assistants have the right to work in the UK. The applicant is required to supply a current photograph of themselves and any assistants; the Council will upon successful application, issue a badge to the holder (and any assistants) which bears their photograph. Badges must be visibly displayed upon their person during the period of trading"</i> After discussion with the SSDC Licensing Manager it would appear that the whole of this section ONLY applies to applications for 3 months or more. This is unclear from the current wording, particularly the 1st sentence.</p> <p>5. Page 10 – <i>"The holder of the Consent shall ensure that any persons joining their employ - whether paid or unpaid has received their badge prior to assisting at the pitch and shall return their badge(s) to the Council when they have left this employment within one month of leaving. The applicant and any assistants shall provide evidence of a suitable background check in the form a basic disclosure to the Council before any consents and/or badges are granted. The disclosure shall not be any older than three months at the time of submission to the Council."</i> This would appear to be unenforceable for "one off" replacement workers who help on short notice due to illness or emergency. This should be reflected in the wording</p>	<p>26. Members felt that this should remain as it is. Licence requirements for use of SSDC land are quite separate from the issue of street trading consents.</p> <p>27. Members felt that this was clear enough, in that it only applied to persons requesting consents to trade for 3 months or more.</p> <p>28. Members felt that this requirement should not be changed. However they did agree that in ceratin exceptional short term circumstances such as short term illness etc, then this requirement could be waived at the discretion of the Licensing Manager.</p>
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	<p>6. Page 11 – “<i>Sufficient time</i>”. This expression (and similar) are used in the document. If possible specific time periods should be quoted. The applicant is in no position to judge what is sufficient time for SSDC to process requests</p> <p>7. Page 18 – First Aid – does this mean that every stall must have the relevant First Aid kit. If not and a suitable central area with a First Aid Kit should be given as an option</p> <p>8. Page 18 – Fire Extinguishers – as with comment above.</p> <p>9. Page 19 – fire extinguishers cannot be attached to a wall on most stalls</p> <p>10. Appendix 3 Page 25 – there are several places where ellipsis (...) are used as placeholders for</p>	<p>29. Members agreed that where the phrase “sufficient time” is used then this should be replaced with the phrase a minimum of 28 days prior to trading.</p> <p>30. This is contained in Appendix One and is clearly stated as not forming part of the policy, it is providing useful information to applicants on other legislative requirements that they should be aware of.</p> <p>31. Noted, but this is a copy of the legislation as written.</p>
Odcombe Parish Council	<p>I was asked to read this document on behalf of Odcombe Parish Council.</p> <p>I found it easy to understand. it contained all the information I expected it to.</p> <p>I cannot see the need to repay a portion of the licence fee if they have breached conditions but that is a minor point.</p> <p>What check is there on how the Licensing manager selects a new vendor for a pitch that falls vacant? There could be allegations of favouritism/bribery if it is a one person decision. is there at least a written record of applications and reasons for the decision?</p>	<p>32. The Licensing Manager is already required to make a written note of reasons for a decision and this is retained electronically within the Licensing IT systems.</p>
Misterton Parish Council	Misterton PC has no comments to make re this consultation – except the length of the document.	
Ilton Parish Council		

	<p>Ilton Parish Council considered SSDC's policy on street trading and would like to make the following comments.</p> <p>Reason for Ilton Parish Council's interest in the policy. - Ilton itself is a small village and does not often host street traders. However it is very close to towns such as Ilminster and South Petherton which do. Residents of Ilton enjoy local carnivals and other community events hosted and organised by the larger surrounding towns.</p> <p>Do you think there is anything missing? - Ilton Parish Councillors are concerned about the impact this policy has had and will continue to have on events such as the Carnival, the Ilminster Midsummer Experience, the Ilminster Christmas Lights Switching-on etc. Events such as these have traditionally invited a number of street traders who will set up for the few hours of the duration of the event, unusually only for 2 - 3 hours. Although the committees which organise these events do not receive any of the profit, traders have usually given a donation. SSDC increased their fees for a street licence quite considerably last year from £18 to £57. As a result a number of traders did not come to the Ilminster Carnival because they felt they could not cover the costs with only a few hours of trading. A number of traders who did come gave the Carnival Committee a reduced donation this year. This resulted in a considerable loss to the Carnival Committee which I understand was somewhere in the region of £250.</p> <p>Mendip District Council reviewed their policy last year but following consultation with organisers of some of these types of events decided to include an exemption for events such as carnivals and locally organised community events.</p> <p>Although there are exemptions in SSDC's policy it is not wide enough and does not cover the short amount of trading at the sort of events described above where the trader will keep</p>	<p>33. See point 3 above in relation to Carnivals.</p> <p>34. The costs incurred to SSDC are no different if the trader trades for 1 hr or 8hrs. the work required to process and deal with the application is exactly the same.</p>
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	<p>some of the profit. The £58 fee is disproportionate for a 2 - 3 hour event. Do you have any suggestions for improving the policy? - Include an exemption similar to that in Mendip Council's policy. This reads as follows: Extract from Mendip District Council's Street Trading Policy <i>"10. Local Exemptions</i> <i>The Council has decided to exempt trading that takes place in certain circumstances. This means that the Authority will not ordinarily require its consent for street trading to take place in those situations. To benefit from this exemption, the trading must be carried out with the express written permission of the event organiser or be carried out by the householder concerned. The exemption applies to trading taking place in the following circumstances:-</i> <i>fetes, carnivals or similar community based and run events, organised for charitable purposes and/ or where there is no private gain by the organisers,</i> <i>non-commercial or charitable events,</i></p> <p><i>farmers markets, including producer-managed marketplace for local producers to sell their own produce direct to local people sales of articles by householders on land contiguous with their homes,</i> <i>This local exemption is provided to support both community based and charitable events enabling them to flourish. (The Authority may exempt trading in other similar circumstances, at the discretion of an Authorised Officer of the Council).</i> <i>However, notwithstanding this exemption the Authority does reserve the right to require consent where it is in the public interest to do so and in circumstances where it sees fit.</i> <i>Therefore, the Authority will maintain a register of all such</i></p>	
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	<p><i>activities. Full details of any trading that would otherwise require consent must be notified to the Authority in good time beforehand. This must be done in writing or by email to the Licensing Team and will ensure that this exemption is only provided in appropriate circumstances.</i></p> <p><i>In addition, the Council will exempt any street trading that takes place on land that is owned and/ or under the maintenance of Clark's Village or its agents. This exemption is provided due to the unique nature of the retail outlet in the Mendip District area and due to the existing checks that are carried out by the landowner or their agent's."</i></p> <p>Ilton Parish Council hope that the Council will think about the impact this could have on local events such as the Carnival and agree to include an exemption for these community based events similar to Mendip's exemption above or include other measures that would help to support them such as a reduction in fees for these short duration events..</p> <p>Yes, I am happy for an SSDC representative to contact me to discuss my response to this consultation exercise in more detail.</p>	
Winsham Parish Council	<p>With regard to SSDC's Street Trading Policy Consultation and following the Parish Council's meeting last week, the Members have asked me to send the following response:</p> <p>Winsham Parish Council concurs with the policy. There are no additional comments.</p>	
Ilminster Carnival Committee	<p>I would like to make the following comments regarding the Street Trading Policy and ask that you give them due consideration when finalizing the policy.</p>	

	<p>Ilminster Carnival Committee along with others in South Somerset are concerned about the effect that last year's large increases in street traders permits has had on our carnivals. A number of traders did not come to our event due to the increase which meant we lost their donation to the carnival and a number reduced the donation they gave us.</p> <p>As you are currently undertaking a consultation on street trading we feel this is an ideal opportunity to voice our concerns and propose a solution. This is something that does affect the larger towns with markets etc., but the recent changes to fees are already having a huge effect on charitable events such as carnivals.</p> <p>Please see below the paragraph that Mendip added to their policy to help support local events. I hope that this can be shared amongst members and given consideration before any final decision is made. This would be an ideal opportunity for South Somerset to show their support for the traditional events that take place in their district and will enable a fair and consistent approach across Somerset.</p> <p>I would also like to add that these traders only operate for a short period of time on Carnival night, probably only 3-4 hours and it is felt that the fees are excessive for the amount of time trading as well as the loss of donations to the event organisers due to the higher fees, something we have experienced this year.</p>	<p>35. See point 3 above in relation to carnivals.</p> <p>36. See point 34 above.</p>
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Extract from Mendip District Council Street Trading Policy

10. Local Exemptions

The Council has decided to exempt trading that takes place in certain circumstances. This means that the Authority will not ordinarily require its consent for street trading to take place in those situations. To benefit from this exemption, the trading must be carried out with the express written permission of the event organiser or be carried out by the householder concerned. The exemption applies to trading taking place in the following circumstances:-

- fetes, carnivals or similar community based and run events, organised for charitable purposes and/ or where there is no private gain by the organisers,*
- non-commercial or charitable events,*
- farmers markets, including producer-managed marketplace for local producers to sell their own produce direct to local people sales of articles by householders on land contiguous with their homes,*

This local exemption is provided to support both community based and charitable events enabling them to flourish. (The Authority may exempt trading in other similar circumstances, at the discretion of an Authorised Officer of the Council). However, notwithstanding this exemption the Authority does reserve the right to require consent where it is in the public interest to do so and in circumstances where it sees fit. Therefore, the Authority will maintain a register of all such activities. Full details of any trading that would otherwise require consent must be notified to the Authority in good time

	<p><i>beforehand. This must be done in writing or by email to the Licensing Team and will ensure that this exemption is only provided in appropriate circumstances.</i></p> <p><i>In addition, the Council will exempt any street trading that takes place on land that is owned and/ or under the maintenance of Clark's Village or its agents. This exemption is provided due to the unique nature of the retail outlet in the Mendip District area and due to the existing checks that are carried out by the landowner or their agent's.</i></p> <p>Please contact me if you have any further questions</p>	
<p>David Mills Quedam Centre</p>	<p>This letter is a response to the current consultation process on this matter and should be considered separately to our existing 'appeal' as this letter contains additional information.</p> <p>Applying the street trading licensing system to the Quedam malls serves no one's interests because:</p> <ol style="list-style-type: none"> 1. We have a very strong record on management of activities on our mall yet the rules as drafted would require you to police the already intensively managed Quedam malls. 2. This in turn would leave you with less resource to tackle unlicensed activity elsewhere(in areas where perhaps management is not so intense). 3. In the last part of 2016,as a result of the street licensing system applying to the Quedam, we had a project collapse and situations where operators were paying SSDC considerably more in street trading or market fees than they 	<p>37. Members discussed ths issue and didn't see any reason why the Quedam should be treated differently to any other business trading in South Somerset. If the Quedam wish to manage street trading within the Quedam themselves, then they can apply for a consent in their own right.</p>

	<p>were paying the Centre.</p> <p>4. As a former President of Yeovil Chamber of Trade and Chairman of Love Yeovil (and current Board member of the Yeovil Vision) I feel that applying these street trading regulations to the Quedam is contradictory to the objectives of all of these organisations.</p> <p>This is specifically because no matter how loosely they are applied to the Quedam malls, the street licensing system makes it harder and more expensive for a commercial operator to trade on the Quedam malls than it was just two years ago.</p> <p>I know recently you have kindly suggested ways to make the street licensing system easier to use in the Quedam malls however even if these are accepted, the above issues will still apply.</p> <p>In summary therefore, including the Quedam malls in the street licensing system serves no one's best interests.</p>	
<p>Marie Ainsworth – Area South</p>	<p>I have read through the draft policy and my comments and observations are as follows:</p> <p>I would like something added under the 'site conditions' section, in your words or amended to suit:</p> <p>No trader shall wholly own or possess exclusive rights to a pitch. Should the trader be absent from the pitch for whatever reason this pitch may be used by an authorised markets organiser or as part of an event, details to be agreed prior to said market or event.</p>	<p>38. Agreed policy to be amended to include this.</p>

	<p>Exemptions from the need to obtain a consent: Could consideration be given for an exemption to ‘not for profit’ groups with a constitution and aims and objectives to regenerate a town or village? for example; to have stalls as part of an event where the trader will be making money for themselves but where the pitch fee benefits the ‘not for profit’ group?? It could be a way of that organiser to bring in some income to cover other costs of providing entertainment for example. For us here we will likely be covered by our markets rights and ultimately DCLG and allow the likes of the Love Yeovil Marketing Group to run events and take pitch fees. There would of course need to be terms and conditions attached and each wold be judged on its merits.</p> <p>Electricity: Where a street trader has been given consent to use an electricity source owned by SSDC a small charge will be applicable and instructions will be given on the proper use of the supply including health and safety measures.</p> <p>Site conditions: Street traders shall not utilise public bins for their commercial waste.</p>	<p>39. Members discussed this but felt that the street licensing regime already contained adequate exemptions, and further exemptions should not be given where there was any element of private gain.</p> <p>40. Agreed</p> <p>41. Agreed</p>
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Street Trading Policy

Edition 4

May 2017



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1 Purpose of the Policy

The purpose of the Council's street trading policy is to create a street trading environment, within the District of South Somerset which: -

- complements premises-based trading establishments;
- promotes appropriate street trading activities, which provide diversity and consumer choice;
- supports community cohesion and equalities
- enhances the character, ambience and safety of local environments;
- is sensitive to the needs and concerns of residents;
- will complement and inform other Council initiatives including those on street entertainment and encouraging entertainment diversity
- highlights the requirements and standards expected of street traders
- is fairly, appropriately and proportionately controlled, in line with the Council's Enforcement Policy;
- provides clear guidance to the Council officers who will administer the street trading service under it.

2 What is Street Trading?

The purpose of the Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) is to ensure that Councils can properly regulate those who sell without the use of ordinary business premises and, particularly, traders who move from place to place. It is concerned, primarily, with commercial activities, excluding the provision of services, but there are grey areas and each case needs to be considered on its facts.

South Somerset District Council (SSDC) has adopted Schedule 4 of the Act for the whole of its area and has designated all streets in the District as 'consent streets' for street trading purposes.

The effect of this designation is that trading in any street is prohibited by law (subject to legal and other exemptions set out in Section 3 below), without first obtaining a Street Trading Consent (a Consent) from the Council.

Street trading means 'selling, exposing or offering for sale any article (including a living thing) in a street'. From this definition, any person offering purely a service e.g. a shoeshine (where there is no tangible good such as a picture or sketch) will not be caught by the street trading legislation.

The term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'. Any person street trading without a valid Consent commits a criminal offence.

The courts have held that the definition of a 'street' does not depend upon the area of land in question being in public ownership and private land may be classified as 'a street' too if it meets the definition in the Act and the precise circumstances of the trading indicate that it amounts to street trading.

The matters that the Council is likely to consider relevant when deciding whether an area is a 'street' include: -.

- whether the trading outlet is built on solid foundations;
- whether the trading takes place within a building including areas where the one or more sides are open to the elements e.g. the area known as the "undercroft" at Castle Cary would not be considered a 'street';
- the nature of construction of the trading outlet e.g. of brick/block
- which of the mains services are connected (if any)?
- whether permanent planning permission has been gained
- would the trading outlet be difficult to move? i.e. is a crane required to move it onto or off of a site?
- whether it comes and goes onto the site e.g. it is removed each day?
- is the trading outlet moved to a different site(s) each day?
- distance from the nearest highway. If you are trading within 15 metres of a street, road or car park, there is a presumption that you will need a street trading consent subject to the other exemptions applying. If you trade from a position of more than 15 metres from a street, road or car park, please contact the Licensing Service to see whether a Consent is required as each case is judged on its own set of circumstances.
- the original purpose/nature of the item for sale e.g. whether it is a wholly charitable or domestic purposes or is the sale of a service rather than goods.

The fact that a trader has a lease or licence i.e. a right to occupy the land, or has some other form of consent e.g. planning consent or a licence under the Licensing Act 2003, will not override the requirement to obtain a Consent where the trading amounts to street trading. Similarly, holding a Consent for street trading will not remove the obligation, on the trader, to comply with any other legal requirements e.g. holding a current food business registration nor override the duty to comply with the general law concerning e.g. trespass (the landowner's permission to occupy the land must be obtained), highways, planning, licensing, health and safety, nuisance, waste disposal requirements etc. Appendix 1 provides some information about other legislative requirements, however, this is not intended to be a comprehensive guide and does not for example cover planning or highways matters.

The requirement to obtain an Consent for any street trading is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, or any other moveable or static structure. Mobile artists who sketch or paint, or similar artisans who sell their own work are also likely to be caught by the Act.

Advice should be sought from the Licensing Service on the proposed activity/location to see if a Consent is required before starting to trade: Telephone 01935 462462 or email licensing@southsomerset.gov.uk

3 Exemptions from the need to obtain a Consent

Some types of trading are legally exempt from the need to obtain a Consent; these include:

- a person trading as a Pedlar under certificate (currently issued by the Police);
- a market trader operating at a market venue which acquired this status by virtue of a grant, enactment or order.

- a news vendor selling only newspapers and periodicals. This exemption is subject to restrictions which are set out in Appendix 3
- trade which is carried on at premises used a petrol station
- shops do not require a Consent even if they operate outside the actual building providing it is, essentially, an extension of the shop etc. e.g. where a shoe shop has rails of shoes on display outside the shop; again this does not negate the need to comply with other legislation such as the requirement for a pavement licence (obtainable from Somerset County Council), if appropriate:
- trade carried out by 'roundsmen'. A 'roundsman' has been defined as one who visits a 'round' of customers delivering the orders of those customers". e.g. milkmen.
- charitable collection e.g. selling poppies in aid of the Royal British Legion (although a collection permit, under the Charities Act 1992 may be needed)

The Council has decided that the following trading activities do not require a Consent:

- goods from working farms sold at the premises where they were produced
- goods sold at Local Farmers'/Producers' Markets etc. providing such markets meet the Code drawn up by the Somerset Farmers' Markets organisation (basically, this term means that the food is being sold within 30 miles of where it was produced. Advice should be sought from the Licensing Service to see if the market, in question, meets the required criteria before trading commences. These outlets are seen as part of the Council's rural investment and regeneration work, in supporting local producers, and, hence, are seen as extensions of the farms rather than street trading.
- Business premises are allowed, normally, the same exemption as shops in terms of goods displayed outside of the premises because their position is analogous to shops but the items displayed must be, still be, essentially, an extension of the business.
- sales of articles by householders on land within the boundary of their home providing that this is not a commercial concern e.g. selling home grown fruit and vegetables, homemade jams etc. Such sales are seen as disposal of surplus domestic produce rather than trading
- Trading at an illuminated carnival provided an exemption certificate has been applied for and granted.
- an event that is community-based and run, for non-commercial purposes, such as a fete or school fund raising activity, again, this is seen as non-commercial fund raising. Where **any** of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the trader will not benefit from the fee exemption (unless a fee is charged to those entering the event);
- Events run by charities or political or educational activities providing the profits from such events are wholly passed to the charity or political or educational organisation concerned because such activities are not commercial trading;
- Traders that are part of an established travelling fair.
- Trading in the "Undercroft" area of the Market House, Castle Cary.
- Mobile Ice Cream vans and mobile sandwich/hot food vendors.¹

¹ Mobile traders would not stay in any one street or location for longer than 15 minutes and would not return to the same location on the same day.

Please contact the Licensing Service should you wish to discuss this further:
Telephone 01935 462462 or email licensing@southsomerset.gov.uk

4 Nature of Goods, Activities and Trading Hours

The Council would not normally grant, a Consent for the sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent.

The type of goods allowed to be sold will be considered on a pitch-by-pitch basis having particular regard to local needs, product diversity and specialism e.g. artisan breads, and appropriateness of the proposed location in terms of space and balance.

Street trading hours will mirror, normally, those of the shops or businesses in the immediate vicinity except for hot food takeaways where trading hours will be determined on a pitch-by-pitch basis.

The design and appearance of the Trading Unit e.g. stall, barrow, van or cart etc. used must be agreed by the Council's Licensing Manager before a Consent would be granted.

5. Application for and Issue of a Consent

A Consent is needed before any person can trade in a street within South Somerset. Details of the application procedure, whom to contact and the current fees payable for a Consent is set out in the Application Form.

Where the proposed site for trading concerns land owned by this Council or Somerset County Council, as Highway Authority, then permission from the relevant Council must be obtained before an application for Consent is made. A separate charge may be payable for this permission.

For land in the ownership of the SSDC you need to contact the Senior Land and Property Officer, The Council Offices, Brympton Way, Yeovil, BA20 2HT or telephone on 01935 462462. .

Where the proposed site for trading concerns land in private ownership then permission from the relevant landowner must be obtained before a Consent will be granted. The relevant permission should be included with the application for a Consent.

Who can apply?

To apply for a Consent a person must be: -

- an individual (although 2 people can apply jointly) but not a company or other legal entity
- over 17 years of age
- legally entitled to live and work in the UK

- of good character (see below under Determination of the Application for Consent)

Receipt of Applications and Fees

An application will be treated as being received, only, when a correctly completed relevant application form and all the necessary supporting evidence has been received at the Brympton Way Council Office and the relevant fee has been paid.

The application can only be checked by a member of the Licensing Service, and only where a prior appointment has been made. Should an application be left at any other South Somerset District Council office or without an appointment, it will be treated as a postal application.

As a concession, if the applicant is applying for a yearly Consent then an instalment plan for the fee is available at the Council's sole discretion. The first monthly instalment must be paid in full when the application form is submitted and for the remaining instalments a Direct Debit mandate will be required.

If the fee is being paid by instalments, then, where the direct debit is dishonoured or stopped, the Council, will revoke any Consent issued, immediately, unless payment of the outstanding fee is made in cash, within 5 working days, at the Council office that issued the Consent. In such cases, an administration charge may also be added to the fee payable to cover any additional costs incurred by the Council.

Cheques are to be made payable to 'South Somerset District Council' -. Post-dated cheques will not be accepted.

Card payments can be made at one of the Council's offices or a member of the Council will contact the applicant where they have indicated they wish a card payment to be taken.

Insurance

The Council will accept no liability for the street trading activities undertaken by the Consent Holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the Consent Holder(s). National Association of British Market Authorities (NABMA) membership cards can be used as proof of public liability insurance.

The Insurance once accepted by a relevant Officer, must be maintain throughout the period of the Consent and the Consent will be revoked should the insurance be cancelled or breached or its terms altered so as to provide less than the level of cover required. Once the Consent is revoked the trading becomes illegal and the trader(s) may then be subject to enforcement action.

If the insurance is due for renewal during the period covered by the Consent, it is the responsibility of the Consent holder(s) to provide to the Council an original public liability insurance certificate to show that the insurance is continuous for the period of the Consent. Any breaks in the period of insurance may be grounds for revocation of the Consent.

Determination of the Application for Consent

Applications for a Street Trading consent will be determined by the relevant Licensing Officer, under delegated powers, using such of the criteria listed below or such other factors as are relevant and appropriate to the application in question. Each case will be assessed on its own merits and individual circumstances, where appropriate, may be taken into consideration. The criteria include whether the application:

- is at an appropriate site or pitch. The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular, reference will be made to the matters referred to in Section 7 below
- creates more trading opportunities for small businesses or otherwise contributes to the economic vitality of the area. The existence of shops and businesses operating in the area will be considered if appropriate to avoid, amongst other things, unfair economic advantage,
- satisfies an unmet need for such goods in the immediate locality of the proposed activity e.g. fast food outlets on trading estates bearing in mind the presence of existing like outlets
- supports appropriate special events such as community, educational or charitable events (but see Section 3 – Exemptions - where the event is wholly charitable etc.)
- places an unreasonable burden on other agencies or bodies. The street trading activity should not present a significant risk to good public order in the locality in which it takes place.
- presents a significant risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading.
- supports community cohesion and the needs of under-represented groups
- is environmentally sustainable (including the applicant’s proposals for generating such power as is needed by the trading unit; dealing with any waste and litter arising from the activities)

The decision on whether to grant the consent may also take account of the suitability of the applicant to hold such a consent including relevant unspent convictions etc., levels of complaints received about the applicant(s) and whether and how such matters were resolved; whether any earlier Consent to the applicant(s) has been surrendered or revoked. The decision may take into account the attitude of the applicant and/or their staff etc. to dealing with concerns and queries raised by the Council Officers. It may also take account of the appearance of the trading outlet, quality of the goods to be sold and the hours and days for which it is intended to trade.

Where an application for a Consent is not acceptable, in some regard, e.g. the proposed hours of operation are too long; a Consent may be offered on terms which would be acceptable to the Council. Similarly, if after issue, problems or matters of concern arise, the Consent may be modified including adding, removing or substituting conditions, so as to take account of or deal with the concern or problem and ultimately, a Consent may be revoked.

The Act does not provide for a formal route of appeal to the Court where a Consent is not granted, nor does it limit the Council’s power to impose conditions; however, the Council has granted the power to the Licensing Manager to hear any appeal; the applicant must set out their case in writing and provide reasons why it should have

been granted or conditions should not have been imposed. If the appeal is not successful, the applicant will be given full reasons for not granting the Consent in writing (this includes e-mail or other electronic means etc.). The applicant may, also, be able to seek judicial review of the decision through the courts

Issue of a Consent etc.

Consents shall only be issued to persons who have the legal right to work in the UK. Applicants applying for a 3 month consent or longer shall provide proof of this right to the Council where requested. If the applicant is assisted by any persons at their pitch, they shall also supply proof that their assistants have the right to work in the UK. The applicant is required to supply a current photograph of themselves and any assistants; the Council will upon successful application, issue a badge to the holder (and any assistants) which bears a their photograph. Badges must be visibly displayed upon their person during the period of trading.

The holder of the Consent shall ensure that any persons joining their employ - whether paid or unpaid has received their badge prior to assisting at the pitch and shall return their badge(s) to the Council when they have left this employment within one month of leaving.

The applicant and any assistants shall provide evidence of a suitable background check in the form a basic disclosure to the Council before any consents and/or badges are granted. The disclosure shall not be any older than three months at the time of submission to the Council.

In exceptional short term circumstances such as illness, injury etc then the Licensing Manager shall have the discretion to waive this requirement.

If the application is accepted, a Consent will be issued by the Council in the name of an individual person or jointly to two persons; the Consent is not transferable. Exceptionally, where the Consent was held jointly, the Council may at its sole discretion, allow the transfer from the joint holders to a sole holder.

The Consent will contain the specific terms under which it is granted such as the specific location(s) or area(s) where the street trading may take place, the days and hours permitted, the goods that may be sold together with any conditions that must be met.

The conditions attached to the Consent form part of the Consent and MUST be complied with at all times. Failure to meet the terms of the Consent could lead to the Consent being revoked or not renewed. The Council may vary the conditions, at any time, where it feels it is necessary or desirable and the holder of the Consent shall then comply with the Consent as amended.

Unit Identification document (known as the 'Plate') will be issued with the Consent. The Plate remains the property of the Council and must be returned to the Council if the Consent is revoked or surrendered e.g. because the holder ceases to trade. The form of the Plate will depend on the type of Consent issued.

The Consent and the Plates will be issued only at the Main Council Offices. The applicant (or one of them if joint applicants) will be required to attend in person to collect the Consent and/or Plate(s) including for any replacements. A charge will be made for replacement Consent(s)/Plate(s) unless the circumstances are exceptional, in the opinion of the Licensing Service,

All vehicles, stall, carts or other type of unit used for street trading must display, at all times whilst trading, a valid Plate. The Plate must be displayed in a prominent position on the trading unit so that it is clearly visible, to members of the public using the trading unit.

Under the current legislation, the maximum period for which a Consent may be issued is 12 months. A Consent may be issued, for block or individual bookings, for shorter periods where:

- the trading is at organised street markets, carnivals and similar events
- for mobile street artists/traders
- if officers feel that it is reasonable to allow, initially, a lesser period whilst the trader assesses if the site or pitch is viable

A Consent will state the date of its expiry and will lapse upon that date stated unless renewed; no reminder renewal notice will be issued advising of the imminent expiry of the Consent. The holder(s) of a Consent has full responsibility and liability for ensuring the renewal of the Consent in good time.

Where the existing holder(s) of a Consent wishes to renew it, that person(s) must ensure the application to renew, fee and other information is provided to the Council a minimum of 28 days prior to expiry for the renewal request to be processed.

Where a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. Where, exceptionally, the Licensing Manager agrees to waive this provision, the full fee will be charged for the whole period to ensure the continuity of the Consent whether or not the holder has actually traded during the period since the earlier Consent expired.

Where a Consent has expired but a valid application to renew and full fee was received before the expiry date but the applicant failed to allow sufficient time for the application to renew to be processed, the pitch would be re-offered, normally, to that applicant.

Payment by instalments may be available as set out above under 'Receipt of Applications and Fees'.

In other cases where a pitch becomes vacant, it may be offered to those person(s) who have expressed an interest either as a result of an advertisement placed by the Council or otherwise.

Revocation or Surrender of a Consent

A Consent may be revoked by the Council at any time after it has been granted, although, where possible, appropriate prior notice will be given to the Consent holder. The revocation may be for a variety of reasons including but not limited to non-compliance with conditions, because the Council or other agencies such as the utility companies require access to the location or because the Council wish to use the site for another purpose or where the landowner revokes his/her consent to use of the land for trading. Written reasons for the revocation will be given and a refund or remittance will be given of any sums paid in respect of any days which remain of the Consent period. The formula to be applied will be as set out below: -

Number of complete days remaining x the daily fee paid.

This amount will be reduced to meet the costs of reinstatement/clearance etc. of site where such works have not been carried out to the Council's reasonable satisfaction.

In addition, a Consent will automatically be revoked where the application is made by an individual (or both Consent holders if two people hold the Consent) who dies or who lacks capacity under the meaning of the Mental Capacity Act 2005.

The Consent will also be revoked where any public liability Insurance held by the Consent holder(s) is cancelled, not renewed or its terms are breached by the Consent holder(s) or varied so as to reduce the minimum cover stipulated in this Section.

A Consent holder has a duty, under the Consent, to notify the Council of any offences for which s/he is arrested, charged, convicted or cautioned since the grant of the Consent so that the Council can assess whether the Consent should be revoked or the Consent conditions modified.

No claim will lie against the Council where it revokes or varies a Consent and the Consent itself will make it clear that no liability attaches to the Council in respect of any revocation or variation or indeed any act or omission of the Consent Holder.

Where the holder of a Consent wishes to surrender that Consent, e.g. where s/he has stopped trading, then this must be confirmed in writing to the Council and the actual Consent and Plate returned to that Council.

Where a Consent is jointly held by 2 individuals, a surrender by either one of the holders may be accepted by the Council, (whether or not the other holder consents to the surrender) providing the actions mentioned in the last paragraph have been complied with in full. The Council may, at its sole discretion, transfer the Consent to the individual who was a joint Consent holder where they not wish to surrender the Consent

Upon receipt of the valid surrender, the Council may inspect the pitch to confirm that it has been vacated and check that the conditions of the Consent have been met in full. The Council will confirm the date upon which the surrender is accepted and will refund or remit any sum due to the Consent holder(s) for the remaining period of the Consent. The formula will be the same as that used for a revocation.

A deduction may be made by the Council, from any sums due to the holder of a Consent, following the revocation or surrender of that Consent to meet the reasonable costs incurred in ensuring compliance with the terms of the Consent where the Consent Holder(s) failed to do so e.g. the clearance of litter or other detritus from the site, the making good of damage etc. Where the sum expended by the Council on such matters exceeds the sum due to be refunded to the Consent holder(s) then no sum shall be payable to the Consent holder(s) and such sums in excess shall be recoverable by the Council from the Consent Holder(s) as a debt and interest may be added where payment is not made within 14 days of a demand being made.

If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply; the holder must then pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.

Consultation and Notice

Where the proposed pitch is situated in a lay-by outside a residential property the Council will consult with the resident(s) adjacent to the lay-by and will take their relevant representations into account when drafting the conditions to be attached to any Consent granted. No consultation with other persons or bodies will be undertaken, normally, before a Consent is granted or refused but, where Licensing Officers consider it appropriate, advice or comment may be sought from other bodies, such as the police or the highway agency.

The Council does not promise the holder(s) of the Consent peaceful enjoyment of the pitch/site and will accept no liability to the Consent holder(s) whatsoever and will pay no compensation, costs, damages, expenses etc. in relation to any loss, damage or interference that the holder may suffer from any cause whatsoever related to or connected with the Consent including, for example, because the streets are being cleaned or maintained, where an emergency arises or where strikes, riots etc. ensue.

6 Established and Proposed Pitches

There are already certain established pitches at sites within the District where street trading is conducted. Any proposed new pitches will be subject to an assessment of the suitability of that site for the activity in question. The assessment will consider, amongst other matters, the suitability of the pitch for the street trading activities proposed, the implications upon nearby shops, businesses and markets and the accessibility of the pitch for those with disabilities.

Consents from static locations will not, normally, be granted where in the Council's view:

- A significant effect on road safety would arise either from the siting of the trading pitch/activity itself, or from customers visiting, parking or leaving the site; **or**
- There would be a significant loss of amenity caused by, noise, traffic or smell; **or**
- There is an already adequate like provision in the immediate vicinity of the pitch e.g. shops and markets; **or**
- There is a conflict with Traffic Orders e.g. waiting restrictions; **or**
- The pitch or trading unit obstructs either pedestrian or vehicular access, access to shops, traffic flows, or places the public or customers in danger; **or**
- The site does not allow the Consent Holder, staff and customers to park in a safe manner; **or**
- The street trading activity is carried out after dusk and the site is not adequately lit to ensure the reasonable safety of both customers and staff.

Where a Consent is surrendered or revoked, the Council will endeavour to advise the availability of that pitch on its website and should there be more than one applicant for that pitch, the Licensing Manager shall determine which applicant will be successful.

7 Fee for Street Trading Consents

Fee levels and fee structure for a Consent will be set by the Licensing Committee and will be reviewed, normally, on an annual basis. Where a change in fees or fee structure arises the revised fee will apply: -

- from the next renewal following the Committee's decision for existing Consent Holders or
- immediately following the decision for new applications received after the decision date.

Please see our current scale of fees & charges

If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply and the holder must pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.

8 Conditions which may be applied to the Consent

Each Consent will set out the following information: -

- names and address(es) of the Consent holder(s)
- the day(s) and hours when street trading is permitted
- the range of goods which may be sold
- the precise details of the location, size and orientation of the pitch itself.

The Licensing Officer dealing with the application will attach such reasonable and proportionate conditions as in all the circumstances is considered to be necessary to maintain adequate public safety, avoid nuisance and anti-social behaviour and generally preserve the amenity of the specific locality. Examples of such conditions are set out in Appendix 2.

Suitable exclusions of liability will be included in the Consent too and the holder(s) will be required, both, to indemnify, fully, the Council against any claims and actions and to maintain appropriate insurance cover as set out under Section 5

In addition, the Consent holder(s) may be held liable for any damage caused to the verge, pavement, highway or any other item of street furniture as a result of the operation of his/her business. Any such damage must be reported to the relevant agency. It is probable that the Consent will be revoked unless the full reinstatement costs (including the Council's reasonable administration costs) are met forthwith and appropriate undertakings provided guaranteeing future good behaviour.

Where the consent is given for a food unit, the Council will normally add the following condition to a consent unless it believes there are extenuating or other significant reasons for not doing so:

The holder of a street trading consent shall hold a four or five star food hygiene rating for the food unit; should that rating fall below four star, and shall ensure that at least a four star rating is obtained within 3 months of

receiving a lower score; should this not be obtained; the consent shall be revoked.

9 Enforcement Action

Persons trading without a Consent and who are not exempt (see Section 3 for exemptions) will be the subject of enforcement action in accordance with the Council's Environmental Health Enforcement Policy, which can be found on our website at:

<http://www.southsomerset.gov.uk/environment/environmental-health/environmental-health-enforcement/>

This Policy will also apply to any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act and/or established case law.

The following principles will be followed when carrying out street trading enforcement activities:

Openness: The Council will be open about how it enforces the legislation in relation to street trading. Appropriate discussions on compliance failures or problems will normally be undertaken as part of the enforcement process.

Helpfulness: The Council will advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.

Proportionality: The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Appropriate regard will be given to the human rights of all parties involved in its enforcement activities.

Consistency: The Council will carry out its duties in a fair, equitable and consistent manner having regard to its Enforcement Policy, any national codes of practice and guidelines and the contents of this document.

In addition, other agency may take enforcement action where breaches of the law are found e.g. trading standards

Consent Holder(s) must allow access to authorised Officers of the Council, and Police Officers, at all reasonable times. Council officers will carry with them and produce on request official identity cards.

10 Equality Impact of the Policy

This Policy will be assessed for its impact on equalities issues by the Steering Group for Equalities and changes will be made, where necessary and appropriate, to bring the Policy into line with the equality duties of the Council.

The Council will take all reasonable steps to ensure that it takes account of equality issues in determining applications for Consents and in its enforcement of the street trading regime. An appropriate monitoring system will be put in place to provide information on the future impact of the Policy on the different equalities strands.

11 Feedback and Review of the Policy

The Policy will be reviewed, normally, every three years to assess its effectiveness in meeting the purposes set out above. In addition, the Assistant Director – Environment in consultation with the relevant Portfolio Holder, may make minor changes.

Feedback on the Policy for future reviews should be sent to Licensing Manager or can be made via the Council's website www.southsomerset.gov.uk or by e-mail to licensing@southsomerset.gov.uk

Where an applicant or any other person has a complaint about how this policy has been applied or the administration or enforcement of street trading by the Licensing Service then the Council's Complaints policy will apply. A copy is attached at Appendix 4.

APPENDIX ONE

Other Legislative Requirements and Good Practice

The following does not form part of the policy on street trading; its aim is to provide useful information to applicants so that they are aware of other legislative requirements, however the Council does not accept any responsibility for this information, as it is subject to amendment and/or repeal which is not within its remit or control. Please note that this is not an exhaustive list and does not cover, for example, highways or planning consents for which further advice may need to be sought.

FOOD HYGIENE

As there are frequent changes to food legislation it is recommended that applicants and consent holders visit the website of the Food Standards Agency and view their latest publications such as "Food Hygiene – A Guide for Businesses"

<http://www.food.gov.uk/business-industry/food-hygiene>

HEALTH AND SAFETY

All businesses are required to comply with the relevant statutory requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. These regulations set out the requirements of the health, safety and welfare of staff and users. Further advice can be obtained from the Local Authority or the Health and Safety Executive website: www.hse.gov.uk

Safety Policy

If an employer employs 5 or more people, he/she is required by law to produce a written health and safety policy, which their staff must read, understand and follow.

The written policy must:

- i) state their general policy on health and safety.
- ii) state who is responsible for carrying out the policy.
- iii) be revised whenever appropriate detail the arrangements the business has for ensuring health and safety
- iv) be revised whenever appropriate

Risk Assessment

An assessment of the health and safety risks associated with your business must be carried out. To do this look for the hazards (the things which can do harm) associated with your business. Then decide who might be harmed (you, your staff, customers or other members of the public) and how. The next step is to evaluate the risks (the chance, high or low that somebody will be harmed by the hazard) and decide whether the existing precautions are adequate or whether more should be done. If you employ 5 or more people you have to record your findings. Finally you need to review your assessment on a regular basis and revise it if necessary.

Further information is available in the HSE Booklet 'Five Steps to Risk Assessment'

Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO), which came into force in England and Wales on 1st October 2006. Further information is available from the Council's Licensing Service or at:

www.devonandsomersetfire.co.uk .

First Aid

A proper first aid kit must be provided and all staff must know where to find it. The kit must contain plenty of waterproof dressings (blue if possible), bandages and protective fingerstalls. The level of first aid cover should be determined through the risk assessment process.

Fire Fighting Equipment

Equipment must be provided appropriate to the types of fire that may be faced e.g. Cooking fat, LPG, electrical etc. This will normally consist of a fire blanket and a dry powder fire extinguisher, both of which should be located near to the door or entrance of the vehicle or stall.

A dry powder extinguisher conforming to BS 5423 1987 (for current extinguishers) or BSEN3 (for all new extinguishers) must be provided.

Extinguisher size to be determined using the following table:

Length of Vehicle	Extinguisher Capacity
Up to 3.5 metres long	1 x 2 kg
Between 3.5 and 4.5 metres long	1 x 4 kg
Over 4.5 metres long	1 x 6 kg

Extinguishers should be mounted on wall brackets approximately 1 metre from floor level and adjacent to the exit. A competent person must service extinguishers at least once per year.

Electrical safety

If an electrical generator is used or a connection is made to a permanent electricity supply the consent holder must ensure that the electrical installation is safe. If there is any doubt as to the integrity of the supply or installation the council may ask for a safety certificate from a competent person or body. In most circumstances an inspection by an NICEIC or ECA approved electrician will be satisfactory.

At no time should electric cables be draped across roadway, public footpaths or any other area where the public have access.

Electricity Generators

If a generator is to be used to supply electricity for any stall or vehicle it shall be maintained in good condition and operate without producing any visible smoke. The generator shall be suitably silenced so that it cannot be heard by anyone at the nearest premises.

Liquefied Petroleum Gas (LPG)

All LPG installations must be in accordance with the following code of practice:

CODE OF PRACTICE FOR THE USE AND/OR OF STORAGE OF LIQUEFIED PETROLEUM GAS IN MOBILE SHOPS, SNACK BARS AND STALLS

Storage of L.P.G. Cylinders

1. If stored *externally*, these should be:
 - (a) Sited on a firm standing.
 - (b) Fitted in an upright position with the valve uppermost in an upright stand or otherwise securely held.
 - (c) Protected from accidental damage or interference.
 - (d) *So sited that the top is below the level of the stall openings, or 1 metre away from such openings.*

2. If stored *internally*, these should be:
 - (a) Cylinder should be kept in a compartment that is gas-tight from the interior having half-hour fire resistance.
 - (b) The compartment should be sufficient to contain spare cylinders.
 - (c) The compartment should be positioned away from the service area.
 - (d) Access to the compartment must only be from the exterior of the vehicle and must be fitted with a lock.
 - (e) Compartment ventilation must be at both high and low levels.
 - (f) The compartment must be identified with a suitable sign conforming to BS 5378 11980, e.g. 'L.P.G. HIGHLY INFLAMMABLE'

3. The total quantity of L.P.G. available at a premises should not exceed 50kg

Gas Pipes and Fittings

1. All ferrous pipe-work and fittings to be protected from corrosion. Non-ferrous pipes to be drawn copper or stainless steel with compression-type fittings.
2. No pipes to be run through box sections or cavities.
3. All joints and unions to be easily accessible.
4. Pipes to be securely fixed in position.
5. Flexible hoses to be as short as possible. Only hoses conforming to BS 3212 are to be used and should be changed every two years. All hoses should be secured with proper hose clips.
6. All valves and fittings to be tested with soapy water at regular intervals to ensure that they are tight.

Ventilation

Ventilation in the vehicle or trailer must be sufficient to provide oxygen for gas burning appliances and to remove the products of combustion. This should be by means of permanent vents at high and low levels.

WARNING – ALL L.P.G. EQUIPMENT IS DANGEROUS UNLESS INSTALLED PROPERLY AND REGULARLY MAINTAINED BY COMPETENT PERSONS. PROFESSIONALLY QUALIFIED PERSONNEL SHOULD CARRY OUT ALL INSTALLATIONS AND MAINTENANCE. THE USE OF L.P.G. SHOULD BE TREATED WITH RESPECT AT ALL TIMES. ALL STAFF MUST BE TRAINED WITH REGARD TO PROCEDURES IN CASE OF FIRE.

APPENDIX TWO

EXAMPLES OF CONDITIONS THAT MAY BE ADDED TO THE CONSENT

General

1. The Council retains the right to alter the allocated sale area in the event of unforeseen circumstances.
2. Consent holders and their assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch will have their Consent revoked.
3. The Council reserves the right to exercise its powers under the Local Government (Miscellaneous Provisions) Act 1982 to prohibit any street trading for a maximum of six days in any one year where it is deemed necessary by the Council subject to notice in writing at least 14 days prior to removing the consent day(s).
4. Traders and their assistants employed by them shall ensure the public are treated fairly and with courtesy at all times.

Site Conditions

1. The trader will be responsible for cleansing the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and refuse is disposed of in an approved manner on a daily basis.
2. Street traders must not utilise public bins for their commercial waste.
3. No trader shall wholly own or possess exclusive rights to a pitch. Should the trader be absent from the pitch for whatever reason, any pitch may then be used by an authorised markets organiser or as part of an event; details to be agreed prior to said market or event.
4. The trader when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons employed in the street trading activity.
5. Advertisements or other notices must not be placed outside of the area of the street trading site, without the written approval of the Councils' planning department. The trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of flyer, public address system or otherwise without the express written consent of the Council.
6. The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he/she must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.

7. The trader shall trade only from the position, which is detailed on the consent, unless directed to or agreed to by the Licensing Authority.
8. The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.
9. All goods, containers or other articles shall be contained within the consented pitch area and shall not project beyond.
10. Trading may only take place on the days and during the times specified on the consent without special authorisation being given in writing from the Council.
11. The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
12. The street trading consent plate issued by the Council must be conspicuously displayed in a place where the public may view it.
13. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which, consent has been granted.
14. No signage or objects shall be placed on the highway or area surrounding the vehicle/premises unless agreed by the Council. Fly posting within the South Somerset District Council area is not permitted.
15. Traders shall not allow any obstruction to fire hydrants, manholes or other street furniture etc., resulting from their business.
16. Where a casual trader has been given consent to use an electricity source owned by SSDC a small charge will be applicable and instructions will be given on the proper use of the supply including health and safety measures.
17. No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that:
 - they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.
18. No combustible materials are to be stored in the vicinity of a generator and suitable first aid and fire-fighting appliance(s) must be immediately available.
19. Wherever possible all generators must be fuelled by diesel oil.
20. No fuel may be stored in the vicinity of a generator.
21. Generators must not be filled up during the trading day. All generators should be filled up at the start of the day before trading.
22. The consent holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.

23. All traders using any form of power must have a minimum of a one-litre fire extinguisher suitable for use on the type of equipment being used.

Food Trading

1. Vans and stalls used for cooking must be adequately ventilated.
2. Staff who handle food must be supervised and instructed and/or trained in food hygiene in a way that is appropriate for the work they do.
3. The person or people responsible for developing and maintaining the business food safety management procedures, based on the principles of Hazard Analysis and Critical Control Points (HACCP), must have received adequate training to enable them to do this
4. A valid food registration certificate is in force for the business
5. The holder of a street trading consent shall hold a four or five star food hygiene rating for the food unit; should that rating fall below four star, and shall ensure that at least a four star rating is obtained within 3 months of receiving a lower score; should this not be obtained; the consent shall be revoked.

APPENDIX THREE

Extracts from Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 re Street Trading (N.B the extracts are numbered as set out in the Act).

Interpretation

1.(1) In this Schedule

"consent street " means a street in which street trading is prohibited without the consent of the district council ;

" prohibited street " means a street in which street trading is prohibited ;

" street " includes-

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

" street trading " means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street;

(2) The following are not street trading for the purposes of this Schedule-

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of 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;
- (e) trading which-
 - (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the 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, in or over a highway;
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where-
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not-
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Designation of streets

- 2.(1) A district council may by resolution designate any street in their district as-
- a) a prohibited street;
 - b) a licence street; or
 - c) a consent street.

Street trading consents

- 7.(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted -
- (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent -
- (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street -

- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions -
- (a) as to where the holder of the street trading consent may trade by virtue of the permission;
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

General

8. The holder of ... a street trading consent may employ any other person to assist him in his trading without a further ... consent being required.
- 9.(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a ... street trading consent.
- (2) A council may determine different fees for different types of ... consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according -
- (a) to the duration of the ... consent ;
 - (b) to the street in which it authorises trading; and
 - (c) to the descriptions of articles in which the holder is authorised to trade.
- (3) A council may require that applications for the grant or renewal of ... consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
- (4) A council may determine that fees may be paid by instalments.
- (5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

Offences

- 10.(l) A person who-
- (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in ... a consent street without being authorised to do so under this Schedule; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -

- (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
 - (e) contravenes a condition imposed under paragraph 7(9) above shall be guilty of an offence.
- (2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (3) Any person who, in connection with an application for ... a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
- (4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Savings

11. Nothing in this Schedule shall affect -

- (a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act;
- (b) section 56 of the Food Act 1984 (prohibition of certain sales during market hours).

APPENDIX FOUR

The Council's Complaints Policy

If you are dissatisfied about the standard of service received by us, please tell us

You can make a complaint in writing to the Licensing Manager, South Somerset District Council, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT, or by phone to 01935 462462 or online through our website

<http://www.southsomerset.gov.uk/contact-us/contact-us-online?type=complaint>.

Your comment will then be handled in accordance with our complaints procedure outlined below.

Complaints procedure

We define a complaint as "an expression of dissatisfaction, however made, about the standard of our service, actions or lack of action by the Council or its staff affecting an individual customer or group of customers". They are dealt with in a series of escalating stages.

Stage 1:

Any South Somerset District Council officer receiving a complaint will:

1. Establish the exact nature of your complaint (this may be recorded by our Customer Services team).
2. Forward your complaint to the Assistant Director responsible for the relevant Service.
3. The Assistant Director will acknowledge your complaint in writing. A full reply will be posted to you within 10 working days; however if we are unable to reply to you within that period, we will acknowledge receipt of your letter within 5 working days and give you a realistic timescale.

Stage 2:

If you are not satisfied with the response, please ask for your complaint to be referred to the Strategic Director responsible for the Service. The Strategic Director will investigate the matter and respond to you in full within 10 working days or 5 working days for a holding reply (which will give you a realistic timescale to expect your response).

Stage 3:

If you feel your complaint has not been resolved by stage 2, you may wish to appeal to the Chief Executive of South Somerset District Council. The Chief Executive will ask a senior officer unconnected with the complaint to review the case. This stage of the procedure will be completed within 20 working days.

Stage 4:

If you feel your complaint has not been resolved after stage 3, you may wish to pursue your complaint through the Local Government Ombudsman. You will be forwarded the contact details for the Ombudsman after Stage 3. You can find out more about the Ombudsman by visiting their website at <http://www.lgo.org.uk/>

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Agenda Item 10

Appointment of Members to Somerset Waste Board Informal Joint Scrutiny Panel

Lead Officer: Joanna Gale, Scrutiny Manager
Contact Details: Joanna.Gale@southsomerset.gov.uk or (01935) 462077

Purpose of Report

The Somerset Waste Board was formed in October 2007. The board is a joint committee that comprises two Councillors from each of the six Somerset local authorities to manage and develop waste services across Somerset.

The purpose of this report is to appoint two representatives from SSDC Scrutiny Committee to the informal Somerset Waste Board informal Joint Scrutiny Panel and one nominated substitute.

Action Required

Two members of SSDC's Scrutiny Committee and one nominated substitute are appointed to the Somerset Waste Board informal Joint Scrutiny Panel.

Background

The Somerset Waste Board informal Joint Scrutiny Panel was formed in 2011 with the intention of improving pre-decision scrutiny and facilitating wider engagement of elected members in the work of the Somerset Waste Board.

As an informal Joint Scrutiny Panel, any recommendations or actions proposed by the Panel will need to be endorsed by the Scrutiny functions of each partner authority. Working together informally should and provide a more effective mechanism for fulfilling the statutory scrutiny functions of local authorities.

Agenda Item 11

Appointment of Members to Somerset Rivers Authority Scrutiny Panel

Lead Officer: Joanna Gale, Scrutiny Manager
Contact Details: Joanna.Gale@southsomerset.gov.uk or (01935) 462077

Purpose of Report

The Somerset Rivers Authority (SRA) is an established partnership involving all Somerset local authorities and other key delivery agencies. An informal Joint Scrutiny Panel for the SRA has been in place since the beginning of the year, with the first meeting being held in February. The purpose of this report is to appoint two representatives from SSDC Scrutiny Committee to the informal joint Scrutiny Panel.

Action Required

Two members of SSDC's Scrutiny Committee are appointed to the Somerset Rivers Authority Informal Joint Scrutiny Panel.

Background

The Memorandum of Understanding and Terms of Reference for the informal Joint Scrutiny Panel are attached to this report.

As an informal Joint Scrutiny Panel, any recommendations or actions proposed by the Panel will need to be endorsed by the Scrutiny functions of each partner authority. Working together informally should facilitate wider engagement of elected members in the work of the Somerset Rivers Authority and provide a more effective mechanism for fulfilling the statutory scrutiny functions of local authorities.

Local Memorandum of Understanding & Constitution

1. Background and Context

1.1 The Parties

Somerset County Council (SCC), the Axe / Brue and the Parrett Internal Drainage Boards (IDBs), Mendip, Sedgemoor, South Somerset, West Somerset District Councils and Taunton Deane Borough Council. These Parties, to whom this Local Memorandum of Understanding (MoU) applies will comprise the membership of the Somerset Rivers Authority (SRA) Joint Scrutiny Panel and will agree how to involve other stakeholders, such as the Environment Agency, Natural England, and the Wessex Regional Flood and Coastal Committee.

1.2 Background

The establishment of an informal joint Scrutiny Panel, agreed by the SRA Board on 23rd March 2016, reflects the need for the Somerset Rivers Authority to be accountable to the constituent councils and partners. The Panel will enable the scrutiny of activities of the SRA and provide necessary assurance to the constituent councils and partners that the SRA is operating effectively.

As this will be an informal panel rather than a formally constituted joint Committee, there is not a requirement for each individual council to formally give the Panel delegated powers. It will operate as a cost effective mechanism whereby through a maximum of 2 to 3 meetings per year, members of each council and the IDB can come together collectively scrutinize the effectiveness of the SRA. This approach is consistent with the current status of the SRA as an unincorporated association and based upon the current Joint Waste Scrutiny model in operation in Somerset.

The onus will be on the representatives of each Council / organization who attend the Panel to feedback any issues or concerns into their Councils' formal scrutiny process.

1.3 Workings of the Panel

The SRA Joint Scrutiny Panel will:

- Consist of 2 elected members from each of the 6 councils and 1 from each Internal Drainage Board;
- Appoint a Chairman on an annual basis;
- Appoint a Vice Chairman on an annual basis;
- Receive administrative support from Somerset County Council
- Be the usual body to which called-in decisions of the Somerset Rivers Authority Board are referred to.

The Panel will meet on a 6 monthly basis (unless an issue arises which requires more frequent meetings) and acting in an informal capacity will seek to add value to the work of the SRA Board by:

- Improve pre-decision scrutiny of the work of the SRA Board, using the SRA Board's forward work programme as a source document;
- Improve communication amongst the wider membership of all partner authorities, including those not on the Joint Scrutiny Panel;
- Minimise the impact of effective scrutiny on the time of the SRA Board – by providing

dedicated opportunities to engage with the Scrutiny functions of all Board member Councils / organisations.

- Consider policy development opportunities as and when they arise to support the SRA Board.

1.4 This Local Memorandum of Understanding (Local MoU)

This Local MoU document is not intended to be legally binding on the Parties, but the Parties agree to the Local MoU, intending to honour their obligations set out in it. It will cover the period up to 1st January 2018 and will be supported by an SRA Joint Scrutiny Panel Terms of Reference/Constitution.

1.5 Term & Amendment

This local MOU shall come into effect on 1st January 2017, and shall continue in force unless terminated in accordance with the this Local MoU. It will be reviewed annually or when relevant legislation is in place, defining accountability and scrutiny, whichever comes soonest.

Proposals for amendments should be communicated to the SRA Senior Manager, no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be circulated for comment and a recommendations made to the SRA Board, and in accordance with its decision-making arrangements decided by a simple majority.

1.6 Previous Arrangements

Prior to this Local MoU, the existing arrangements have provided for individual scrutiny by each of the constituent councils through their existing scrutiny processes. Those arrangements will be superseded by the arrangements put in place under this Local MoU.

Signed by **John Osman** for and
on behalf of **Somerset County
Council**

Date

Signed by **John Williams** for and
on behalf of **Taunton Deane
Borough Council**

Date

Signed by **Ric Pallister** for and on
behalf of **South Somerset
District Council**

Date

Signed by **Harvey Siggs** for and
on behalf of **Mendip District
Council**

Date

Signed by **Duncan McGinty** for
and on behalf of **Sedgemoor
District Council**

Date

Signed by **Anthony Trollope-
Bellew** for and on behalf of **West
Somerset Council**

Date

Signed by **Peter Maltby** for and
on behalf of the **Parrett Internal
Drainage Board**

Date

Signed by **Jeff Fear** for and on
behalf of the **Axe & Brue Internal
Drainage Board**

Agenda Item 12

Verbal update on Task and Finish reviews

The Task and Finish Review Chairs or Scrutiny Manager will give a brief verbal update on progress made.

Current Task & Finish Reviews:

- Council Tax Support 2018/19
 - Accessible Homefinder Common Lettings Policy
-

Agenda Item 13

Update on matters of interest

Lead Officers: Jo Gale, Scrutiny Manager
Contact Details: joanna.gale@southsomerset.gov.uk or 01935 462077

Action Required

That members of the Scrutiny Committee note the verbal updates as presented by the Scrutiny Manager.

Purpose of Report

This report is submitted for information to update members of the committee on any recent information regarding matters of interest to the Scrutiny Committee, and for the Scrutiny Manager to verbally update members on any ongoing matters.

Scrutiny Work Programme

Meeting Date	Agenda Item	Issue for Main Scrutiny Cttee	Budget	Background/Description	Lead Officer/ Lead Member
4 th July 2017	Review of Performance Indicators	✓		Officers previously indicated to the Scrutiny Committee that work was planned to review the current suite of performance indicators. This work is dependent on the revision of the Council Plan and assurance has been given that provision will be made for effective Scrutiny engagement in this process. This session will also explore what members would like monitored specifically in relation to Transformation.	Andrew Gillespie Charlotte Jones Cllr Ric Pallister
October 2017	Council Tax Penalties and Civil Penalties in Housing Benefit	✓		In April 2017 the council agreed to introduce penalties for those who have failed to notify the Council of change of circumstances that has resulted in them continuing to receive a Council Tax exemption, discount, Housing Benefit or Council Tax Support award that they are not entitled. Scrutiny Committee agreed at their meeting on 4 th April 2017 for an item to be added to the forward plan for October to monitor the effectiveness of the policy. Figures with regard to the cost of issuing and collecting penalties have been specifically requested.	Ian Potter
Nov TBC	Discretionary Housing Payment policy monitoring	✓		An update report on the implementation and outcomes of the revised Discretionary Housing Payment Policy that came in to effect on 1 April 2017 following a Task and Finish review.	Ian Potter
FEBTBC	Monitoring of the implementation of Charges for Pre-Application Development Control Advice	✓		In April 2017 Scrutiny Committee supported the introduction of charging for Pre- Application Development Advice and requested a monitoring report is brought forward to establish the effectiveness of recouping costs and to consider the re-evaluation of fees.	David Norris

Meeting Date	Agenda Item	Issue for Main Scrutiny Cttee	Budget	Background/Description	Lead Officer/ Lead Member
TBC	Troubled Families Programme	✓		Members requested an update report on the progress of the troubled families following a report covering the work of South Somerset Together, Local Strategic Partnership. A specific report request needs to be compiled.	Helen Rutter
TBC	Review of Economic Development Strategy	✓		This Strategy is due for review and Scrutiny members have previously been involved in the review and development of this Policy. The Lead Officer has agreed that Scrutiny involvement will be factored in to the review process and we will be kept informed regarding the most appropriate point for effective Scrutiny engagement.	David Julian / Cllr Jo Roundell Greene.
TBC	Increased Joint Working Between Police Forces			At the meeting of Scrutiny Committee on 30 August 2016, the SSDC representative on the Police and Crime Panel requested that there be a report looking at the proposals for increased joint working between police forces across the South West.	

The Somerset Waste Board and Somerset Waste Partnership Forward Plan of key decisions can be viewed at:

<http://democracy.somerset.gov.uk/mgListPlans.aspx?RPId=196&RD=0>

Current Task & Finish Reviews

Date Commenced	Title	Members
February 2017	<p>Council Tax Support 2018/19</p> <p>Monitoring the effectiveness of the current scheme and how best to manage the reductions in the Administration grant as part of efficiency savings and as a consequence of the changes with Universal Credit</p>	<p>Cllrs Jason Baker, Val Keitch, Andy Kendall, David Norris, Sue Osborne, Sue Steele, Alan Smith, Rob Stickland, Derek Yeomans</p>
February 2017	<p>Accessible Homefinder Common Lettings Policy</p> <p>A review of the policy to ensure it is accessible for customers/the general public. Phase 1 completed with comments re style, layout and terminology fed back, phase 2 to commence June 2017 or later.</p>	<p>Cllrs Sue Steele, Carol Goodall</p>
<p>The Overview and Scrutiny Committee are committed to ensuring they have capacity to contribute to the Council's Transformation programme and therefore fewer Task and Finish reviews may be conducted during the Transformation period.</p>		

Agenda Item 15

Date of next meeting

Members are requested to note that the next meeting of the Scrutiny Committee will be held on Tuesday 4 July 2017 at 10.00am in the Main Committee Room, Brympton Way, Yeovil.
