



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 7pm ON MONDAY 5th AUGUST 2019 AT BANWELL YOUTH AND COMMUNITY CENTRE

PRESENT:	Councillors Phil Hale (Chairman), Phil Baird, Paul Blatchford (Vice Chairman), Steve Davies, Paul Harding and Nick Manley.
IN ATTENDANCE:	Mrs Liz Shayler (Clerk).
WARD COUNCILLORS:	Cllr Harley
PRESS:	None
MEMBERS OF THE PUBLIC:	17

Before the meeting opened Members of the public were invited to speak;

- (i) A number of residents spoke in objection to application 18/P/4735/OUT with particular concerns about the following;
 - The proposed s route for the disposal of surface water on the east side of Wolvershill Road
 - Localised flooding
 - Maintenance of the attenuation ponds and ecological corridors
 - The impact on bats
 - Highways safety in relation to the access onto the road.
 - Doctors' surgery oversubscribed
 - The disposal of sewage
- (ii) The planning agent spoke in support of application 19/P/1411/FUL and gave further background information on the reuse of the disused buildings, the visibility splay onto Wolvershill Road and the applicant's proposal not to pursue the residential caravan element of the application .
- (iii) The planning agent spoke in support of application 19/P/1675/FUL and to clarify the extent of the red lined area and the addition of tree and hedge screening for the site as had been suggested by the Parish Council when the original application had been considered earlier in the year.

The meeting was convened

016/19 To receive apologies for absence (agenda item 1)

Apologies were received from Cllr Dawn Parry

017/19 To receive declarations of interest (agenda Item 2)

No declarations were made.

018/19 To approve as a correct record the minutes of the Planning Committee Meeting held on the 1st July 2019 (agenda item 3).

Resolved – That the minutes of the Planning Committee Meeting held on the 1st July 2019 be approved as a correct record of the meeting.

The resolution was correctly proposed and seconded (unanimous).

The minutes of the meeting were signed by the Chairman as a correct record.

019/19 To discuss and agree a response to North Somerset Council Draft Shopfront Design Guide (agenda item 4).

Resolved – To note the North Somerset's Council Draft Shopfront Design Guide and for Cllr Hale to pass on comments to the Clerk for submission to NSC.

The resolution was correctly proposed and seconded (unanimous)

020/19 To note and comment upon planning applications (agenda item 5)

- (i) **18/P/4735/OUT**- Land West of Wolvershill Road, North of Wolvershill Park and Knightcott Park. Outline planning application for the erection of up to 62no. dwellings (including 19 no. affordable housing units (30%)), along with the provision of informal public open space and associated works. Access from Wolvershill Road for approval with appearance, landscaping, layout and scale reserved for subsequent approval.

Resolved – To continue to not support this application for the following reasons;

- The development is outside the settlement boundary
- It will exacerbate the traffic problems already present in the village
- Highways safety concerns in relation to the access onto Wolvershill Road
- The traffic survey is inaccurate as, for instance, there is no Post Office and no bus on a Sunday during the winter and the accumulative effect in Banwell of traffic from other current and future developments has not been fully taken into account.
- Insufficient sewer capacity
- Surface water management and disposal problems
- Cramped design and insufficient car parking
- Loss of privacy for the neighbours
- It creates unsustainable pressure on the School and Doctor services
- Erosion of the green space between the historic centre of the village and the potential bypass.
- Adverse effect on visual amenity and wildlife
- Maintenance of ecological corridors

The resolution was correctly proposed and seconded (unanimous)

- (ii) **19/P/0429/FUL** - Land at Orchard Close Banwell. Proposed removal of ruin and erection of three-bedroom bungalow and garage.

Resolved – To object to this application for the following reasons;

- Adequacy of parking spaces.
- Outside the settlement boundary and within the Conservation Area.
- Overdevelopment including raising the roofline potentially causing lack of privacy for neighbours.
- Narrow access with no planning for bin storage or collection.
- Known sewerage capacity problems in the immediate area.
- Damage to heritage assets.

The resolution was correctly proposed and seconded (unanimous)

- (iii) **19/P/1357/MMA** - Land South of Churchland Way, Wolvershill Road, Banwell. Minor material amendment to application 17/P/5586/RM (reserved matters application for access, appearance, landscaping, layout and scale for the erection of 223 dwellings with associated access, roads, footways, parking, drainage and landscaping pursuant to outline planning permission 12/P/1266/OT2) to change house types PB35G, PT42 and PC41 with house types NB31-7, NT41-7 and NC40 and replace house type 2BWCH on plots 70 & 71 only with house type 1470 WC on approved plans.

Resolved – To note this application

The resolution was correctly proposed and seconded (unanimous)

Planning Committee Papers 02.09.19

- (iv) **19/P/1411/FUL** - Gobbles Farm Wolverhill Road Banwell. Retrospective application for: change of use of 3 no. agricultural buildings to storage (Use Class B8); and 1 no. building to Gym (Use Class D2 (Assembly and Leisure)); External storage, container storage and HGV parking. Retention of storage building (Use Class B8) and stationing of mobile home. Proposed erection of replacement storage building (Use Class B8); extension to existing storage building; construction of farm track and widening of existing access onto Wolverhill Road.

Resolved – Whilst the Parish Council would normally support the diversification of farm buildings, they do not support this application for the following reasons;

- The visibility at the access is not good enough given that many heavy goods vehicles will be slowly entering and leaving the site on a busy country road near a bend and in a dip in the road.
- There are no reasons given for the need for a residential caravan which would be residential development outside the settlement boundary

The resolution was correctly proposed and seconded (5 in favour and 1 against)

- (v) **19/P/1578/FUH** - 43 High Street Banwell BS29 6AF. Proposed single storey flat roof rear elevation extension & front elevation timber window replacements.

Resolved – To support this application

The resolution was correctly proposed and seconded (unanimous)

- (vi) **19/P/1588/FUL** – Cedar Haven, Haybow, Hewish, Banwell. BS24 6RB. Siting of a static home and erection of a new day room.

Resolved – To not support this application unless a condition is placed on any resultant planning permission to require that the proposed development is to be removed within two months of the death of the existing occupier of Cedar Haven who it is intended will be cared for by the occupants of the proposed development.

The resolution was correctly proposed and seconded (5 in favour with 1 against)

- (vii) **19/P/1608/FUL** - Winthill House Winthill Banwell BS29 6NN. Conversion and extension of existing garage and storage loft to holiday let.

Resolved – To note this application but request that it is brought to the attention of the Area of Outstanding Natural Beauty Authority and that if North Somerset Council is minded to approve the application then a condition that the proposed development does not become a separate dwelling is included on the planning permission.

The resolution was correctly proposed and seconded (unanimous)

- (viii) **19/P/1610/FUL** - Banwell Recreation Field Westfield Road Banwell. Application to add additional play equipment & trees to Banwell Recreation Ground which includes, a zipline, concrete table tennis, net climber, picnic tables, twelve trees and possibly an additional piece of toddler equipment (seesaw) for the toddler play area.

This application was noted

- (ix) **19/P/1675/FUL** - Stonebridge Farm Wolverhill Road Banwell BS29 6DR. Extension to caravan storage area.

Resolved – To support this application

The resolution was correctly proposed and seconded (unanimous)

- (x) **19/P/1773/EA1** - Photovoltaic Installation at Bowerhouse, Riverside, Banwell. Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted for the installation of 37,880 no. 330Wp photovoltaic (PV) units onto Galvanised steel framework tables, supported on Galvanised steel pile foundations, as a 12 MW extension to the existing Solar Farm.

This application was noted

021/19 To note planning decisions – (agenda item 6)

- (i) **19/P/0408/FUL** - Land South of Silver Moor Lane Banwell. Prior notification for the proposed connecting track for use of access approved under 19/P/0408/FUL. **PRIOR APPROVAL NOT REQUIRED**
- (ii) **19/P/0937/FUH** - 42 Knightcott Road, Banwell. BS29 6HF Proposed replacement porch and pitch roof over existing garage, new porch, proposed pitched roof over existing front dormer. **APPROVED**
- (iii) **19/P/1400/TEN** - Land at Fox Hollow Box Bush Lane Rolstone Banwell. BS24 6UA. Notification, under Regulation 5 of the Electronic Communications Code Regulations, for the proposed installation of fixed-line broadband apparatus, 1 x 9m Wooden Pole (7.20m above ground). **NO OBJECTION**
- (iv) **19/P/1518/AGA** - Land South of Silver Moor Lane Banwell. Prior notification for the proposed connecting track for use of access approved under 19/P/0408/FUL. **PLANNING APPLICATION NOT REQUIRED**
- (v) **19/P/1397/CQA** - Barn at Silver Moor Lane Banwell. Prior approval for change of use from agricultural building and land to 1no dwelling within use class C3, plus associated operational development comprising installation of replacement walls with new doors and windows. **WITHDRAWN**
- (vi) **19/P/1495/LDE** - Western Trade Centre Knightcott Road Banwell. Certificate of lawfulness for existing use of the land as open storage (Use class B8). **APPROVED**

022/19 Date of the next meeting (agenda item 7)

19th August – Parish Council Meeting, 7:30pm Banwell Children’s Centre
2nd September – Planning Committee Meeting, 7pm Banwell Children’s Centre

The Chairman closed the meeting at 20:10

.....Chairman

.....Date



Street Cafe Policy

2019 - 2023

**North Somerset Council, Licensing Team, Town Hall,
Walliscote Grove Road, Weston-super-Mare, BS23 1UJ
Tel: 01934 426 800**

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1. Introduction

Alfresco eating is becoming a more widespread aspect of urban life and the presence of tables and chairs on the pavement can make a positive contribution by adding vitality, colour, life and interest to an area.

North Somerset Council permits tables and chairs to be placed on the Highway outside restaurants, cafes and public houses.

This is to support and encourage the use of amenities on the highway and recognises that their provision can make a positive contribution to the local economy by maximising the use of public space. It is also hoped that the area of North Somerset is made more attractive by providing facilities for people, who visit, work or live in North Somerset.

This policy is intended to help businesses understand where the placing of objects or structures on the highway might be permitted. Any Street Café permissions are required to be maintained to a high standard and enforcement action will be taken to ensure that obstruction to the highway is kept to a minimum.

The Council wishes to encourage pavement cafes, it is important that they are properly located and managed. This is ensure that they meet the standards we expected in North Somerset and that they do not obstruct the highway nor create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

2. Legal Framework

2.1 Street Cafés are covered by regulations made under the Highways Act 1980 S.115. The area for any Street Café permission must be a highway as defined by Section 115A of the Highways Act 1980.

2.3 The Licensing Authority may grant a person permission to use objects or structures on the highway which would otherwise be known as an obstruction.

The objects or structures are termed “amenities” and although no strict statutory definition is given, could include such things as:

1. Tables, chairs and parasols;
2. Planters;
3. Barriers, screens or enclosures to contain tables, chairs and/or outside designated smoking areas etc.
4. “A” Boards or other advertising boards.

- 2.4** This permission applies if the objects or structures on the highway are for a purpose which will result in the production of income, to provide information or for advertising.
- 2.5** The Licensing Authority has the power to impose conditions on permissions granted under this legislation.
- 2.6** The legislation also requires a council to publish a notice before any permissions are granted and gives it powers to serve notice where the permission granted is breached, requiring not only remedy of the breach but the recovery of any expenses plus interest incurred where the council remedy the breach themselves.
- 2.7** Anyone without lawful authority or excuse, who in any way wilfully obstructs the free passage along a highway commits an offence(s) contrary to section 137 of the Act.
- 2.8** In cases where there is any doubt about the ownership or responsibility in relation to a “highway” applicants should seek their own legal advice prior to making any Street Café application.

3. General considerations

3.1 Street Cafes on Private Land

This policy relates only to Street Cafés on a public highway. Cafés on private land are not covered by the Highways Act legislation. However although a Street café on private land may not need a permit, it may require planning permission if the structures and fittings are not of a temporary nature.

Land previously deemed to be in private ownership may have become part of the highway if the public have enjoyed access over it for at least twenty years or if the Council has formally adopted the land. Before proceeding with an application the applicant must check with Council Planning Services to establish if planning permission is necessary.

3.2 Right of Access

Authorised Officers of the Council and the Police shall have access to a Street Café at all reasonable times for inspection purposes.

4. Designing the Street Café

4.1 The overall objectives of a Street Café will be:

1. To make the district attractive to visitors and residents.
2. To protect the safety of users of the highway and users of the café.
3. To ensure that access for emergency services is maintained

4.2 Size and layout

The size of any café area will depend on the type of usage and the available space. Public safety will be paramount as a principle; however each application will be determined on its own merits. There must always be sufficient room for pedestrians and others to use the footpath taking into account street light columns, waste bins and any other street furniture. Access to fire hydrants must also be maintained.

4.3 The layout of the proposed Street Café will be dependent upon the characteristics of the site outside of the premises, particularly the space available (taking into account the needs of other users), and it is not appropriate for this Policy to set a standard size for the Street Café.

4.4 A minimum of 2 metres must be maintained between the outer edge of the Street Cafe and the edge of any street furniture or defined carriageway. This is to allow safe movement of persons and any aids such as wheelchairs or prams that are required. Additional width may be required in areas with high pedestrian or vehicular traffic.

4.5 The area should take into account other needs of the area such as kerbside parking, pedestrian routes and crossing points. These must all be identified within any plan.

4.6 An example of such a plan is shown at **APPENDIX A**.

4.7 Smoke free Legislation

The layout of the street café should ensure that smoke does not enter into the main 'enclosed' premises by virtue of people smoking within the street café. This may be achieved by:

1. Providing pedestrian routes between the main 'enclosed' building and the street cafe;
2. Restricting smoking in the areas of the street café that are close to the main 'enclosed' building;
3. Keeping all opening windows (facing onto the street café) closed;
4. Providing any doors facing onto the street café are fitted with self-closing devices;
5. Any other equivalent or equally effective measures(s)

For further information on the Smoke free Regulations please contact the North Somerset Council Food and Safety Team on: 01934 888888

4.8 Alcohol Guidance

The Licensing Act 2003 provides a regime for the control of the sale or supply of alcohol, regulated entertainment and late night refreshment.

The purpose of setting up street cafes is to attract people to North Somerset, to enjoy a relaxed and continental style of eating/drinking not merely to extend licensed premises, this will be borne in mind when applications are considered.

Whilst consumption is not a licensable activity, holders may need to seek advice and apply for variations to incorporate “additional” areas where a licensable activity is likely to take place.

Although licensing law is not the primary mechanism for dealing with the control of persons away from licensed premises; licensees do have a duty of care for the behaviour of persons immediately outside or adjacent to their premises.

4.9 Furniture Design

a) Tables and Chairs

These shall be robust and of good quality. They should also be separate and of a design to allow use by disabled or wheelchair users. The design should complement the area they are used in. Picnic style tables with fixed benches will not be acceptable.

The Council reserves the right to reject applications where inappropriate furniture is proposed. Full details of proposed furniture shall be required upon submission of the application, including dimensions, material and a photograph or drawing of the proposed furniture.

b) Parasols

If parasols are to be used, then their metric dimensions, materials and colour must be specified as part of the application and their proposed locations shown on the site layout plan.

Parasols, when opened, should be safely secured and contained entirely within the boundaries of the street café to ensure they do not cause an obstruction or present a danger to any user of the street café or any other users of the highway.

The design and colour of parasols will not be restricted to a particular type but they should be made of high quality materials and fabric and be of a uniform design and colour. The base of the parasol must not cause a trip hazard in the street café area.

Canopies, awnings, blinds etc. which are to be attached to the building may require advertisement consent or planning permission.

It will not normally be necessary to obtain planning permission for Street Cafés on the highway. However, advice should be sought from North Somerset Council Planning Services.

c) Means of Enclosure

The council requires the tables and chairs placed on a highway to be contained by means of a 'barrier'. This is to:

- Contain the tables and chairs so that the area is distinguishable to pavement users;
- Prevent "drifting" of the furniture or barriers outside of the authorised area;
- To assist blind and visually impaired pedestrians.

Barriers should :

- Have a solid horizontal bar/element at appropriate height(s) above ground level so as to be detectable by a stick ("tapping rail")
- Not exceed 1.5 metres in height unless otherwise authorised by the Council;
- Be removed entirely from the highway when outside of the times authorised by the permit. It must be therefore lightweight in construction or portable but robust enough to withstand winds or being pushed over;
- Compliment the surrounding area. Any designs must be authorised by the Council
- Be supported by suitable 'feet' that do not cause a trip hazard to pedestrians particularly partially sighted people;
- Must not block any emergency exits.
- Hoops or post chain type barriers and low level objects will not be acceptable

Planters

- These must be lightweight enough to be removed daily, but stable enough to resist weather conditions. Wheeled planters are acceptable so long as they are able to be locked into position whilst in use.
- Planters must also comply with tapping rail requirements and be a minimum of 1 metre high overall.

d) Patio Heaters

If patio heaters are to be used, then their dimensions, and materials must be specified as part of the application and their proposed location shown on the site layout. A full description of the equipment and detailed risk assessment must be submitted with the application.

It will be the responsibility of the applicant to notify their insurers of the use of such equipment and approved in accordance with the terms of the policy of

public liability insurance. In considering the application the Council shall have regard to the inherent safety of the equipment, its location, storage of Liquid Petroleum Gas cylinders, maintenance and training arrangements.

e) Lighting

The applicant for a Street Café permit should, if intending to open beyond dusk, carefully consider the level of lighting in the proposed area. Whilst street lighting may be perfectly adequate for a public highway, it may need supplementing to allow the Street Café to operate safely. Any additional lighting equipment and supply must be specified in the application to enable its impact upon the highway to be considered

f) Advertising

An element of advertising may be incorporated in the establishment of a street café but shall require the prior approval of North Somerset Council.

To maintain a quality street environment, advertising for business operating the street café will be encouraged.

In some instances, this may require advertising consent. Applicants should discuss this with the Council's planning department.

5. Fees and Charges

5.1 The fees for a Street Café Permit are reviewed by the Council on an annual basis and any changes made will take effect from the 1st April each year. The fee MUST accompany the initial application. These fees are as per the Council published fees and charges.

5.2 Annual fees are **per table** placed on the public highway **per year**. If the premises wishes to operate a "Smoking Area" after 2300 hours an additional annual fee per year will be payable.

5.3 Fees are due on an annual basis from the date of the grant of the Street Café Permit

An initial administration fee is payable in addition to the table fees, as follows:

- Up to 5 tables on the public highway
- 6-10 tables on the public highway
- 11 or more tables on the public highway

There are also fees for both a minor and full variation application.

5.4 For the purpose of calculating fees, a table shall be no more than 2 metres wide and 2 metres deep.

6. Managing the Street Café

6.1 Insurance

The applicant is required to indemnify the Council against all actions, demands, costs, charges or expenses arising from the use of the highway under the permission granted. The Council therefore requires the permit holder to take out third party public liability insurance to the sum of at least £5,000,000.

6.2 Safety

The permission holder must ensure that all equipment and services comply with all relevant legislation and statutory requirements.

When not in use the furniture, barriers and other permitted equipment must be stored securely.

Only the correct amount of furniture specified in the permit may be out within the permitted area.

6.3 Environmental Implications

The Street Café area must be kept clear of litter and clean at all times. Evidence of a scheduled cleaning record shall be provided on request.

Ashtrays or similar receptacles must be provided in areas where smoking takes place. Serious consideration should be given to division of Street Café areas, where space permits, into smoking and non-smoking sections and to be clearly marked.

External public address systems shall not be permitted. The playing of live or recorded music may also be subject to statutory control and applicants should make their own enquiries accordingly. Applicants should fully address and control and potential nuisance(s) caused by their patrons. Inappropriate or anti-social behaviour within the permitted area may lead to enforcement action.

It is imperative that the needs of neighbours, nearby residents or businesses including all agencies are fully considered including companies that require access to the highway for maintenance repair.

All A-Boards must be contained within any Street Café Area.

7. Operation

- 7.1 The provision of a Street Café must be carefully managed to ensure that the public are not put in danger of injury or harm.
- 7.2 A pre-licensing visit will be made to each premise upon receipt of an application for the grant, renewal or variation of a Street Café permit, to discuss the application process, the proposed operation of the cafe etc. to provide advice and information to the applicant.
- 7.3 Once the Street Café permit has been issued, a further visit will be made to the premises to review the practical day-to-day operation of the café.
- 7.4 The Council will carry out periodic inspections to make sure that all the terms and conditions of the permit are being observed.
- 7.5 Permits will be granted for a maximum of one year and are renewable annually.
- 7.6 Permits for new sites will be subject to a three month probationary period.
- 7.7 Hours of operation will be determined on the application merits. Normally the following hours will apply:
- Licensing hours for street furniture will be granted between the hours of 08:00 hours to 23:00 hours.
 - All furniture should be removed between the hours of 23:00hrs to 08:00hrs/
 - Where the premises are licensed under the Licensing Act 2003, barriers can remain in place until either the premises close, or no later than 04:00hrs to create a “smoking area”. No furniture other than space heaters and parasols should be present in the “smoking area” and neither alcoholic drinks, bottles nor glassware should be present in this area after 23:00hrs.
- 7.8 Where a smoking area is permitted it will be required to be covered by CCTV and by SIA door staff and comply with smoking regulations.
- 7.9 During normal working hours table service is highly recommended and customers should be seated.
- 7.10 The permit issued by the authority may be issued electronically for the holder to print and display. A copy of the permit must be displayed on the premises in a position where it is visible to patrons
- 7.11 A copy of the Permit and plan must be kept on the premises at all times and be available for inspection.
- 7.12 When the area of a street café has been agreed, a definitive plan of the area showing the boundaries and the dimensions will be attached to, and form part of, the permit.

8. Application Requirements

8.1 No tables, chairs or other furniture should be placed upon the highway until the application is determined and the applicant has been advised of the outcome.

8.2 Incomplete applications will not be accepted.

8.3 Applicants are required to submit the following at the time of application:

- A completed and signed application form
- The correct fee for the number of tables plus any administration fee
- An up-to-date location plan (1:1250 scale) showing the outline of the proposed Street Café.
- Site layout plan (1:100 or 1:50 scale) showing the proposed boundary, kerb, building lines, enclosure barriers, points of access, table and seating layout, location of parasols, heaters etc.
- Photographs, drawings and measurements of proposed furniture,
- A sample copy of the café menu,
- A copy of valid public liability insurance (£5 million)

9. Determination of applications

9.1 All applications will be considered on their own merits.

9.2 Valid applications will be subject to 28 days of public consultation before a decision is made. A public notice will be placed by the applicant at or near to the proposed premises, detailing the proposals including the times and days of intended operation.

9.3 Valid applications will also be referred to relevant departments within the council, Avon and Somerset Constabulary, Avon Fire and Rescue services and any other agencies it deems appropriate for comment. Applicants may wish to hold discussions with these parties, to resolve any issues raised during consultation, prior to a decision being made.

9.4 Any comments received, which remain unresolved, will be assessed for relevancy by licensing officers and if deemed appropriate will cause the application to be put before the licensing sub-committee.

9.5 Where no relevant representations are received, or relevant representations are resolved by negotiation, applications may be approved by licensing officers under delegated authority arrangements.

9.6 Permits will not **normally** be granted where:

- A significant effect on road safety would arise either from the siting of the tables and chairs, or from customers visiting or leaving the permitted area,

- Where there are concerns over the recorded level of personal injury accidents in the locality where the tables and chairs will be sited,
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes,
- There is a conflict with Traffic Orders, such as waiting restrictions,
- The site obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use,
- The tables and chairs obstruct the safe passage of users of the footway or carriageway,
- The trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- The Council is not satisfied that applicants have made satisfactory arrangements for the storage and collection of all refuse associated with their business
- The Council is not satisfied that applicants have made satisfactory arrangements for the storage of all tables and chairs off the highway without impeding any access or egress from the premises.

10. Determination of an Application by Licensing Committee

- 10.1 Where relevant comments are received in respect of an application, and are not resolved by negotiation, the application will be put before a licensing committee for determination.
- 10.2 Both the applicant and the person making comments will be advised of the hearing time and date, and provided with a copy of the report to be made to the sub-committee.
- 10.3 Both parties will be given the opportunity to address the sub-committee, and ask each other questions of fact, before a decision is made on the application. The sub-committee may also ask questions of any party that they feel relevant to the determination process.
- 10.4 The sub-committee may grant the application, grant it subject to conditions, or refuse the application. Reasons for any conditions or a refusal will be provided to the applicant. Written confirmation of the decision will be sent to all parties within 7 days of the sub committee hearing.
- 10.5 There is no right of appeal against the Councils' decision regarding the determination, suspension or revocation of any Street café permissions.

11. Renewals

- 11.1 It is the responsibility of the permission holder to ensure that renewal applications are made prior to the expiry of an existing permit, in order for permissions to continue uninterrupted.
- 11.2 Should a renewal application be received after the expiry of a previous permit, it may be treated as a new application, attract a higher fee and require additional information to be supplied.
- 11.3 Renewals in respect of previous permits must be made by submission of a completed renewal form together with evidence of the required insurance, and the appropriate renewal fee.
- 11.4 All renewal applications will be subjected to such consultation as the Licensing Authority sees fit. If there have been no alterations since the issue of a permit and the Authority have received no complaints about the operation of the Street Café, the presumption will be to renew the permission.

12. Variations

12.1 Minor Variation

If any of the changes detailed below are required for an existing permit, a Minor Variation application needs to be applied for:

- Change of permit holder's address
- Reduction of licensed hours
- Reduction in size of permitted area
- Decrease in number of tables/seating capacity
- Change to authorised furniture/barrier design or type
- Change of premises name

Applicants will be required to provide sufficient documentation to confirm any changes in name or address and specifications of any newly proposed equipment.

A fee is payable for a minor variation.

Once submitted, a minor variation application will be determined within 14 days, and a replacement permit provided.

12.2 Full Variation

For any of the changes below to an existing permit, a full variation application needs to be applied for:

- Extension of permitted hours
- Increase in size of permitted area

- Increase in number of tables.

Applicants will be required to provide sufficient documentation to confirm any changes, and specifications of any newly proposed equipment.

A revised site plan and layout will be required with the application.

A fee is payable for a full variation.

Once submitted, a full variation application will be determined within 14 days, and a replacement permit provided.

13. Surrender/Cancel Permit Application

To surrender or cancel a Street Café Permit, written notification shall be required.

Once a Street Café Permit has been surrendered it cannot be reinstated.

14. Compliance/Enforcement

14.1 It is recognised that well-directed enforcement activity by the council benefits not only the public but also responsible business operators.

14.2 North Somerset Council will actively enforce the provisions of the Street Café scheme within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council's Enforcement Protocol, copies of which are available free of charge. If you require a copy please contact the Licensing Team.

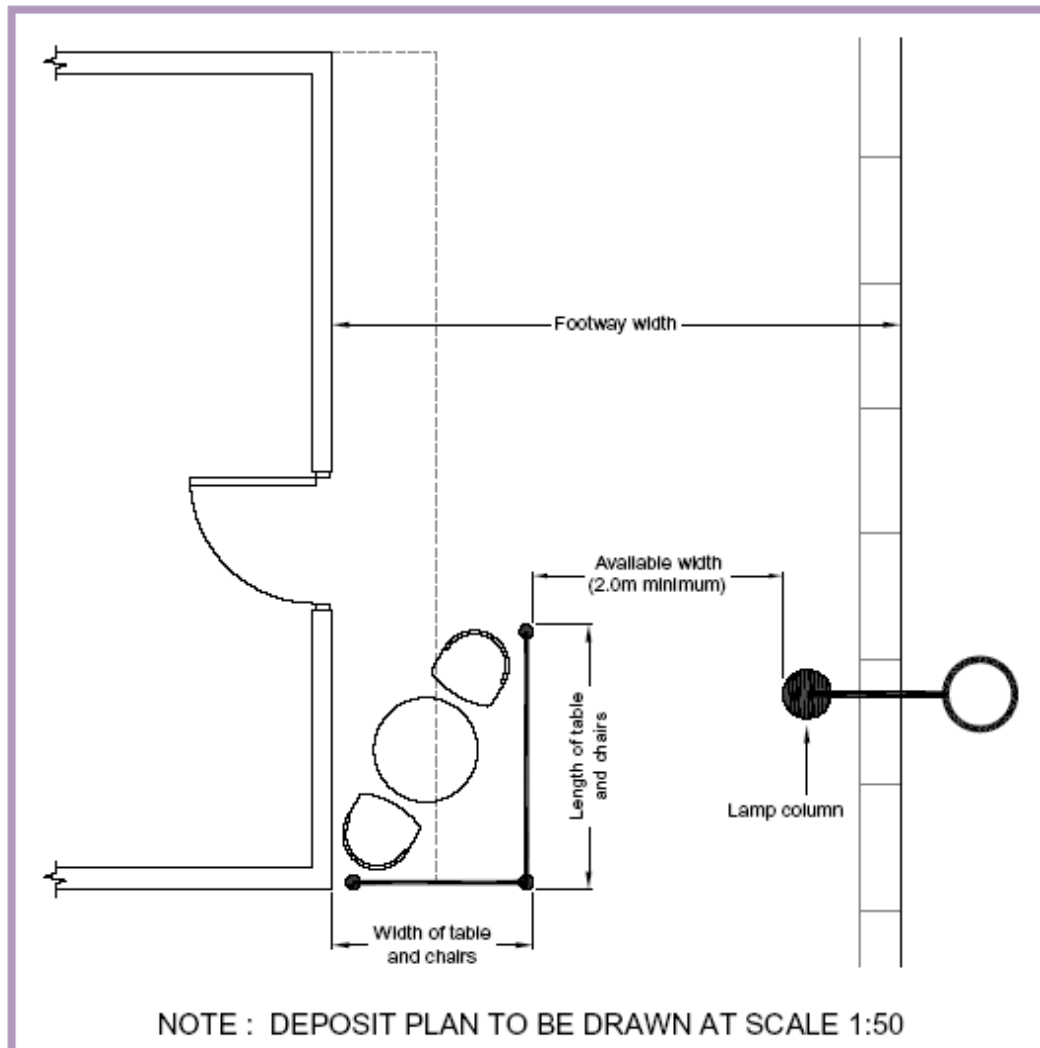
14.3 The following principles will be adhered to when carrying out street cafe enforcement activities:

- Openness:** The Council will be open about how it enforces the legislation in relation to street trading. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.
- Helpfulness:** The Council will work with people to 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. Officers will have regard 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. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

- 14.4 North Somerset Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Street Café licensing you should in the first instance contact the Licensing Team Manager.
- 14.5 If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme.
- 14.6 Where non-compliance with this policy, the standard conditions, or any conditions attached to a permit is observed licensing officers may by notice require that any breach is remedied or under take works to remedy a breach and recover the cost plus interest from the permit holder.
- 14.7 Any unauthorised highway use, constituting an unreasonable obstruction will be investigated and enforcement action taken where necessary.
- 14.8 In the case of a severe breach and lack of co-operation by the permit holder the permission may be immediately rescinded and the street furniture removed by the council.

APPENDIX A

Street Café design and layout – example plan



APPENDIX B

Standard Conditions in respect of Street Café Permits

1. Permitted hours, between 10.00 a.m. and 11.00 p.m. unless otherwise indicated.
Permitted days – All week

Duration of permission – one year from the grant of the Permit
Permitted location as outlined in red on attached drawing
Permitted furniture or equipment – Tables, chairs and umbrellas
2. The Holder shall at all times ensure that the Street Furniture shall not be placed outside of the Permitted area.
3. The Holder shall at all times ensure that the Street Furniture in use is of the type and description detailed in the Application for a Permit.
4. The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the North Somerset Council.
5. The holder(s) shall return this Permission to the Offices of North Somerset Council immediately on revocation of this Permission.
6. The holder shall have in force public liability insurance of no less than £5 Million pounds single event cover and shall provide the Council with a copy of this both on application and renewal of permission.
7. The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
8. The holder(s) shall ensure that a copy of these conditions is at all times on prominent display within the permitted location.
9. NON-COMPLIANCE with any Condition of this permission resulting in any complaint to the Council or to the Police will render the holder(s) liable to a written Notice under Section 115K of the Highways Act 1980 and failure to comply with such Notice immediately AND ANY SUBSEQUENT breach or non-compliance as aforesaid shall render the holder(s) liable to a written Notice under Condition 27 hereof REVOKING this permission forthwith.
10. No alcohol shall be consumed within the Permitted area unless a Premise Permit has been issued by the Licensing Authority under the Licensing Act 2003 for the Premises to which the Permitted area relates.
11. The holder(s) shall ensure that all drinking glasses in which drinks are served shall be of either plastic or strengthened glass and that no drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.

12. The holder(s) shall ensure that adequate supervision is provided over the permitted area during the times of operation in order to comply fully with these conditions.
13. The Holder shall ensure that music played within the Permitted area shall not cause a nuisance and annoyance and if requested by any employee of the Council and/or a police officer the Holder will reduce the volume and/or cease playing the music completely.
14. The holder(s) shall not make any excavations or indentations of any descriptions whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
15. The holder(s) shall (if required) before exercising the privilege granted by this permission place removable physical barriers within the perimeter of the area coloured red in the attached plan and shall ensure that such barriers are removed at the end of each daily period of use and at the expiry, surrender or revocation of this permission.
16. The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
17. The holder(s) shall not assign underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
18. The holder(s) shall maintain the area shown on the plan attached to this Permission and outlined in red and the immediately adjacent area in a clean and tidy condition during the permitted hours and shall leave the same clean and tidy condition and unobstructed at the end of each daily period of use and on revocation or surrender of this permission.
19. The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items, together with those for cigarette waste. These must be emptied daily.
20. The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the end of each daily period of use and at the expiry, surrender or revocation of this Permission.
21. The holder(s) shall suspend the operation of any permission granted at the request North Somerset Council to enable any street works to be carried out on or near the permitted location.
22. The Holder shall make no claim or charge against the Council in the event of the Street Furniture being lost stolen or damaged in any way from whatever cause.

23. This permission may be revoked in writing by the North Somerset Council at any time and the North Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation or refund any fees to the holder(s) in respect of such revocation.
24. The Holder shall not make any claim against the Council for any loss of earnings revenue or profits which may occur in the event that this Permit is withdrawn either temporarily or permanently for any reason whatsoever.
25. In the event of early termination of this Permit by either party for whatever reason none of the Permit Fee will be refunded to the Holder.
26. This permission shall continue for a period of one year from the date of issue unless terminated by either party beforehand.

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APPENDIX C

USEFUL CONTACTS

Service	Postal Address	Telephone Number
Avon and Somerset Constabulary	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	101
Avon Fire and Rescue Service	The Fire Station Milton Avenue Weston-super-Mare BS23 3JS	0117 926 2061
North Somerset Council		
Licensing Team (Licensing Authority)	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	01934 426 800
Streets and Open Spaces (Highway Authority)	Castlewood Tickenham Road Clevedon BS21 9AX	01934 888 802
Environmental Protection Team (Nuisance Issues)	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	01275 884 882
Food and Health and Safety Team	Castlewood Tickenham Road Clevedon BS21 9AX	01934 634 504
Planning (Development Control)	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	01275 888 811
Disability and Equality Access Officer	Disability Equality Access Officer The Town hall Weston-super-Mare BS23 1UJ	01934 634 989

APPENDIX D

Summary of main changes from current policy	
1	Revised content
ALL	Alteration of layout and headings for simplification.
4.7- 4.8	New content for smoke-free and alcohol legislation.
5	Clarification of fee structure and introduction of new fee for use as smoking areas.
6	Consolidation of advice and requirements for management of street café areas.
8	Simplification of application requirements.
9	New content detailing determination process for applications.
11	New content regarding renewal of permissions.
12	Introduction of variation process
14	New content regarding compliance/enforcement measures.
App B	Simplification of wording and introduction of additional conditions.
App C	Updated useful contacts



Street Trading Policy 2019-2024

**North Somerset Council, Licensing Team, Town Hall, Walliscote Grove
Road, Weston-super-Mare, BS23 1UJ
Tel: 01934 426 800**

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Foreword

This policy sets out North Somerset Council's requirements for street trading. It details and describes our roles and responsibilities in relation to the administration and regulation of street trading activities within North Somerset.

The street trading legislation, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, was adopted by the Council on 21 July 2010. The development of a single, county-wide street trading policy and necessary administrative and regulatory processes and procedures took place, culminating in a public consultation exercise and the eventual adoption of the policy by the Council

1. Introduction & Scope

- 1.1 This policy has been developed to assist persons applying for Street Trading Consents or Licences in North Somerset. It was agreed by the Full Council on the [REDACTED] and sets out the standards for determining applications and the enforcement of street trading activities in the North Somerset area.
- 1.2 The Council has designated all of its administrative area (with the exception of High Street and the Big Lamp Corner area of Meadow Street in Weston-super-Mare) as Consent Streets for street trading purposes. High Street and the Big Lamp Corner area of Meadow Street in Weston-super-Mare have been designated as Licence Streets.
- 1.3 Applicants wishing to trade in a Licence Street will be expected to consider additional factors to ensure that the unit enhances the area and compliments the street scene. Factors to consider include:
 - a) Visual appearance
 - b) Type of goods being sold
 - c) Location of the unit
- 1.4 North Somerset Council will apply this policy to street trading activities in its area to ensure consistency of decision making. However each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.5 The purpose of this street trading policy is to provide a decision making framework for the consideration of applications for street trading consents and to create a street trading environment which is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environment.
- 1.6 North Somerset Council is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 204,400 (Office for National Statistics Mid-Year Estimates 2012).
- 1.7 A map of the North Somerset District, to which this policy applies, is shown at **Appendix A.**

1.8 This policy facilitates the administration of applications for street trading consents and licences. Central to the council's policy are a number of objectives which are set out below:-

- a) **Public Safety** - The location of the proposed street trading activity should not present additional risks 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 guidelines set out in section 5 on site safety assessment criteria and observations made by the Highways Authority.
- b) **Prevention of Crime and Disorder** - The proposed activity should not present a risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.
- c) **Prevention of Public Nuisance** - Consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells.

2. What is Street Trading?

2.1 Street Trading is defined as the selling, exposing or offering for sale of any article in a street. As the definition of "street" includes any land to which the public have access without payment, private land to which the public has free access is also included. Street trading law and associated policy therefore can extend to events off the highway that are conducted on private premises.

2.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that the following activities are not 'street trading' and, therefore, prior consent of the Council is not required:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 (see point 2.6).
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) trading as a news vendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act.
- (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 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, or in or over a highway.
- (f) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- (g) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

2.3 Consents and Licences will be issued according to the following categories:

A	Single Standard Pitches	Individual units for daily, weekly, quarterly or annual use. Tiered fee structure for licence streets, commercial areas, other highway sites.
B	Event Pitches	An organised block consent for units at events within North Somerset Council's administrative area. Refer to point 3.5.
C	Farmers Markets	Will typically sell locally produced fruits, vegetables, meats, cheeses, drinks etc with produce from within a 25 mile radius of the market.
D	Craft Markets/Street Fairs	Examples of such include school fairs/fete's and Christmas Markets, small stalls, fundraisers etc.
E	NSC Concession holders	A formally tendered concession agreement with North Somerset Council where holder requires occasional additional units.

Fees for each category will be stated within the Council's published fees and charges and subject to annual review.

2.4 The following Street Trading activities have been deemed by North Somerset Council to not require the payment of fees to the Council:

- (a) Fetes or community events held **solely** for charitable purposes where there is **no** private financial gain for an individual or company.
- (b) Non-Commercial Car Boot Sales (i.e. events organised by organisations that will not involve private gain for an individual or company).
- (c) Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

2.5 A trader acting as a 'roundsman' will only require a Street Trading Consent or Licence where trading continues for more than 30 minutes with no return to the same location in the same day.

2.6 A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods such as pictures and household goods or offering their skills in handicrafts. A person trading in a static position for longer than 10 minutes will be treated as a Street Trader and not a pedlar. A pedlar must hold a certificate granted by a chief constable. Guidance notes for pedlars are shown at **Appendix B**.

3. Submitting an application

3.1 An application for a Street Trading Consent or Licence must be made to North Somerset Council in writing. [Street Trading Application](#) forms are available via the North Somerset Council website.

3.2 The applicant is required to submit the following documents and fees with the application:

- a) A completed Street Trading application form.
- b) A deposit of 25% of the full fee for an annual Consent or Licence. Fees for all other periods will require submission of the full fee with the application.
- c) A map of the trading site to a minimum of 1:1250 scale. The map should clearly identify the proposed site.
- d) A colour photograph of the stall, van, barrow, cart etc that will be used for the street trading activity.
- e) A copy of the certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
- f) Evidence of a formal commercial waste transfer agreement
- g) Written permission from the owner of the land where the street trading is to be carried out on land which is not a public highway.

3.3 The following documents are required to be submitted when renewing a Street Trading Consent or Licence:

- a) A completed Street Trading application form.
- b) The full fee unless the renewal is for an annual Consent or Licence.
- c) A copy of the certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
- d) Evidence of a formal commercial waste transfer agreement.

3.4 An application for a Street Trading Consent or Licence will not be entertained where permission of the landowner for the proposed trading site to carry out street trading has not been provided, for whatever reason.

3.5 Applications falling within categories B – E (Section 2.3) may be made by submission of one block consent for each event held.

The organiser in receipt of a block consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party & Liability Insurance covering all traders, or individual insurance for all traders. Food hygiene and Gas safety certification for all traders must also be provided. A site plan showing the maximum number of expected traders and an indication of the type of goods being sold must be supplied with all block applications. A final list of all the confirmed traders to be covered by the block consent must then be provided (with supporting certification) a minimum of 5 working days before the consent is used.

A separate application will still be required for each further event held.

- 3.6** The Licensing Act 2003 requires persons selling hot food between the hours of 2300 and 0500 hours to hold a Premises Licence. This requirement is in addition to the requirement to hold a Street Trading Consent or Licence. Further details on the application process are available from the Licensing Office.

4. Consultation

- 4.1** Before a Street Trading Consent or Licence is granted the Council will carry out a formal consultation process. Consultees will include the following:

- a) The Highways Authority for North Somerset Council
- b) Avon and Somerset Constabulary
- c) North Somerset Council Food/ Health and Safety Team
- d) North Somerset Council Environmental Protection Team
- e) North Somerset Council Ward Members
- f) The appropriate Parish or Town Council
- g) The land owner of the proposed street trading site if it is on private land

- 4.2** The consultation period will be dependent on the duration of the Consent or Licence. The consultation period will commence upon receipt of all the necessary documentation required in section 3.2.

Licence duration (days)	Consultation period (days)
1-6	7
7-14	14
15 +	28

- 4.3** For new applications of 15 days or more, applicants are also required to display a notice at the site for a period of at least 28 days. The notice must contain the following information:

- a) Trading name of the business
- b) Location being applied for
- c) Date application made
- d) Proposed goods to be sold
- e) Proposed days and times of trading
- f) The date which comments can be received by the Licensing Authority
- g) How comments can be made to the Licensing Authority in relation to the application

- 4.4** The consultation period for applications to renew Licences or Consents will be 14 days and the Council shall consult with the following:

- a) Avon and Somerset Constabulary
- b) North Somerset Council Food/ Health and Safety Team
- c) Any other person or organisation deemed necessary

- 4.5** Written observations from any consultee and occupiers of nearby properties (within 100 metres of the proposed site) will be taken into consideration when determining an application made to the Council.

5. Determining an application

5.1 The Licensing Authority will use the criteria listed below in the determination of Street Trading Consents or Licences. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

5.2 Commercial Need

Consideration will be given to the number of other traders in the vicinity of the application site. The presence of other like trading outlets and the proximity of schools shall be taken into consideration. Fast-food vendors will not normally be permitted to trade within 500m of a school. On lay-bys and trading estates there shall be no other street trading consent granted within 500 metres of an existing consent.

5.3 Sustainability and Product Type

The applicant should set out measures to reduce the environmental impact of the proposed activity. Wherever possible food traders will be expected to use biodegradable materials in connection with the packaging of food served to members of the public. Single use plastics will not be permitted.

5.4 Suitability of Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity shall comply with all primary legislation including:

- a) Food Safety Act 1990
- b) Food and Hygiene (England) Regulations 2013 as amended
- c) Health and Safety at Work etc Act 1974 and any regulations made under this Act.
- d) Environmental Protection Act 1990

5.5 Suitability of the applicant

When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a permission including:

- a) Persistent refusal or neglect in paying fees due to the council for a street trading consent or licence or for any other charges due for services rendered by the council to the applicant in his capacity as the holder of a street trading consent or licence.
- b) The Council will not grant a Street Trading Consents or Licences to persons under the age of 17 years.

5.6 Permitted trading hours

The Council will consider each application on its merits before agreeing permitted trading times. Any trading between 2300 – 0500 hours will be subject to a separate application under the Licensing Act 2003 where hot food or refreshments are proposed to be sold.

5.7 Location of trading unit

The proposed trading operation should complement the trading area in which it is situated. In assessing this criterion consideration should be given to the type and nature of locality, the type of street trading that will be carried out and the visual appearance of the trading operation being proposed.

5.8 Street Trading Consents or Licences from static locations will **not be granted where:**

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- c) There is a conflict with Traffic Orders such as waiting restrictions, or
- d) The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- e) The trading unit obstructs the safe passage of users of the footway or carriageway, or
- f) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- g) The site does not allow the Consent or Licence Holder, staff and customers to park in a safe manner, or
- h) The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

5.9 Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application. Decisions of the Licensing Committee and rights of appeal in relation to Street Trading Licences will be accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

5.10 There is no right of appeal to the Magistrates Court against decisions of the Council in relation to Street Trading Consents under the Local Government (Miscellaneous Provisions) Act 1982. A person aggrieved by a decision of the Licensing Committee may make an application to the High Court for Judicial Review of the decision. There are strict time limits for making such applications. For further information about the potential grounds for Judicial Review and the procedure for making an application, applicants should seek legal advice from a solicitor as soon as they receive notice of the decision.

5.11 If an application is refused; either at grant or renewal a Street Trading Licence, any person aggrieved may appeal to the magistrates court against

the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3 (6) (d) – (g) of the Local Government (Miscellaneous Provisions) Act 1982. There is no right of appeal where refusal is based on grounds in 3 (6) (a) – (c). of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a licence was notified to the applicant or licence holder.

- 5.12** Where a deposit has been made with an application, 50% of this deposit will be refunded to the applicant in the case of an application not being granted.

6. Objections to an application

- 6.1** Where there are no relevant representations made, the application will be deemed as granted and issued by officers under their scheme of delegated Authority.

- 6.2** The application will be referred to the Council's Licensing Committee for determination if relevant objections are received against the granting of a Street Trading Consent or Licence from any of the following:

- a) Occupiers of property within 100 metres of the proposed site.
- b) North Somerset Council Ward Members (who can object as an individual or on behalf of constituents).
- c) Parish or Town Councils.
- d) Police or Highway Authorities.
- e) North Somerset Council Food/ Health and Safety or Pollution Teams.
- f) The land owner of the site proposed to be used for street trading.

- 6.3** Officers will assess the objections to determine their relevance based on the following criteria:

- a) Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
- b) Whether any road safety issues have been identified.
- c) Compliance with food and health and safety legislation.
- d) Concern of public order problems resulting from the proposed street trading activity.
- e) Whether there are any fire safety issues present.
- f) Whether the objection is relevant, vexatious or repetitive.

- 6.4** If a relevant objection is made against an application for a Street Trading Licence or Consent, the applicant will be contacted to discuss the reasons for a potential refusal of the application. During this discussion the applicant will be informed of the criteria from this policy which are considered to have not been met and they will be given an opportunity to discuss any relevant matters in relation to the application.

If after this discussion the applicant still wishes to continue with the application, the application will be referred to the Licensing Committee for determination.

- 6.5** If a written objection from the person or organisations listed above is received and deemed appropriate, the application will be referred to the Licensing Committee for consideration and determination.
- 6.6** Persons making written objections will also be informed of a decision to refer an application to the Licensing Committee and notified of the date of the hearing of the application.
- 6.7** If an applicant refuses an offer of discussing the application with officers, they will be notified of a referral to the Licensing Committee for determination of the application.
- 6.8** The person making a representation against an application or an existing Street Trading Consent or Licence to the Licensing Committee will normally be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.
- 6.9** In determining an application the Licensing Committee will consider presentations from the applicant, a person or organisation making an objection and the Council's Licensing Officer. Applicants and persons making objections to an application should notify the Council's Democratic Services Section at least five working days in advance of the meeting of any witnesses they intend to call and details of any evidence (written, photographic or other material or media) they intend to present at the hearing.
- 6.10** Where objections have been raised to the granting a Street Trading Consent or Licence the Licensing Committee will consider the objections or representations made. Only persons who have raised objections to the application will be allowed the opportunity to address the Licensing Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be published in full in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant.
- 6.11** The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of the applicant, officers and persons making an objection. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Licensing Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.
- 6.12** The Licensing Committee will always strive to ensure that when it is considering an application that all persons get a fair hearing through:
- a) Considering each case on its merits.
 - b) Using these guidelines to assess applications where it is felt appropriate.
 - c) Dealing with the application in a balanced and impartial manner.
 - d) Ensuring that the rules of natural justice are applied in any hearings held.

- e) Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Committee and present information for consideration in support of their objection.

7. Issue of Street Trading Consents & Licenses

- 7.1** Street Trading Consents or Licences will be issued for a maximum period of 12 months. Annual Consents or Licences issued will be renewable on the 1st July of any particular year. Shorter term Consents or Licences may be issued on a weekly basis.
- 7.2** In all cases when a Consent or Licence has expired, and an application has not been submitted to the Council for renewal, a new application will be required. In such cases the application will be subject to the full consideration process outlined in this policy.
- 7.3** The Consent Holder will not be permitted to sub-let or transfer this Consent, but may surrender it to the Council at any time.
- 7.4** Fees for Annual Consents or Licences may be paid either in full in advance or on a three monthly basis with the fees being due on the first of April, July, October and January.
- 7.5** Failure to maintain payments of the fee on a three monthly basis will be a breach of the conditions attached to the Consent or Licence. If fees paid on an instalment basis are not made to the Council, the Consent or Licence issued by the Council will be considered for revocation. It is essential that traders electing to pay on an instalment basis ensure that such payments are made on the due dates.
- 7.6** On approving the application the Council will issue a Street Trading Consent or Licence to which conditions will be attached. The conditions attached to the Consent or Licence form part of the approval to carry out street trading in North Somerset and must be complied with at all times. Failure to do so could lead to the Consent or Licence being either revoked, or not renewed.
- 7.7** Additional conditions may be added on a case by case basis and be requested by any of the stated consultees or by the Licensing Committee. These may include specific terms such as days and hours when the street trading is permitted, and goods that may be sold.
- 7.8** A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at **Appendix E**.
- 7.9** Annual consents or licences will be subject to a three month probationary period.

8. Conditions & Enforcement

8.1 North Somerset Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council Enforcement Protocol, copies of which are available free of charge. If you require a copy please contact the Licensing Team. Contact details are shown at **Appendix F**.

8.2 The following principles will be adhered to when carrying out street trading enforcement activities:

- a) **Openness:** The Council will be open about how it enforces the legislation in relation to street trading. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.
- b) **Helpfulness:** The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.
- c) **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. Officers will have regard to the human rights of all parties involved in its enforcement activities.
- d) **Consistency:** The Council will carry out its duties in a fair, equitable and consistent manner. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

8.3 North Somerset Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Street Trading Services you should in the first instance contact the Licensing Team Manager.

8.4 If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme.

APPENDIX A – MAP OF NORTH SOMERSET



GUIDANCE FOR PEDLARS

APPENDIX B

North Somerset Council is applying a clearer and more modern definition of pedlary to enable genuine pedlars to continue to trade. The definition is taken from the recent Government consultation on Street Trading and Pedlary and recent case law. The guidance is given below:

- 1.** As a Pedlar you must 'go from town to town' so you must not frequent the same town every day.
- 2.** As a pedlar you must 'travel and trade on foot' so you should not use a motor vehicle to carry your goods to and around North Somerset.
- 3.** A pedlar can remain static in the same location for a maximum of 10 minutes after arrival. As a pedlar, you should then move on (at a reasonable speed) to a location which is at least 50 metres away from the first location, and again you should not remain in that second location for more than 10 minutes. You cannot immediately return to the first location since you cannot return to a location you have previously occupied within three hours. Nor can you occupy a location within 50 metres of any location he has occupied during the previous 3 hours. These requirements are intended to keep a pedlar trading while on the move.
- 4.** However, we do recognise that a pedlar may be approached by potential customers during the 10 minute period mentioned above but you may be unable to conclude the transaction with that customer during that period. Similarly, we recognise that a pedlar may be approached by potential customers while travelling from one location to a location at least 50 metres away. Since we do not want to place unreasonable restrictions on a pedlar's ability to do business, there is an exception to the above limitations to enable a pedlar who is approached in this way to remain in his location beyond the 10 minute period or to stop to conclude those transactions. Once all such transactions have been concluded (or aborted) the pedlar must continue to move away immediately.
- 5.** So, if as a pedlar you are not actively making a sale or being approached by a customer at the 10 minute cut-off point, you must immediately start to move away from the location towards a location at least 50 metres away from that location. If while on the move to your next location, you are approached by a customer, you may stop to deal with that customer. But, as soon as the sale is concluded, you should continue on the move towards your next location (unless, of course, you are approached again by another customer on your way there).
- 6.** Pedlars should not use large wheeled trolleys or similar as a device to carry and expose for sale all, or the vast majority of your goods as these can cause an obstruction of the highway which is an offence under Section 137 of the Highways Act 1980.
- 7.** You should be aware that Weston super Mare town centre is monitored by CCTV (Closed Circuit Television).
- 8.** Pedlar's Certificates can be obtained from Avon & Somerset Police, Town Hall, Walliscote Grove Road, Weston super Mare, BS23 1UJ at a cost of £12.25. It is an offence to peddle without a certificate and an offence to lend a certificate or use someone else's. The Council, in partnership with Avon & Somerset Police, will take formal action against illegal Street Trading under Paragraph 10(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

APPENDIX C – GLOSSARY OF TERMINOLOGY

Within the terms of the North Somerset Council's Street Trading Consent Scheme the following definitions apply:

The Council	Means the North Somerset Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
Street	Includes: (a) Any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street	Means a street in which street trading is prohibited without the consent of North Somerset Council.
Licence Street	Means a street in which street trading is prohibited without a licence granted by North Somerset Council.
Consent/Licence	Means a consent or licence to trade on a street by North Somerset Council.
Consent Holder	Means the person or company to whom the consent to trade on a street has been granted by North Somerset Council.
Licence Holder	Means the person or company to whom a licence to trade on a street has been granted by North Somerset Council.
Authorised Officer	Means an officer employed by North Somerset Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Street Trading Conditions

Appendix D

GENERAL CONDITIONS

1. A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
2. The Consent Holder shall not sub-let or transfer this Consent or any part thereof, but may surrender it to the Council at any time.
3. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the Council.
4. Nothing contained in these conditions shall relieve the Consent Holder or his employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent
5. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of 5 million pounds to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
6. This Consent does not infer or grant exclusive right rights to the holder for use of the location specified in the permission. If at any time at the permitted trading location other statutory bodies or organisations require access and use of the location to carry out emergency or other remedial works, they shall be afforded such access for such time as the required works need to be completed.
7. The Council may vary the Conditions attached to the Consent at any time, subject to reasonable notice being given to the Consent Holder.

SITE CONDITIONS

8. The Consent Holder 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. The sanitary accommodation arrangements shall be approved by the local authority.
9. The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
10. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
11. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council.
12. The Consent Holder shall make any excavations or alterations of any description in the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment or markings of any description in the said surface except with the previous consent from the Council in writing.
13. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Council and he 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.
14. The Consent Holder shall keep his trading position and the area within 25m of the pitch in a litter free condition during the permitted hours and also leave the same in a litter free condition at the end of each daily period of use under the terms of this Consent.
15. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
16. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis. The consent holder shall have in place a formal commercial waste transfer arrangement.

17. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.
18. Any special costs, other than those legally required to be borne by the Council, incurred in preparing a pitch fit for purpose shall be borne by the applicant.

TRADING CONDITIONS

20. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
21. The Consent Holder shall not trade outside the time and days permitted by the Consent.
22. The Consent Holder shall keep on any van, cart, barrow or other vehicle or stall, a street trading consent document that has been issued by the Council.
23. The Consent Holder shall not trade in such a way that is likely to cause:
 - a) undue obstruction to any part of any street or public place.
 - b) any injury to any person using the street or public place.
 - c) damage to any property in the street or public place.
24. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences so as to be deemed a Statutory Nuisance.
25. All street Trading fees are due in advance on the 1st June of any year. Annual fees may by agreement be paid by instalments. Failure to pay an annual or instalment fee will render the consent holder liable to action by the Council to revoke this consent
28. Static street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

LEGAL PROVISIONS

30. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his employees or agents from any legal duty or liability.
31. At all times the Consent Holder shall comply with the appropriate primary legislation in force.

REVOCAION OR SURRENDER OF CONSENT

32. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
34. The holder shall return this Consent to the North Somerset Council immediately on revocation or surrender of the Consent.

Useful contact details

Licensing Team

North Somerset Council
Walliscote Grove Road
Weston Super Mare
BS23 1UJ

01934 426800

licensing@n-somerset.gov.uk

Food, Health and Safety Team

Castlewood
Tickenham Road
Clevedon
BS21 9AX

01934 634 633

foodandsafety@n-somerset.gov.uk

Avon and Somerset Police Licensing

Weston-super Mare Police Station,
PO Box 441,
Weston-super-Mare
BS23 1WS

01934 638 211

northsomersetpoliceliquorlicensingteam@avonandsomerset.police.uk

Environmental Protection Team

Town Hall,
Walliscote Grove Road,
Weston-super-Mare
BS23 1UJ

01275 884 882

environmental.protection@n-somerset.gov.uk

Appendix F

Summary of main changes from current policy	
1	Simplification of wording and summary.
2.3	Introduction of categories of permission to assist applicants
2.6	Clarification of Pedlar v Street Trader
3	Simplification of required documents for submission by applicant
3.5	Ability to apply for “block” consents for larger events
4.2	New tiered consultation periods dependent on permission length
4.3	Applicant required to place notice at proposed site – currently NSC
5.3	Prohibition of single use plastics
5.5	Applicant suitability, ability to refuse renewal for non-payment of fees
5.10	Clarification of Appeal process – Licences only
6	Simplification of wording relating to objections and Committee procedures.
App D	Review and simplification – wording of conditions

Planning Committee

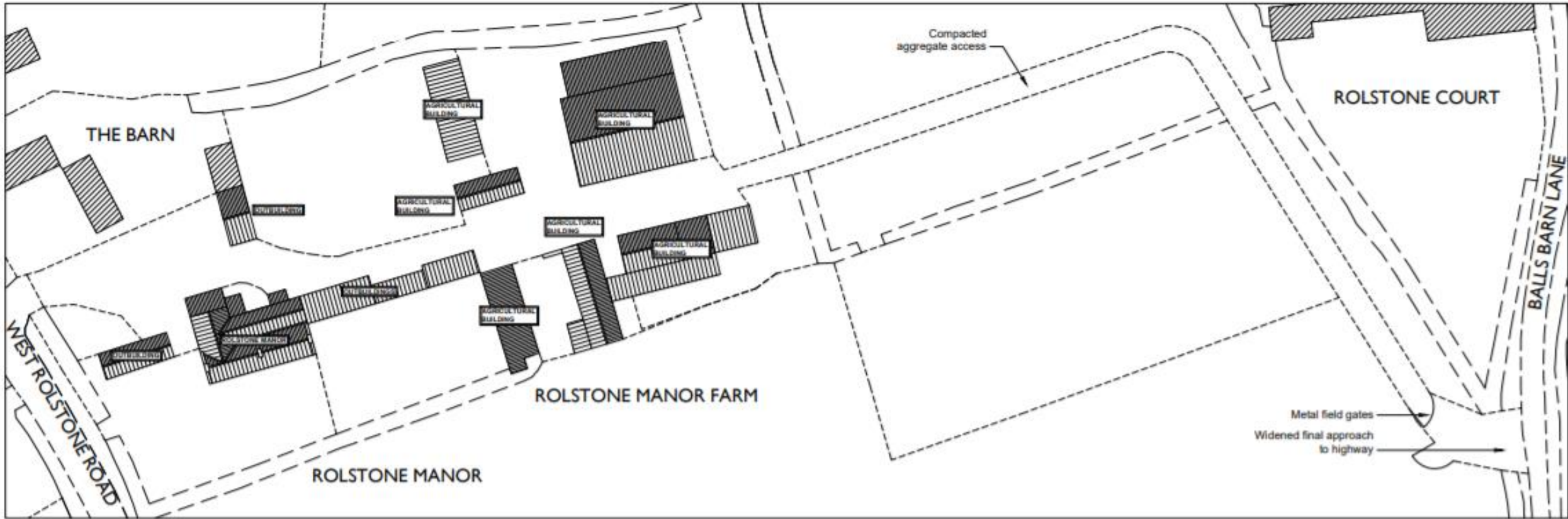
September 2nd 2019

To discuss & agree a response to NS Council
Draft Street Café Policy 2019

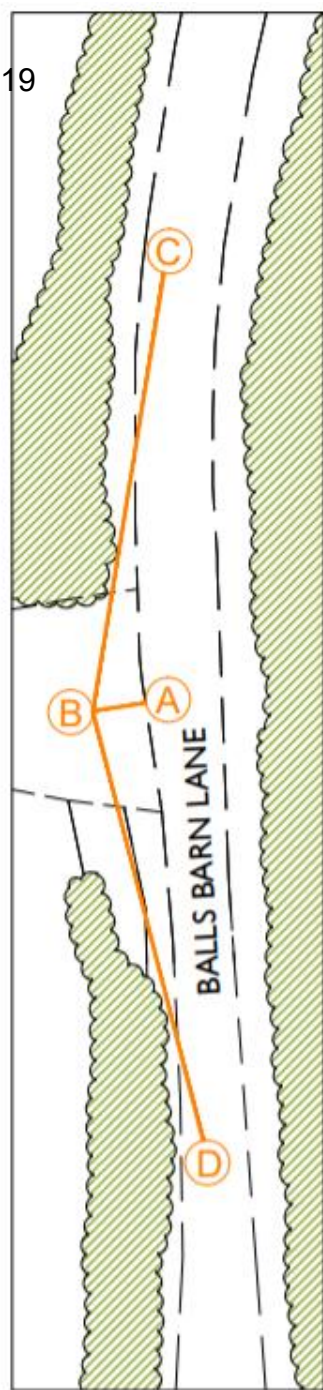
To discuss & agree a response to NS Council Draft Street Trading Policy 2019

19/P/1620/FUL Rolstone Manor, West Rolstone Road, Hewish, Weston-super- Mare. BS24 6UR

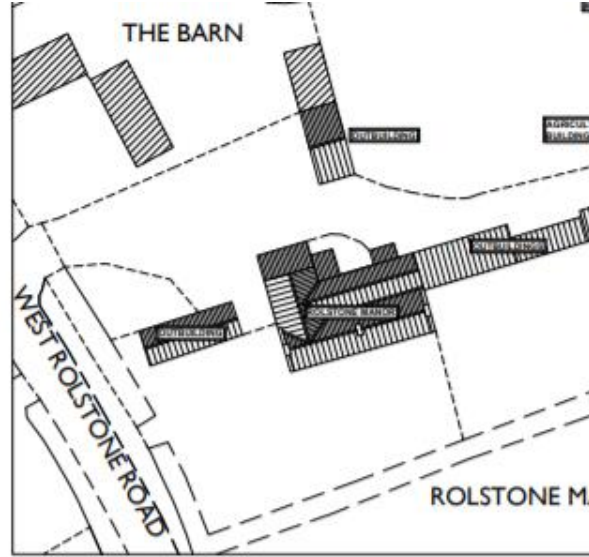
Retrospective application for the proposed new stone access drive for Rolstone Manor Farm.



Existing and proposed block plan
SCALE 1:500



Existing and proposed visibility splays
SCALE 1:200



Existing and proposed block plan
SCALE 1:500

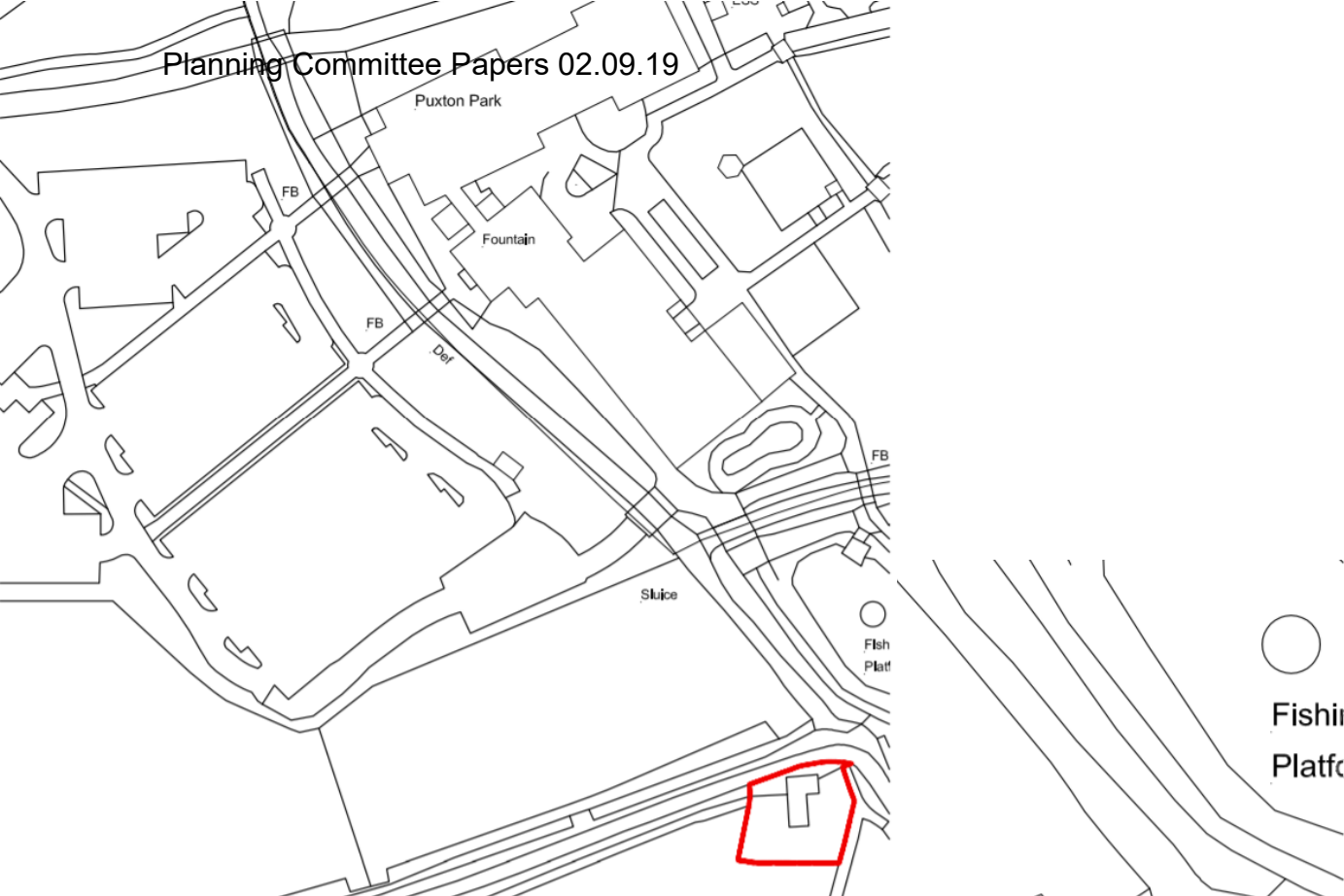
Existing Access Visibility splays

A = Edge of highway adjacent to access
B = Point on access 2.4m back from edge of highway
C = Point 1000mm from edge of highway
D = Point 1000mm from edge of highway

A - B 2.4m
B - C 20.0m
B - D 20.0m

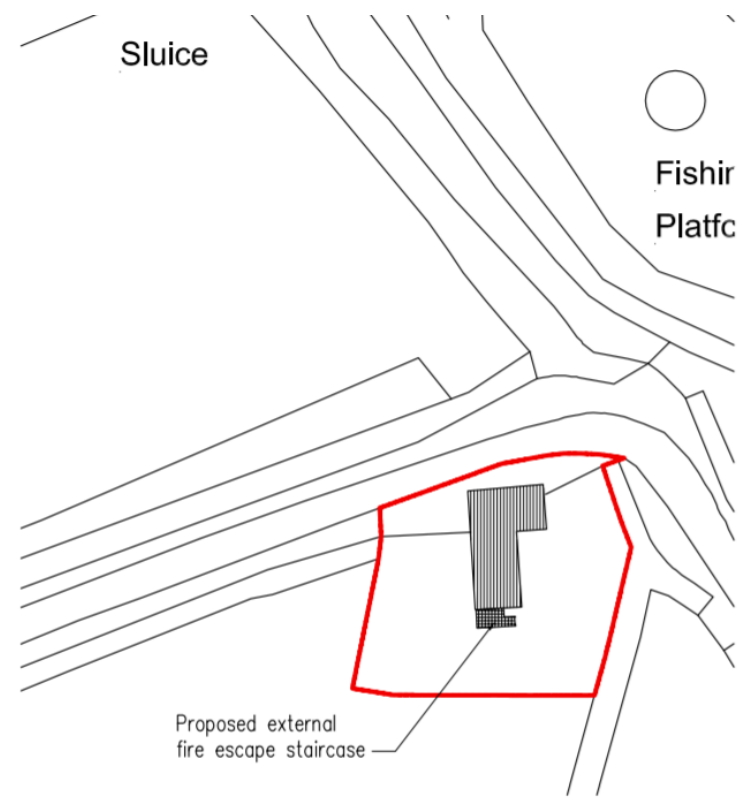
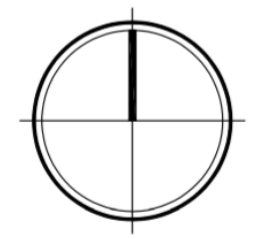
19/P/1752/FUL - Redbrick Barn, Balls Barn Lane, Rolstone. BS24 6RD.

Associated operational works for the erection of an external fire escape staircase to facilitate the use of the barn as a children's nursery previously approved under Class S (18/P/3778/CSA) Prior approval for the change of use from 1no. agricultural building and land to a children's nursery

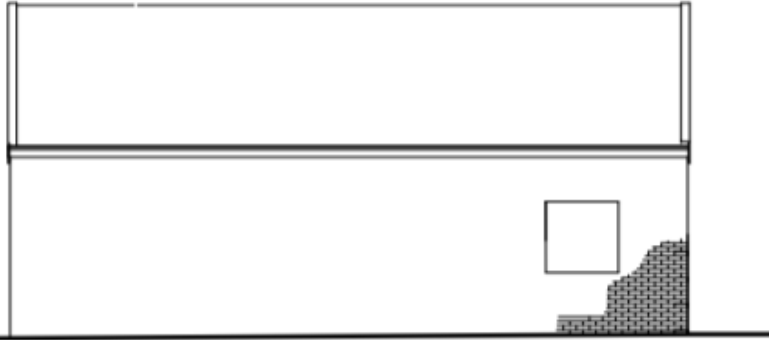


EXISTING BLOCK PLAN 1:500

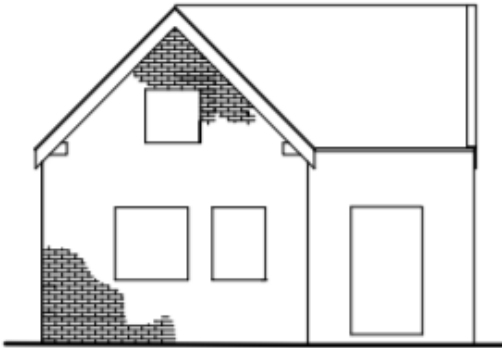
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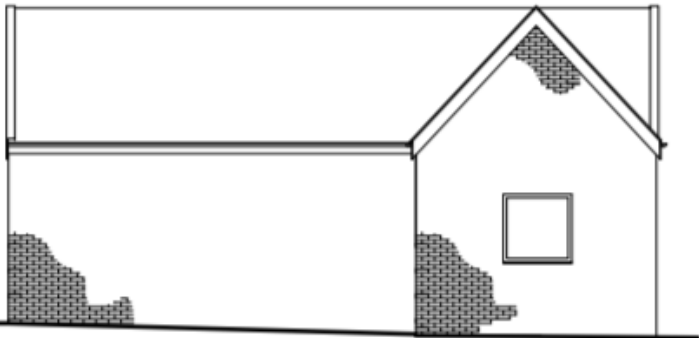
PROPOSED BLOCK PLAN 1:500



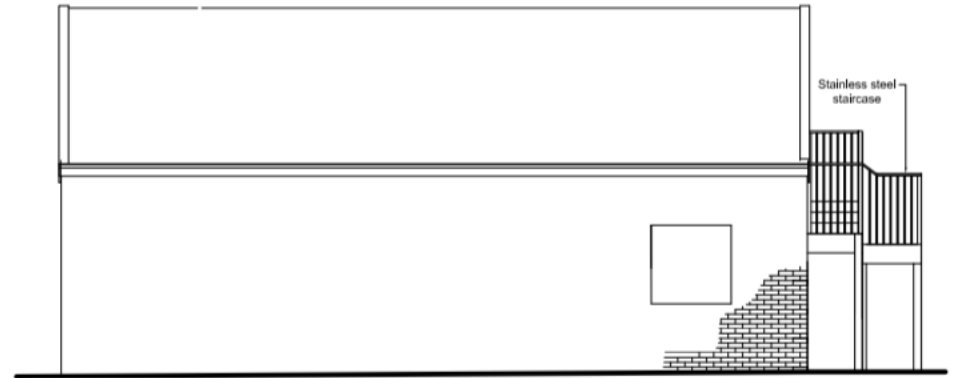
SIDE ELEVATION



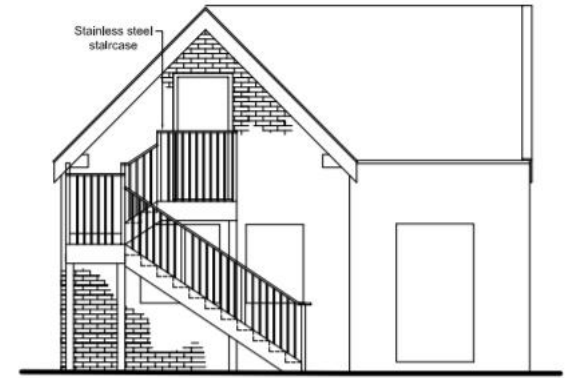
REAR ELEVATION



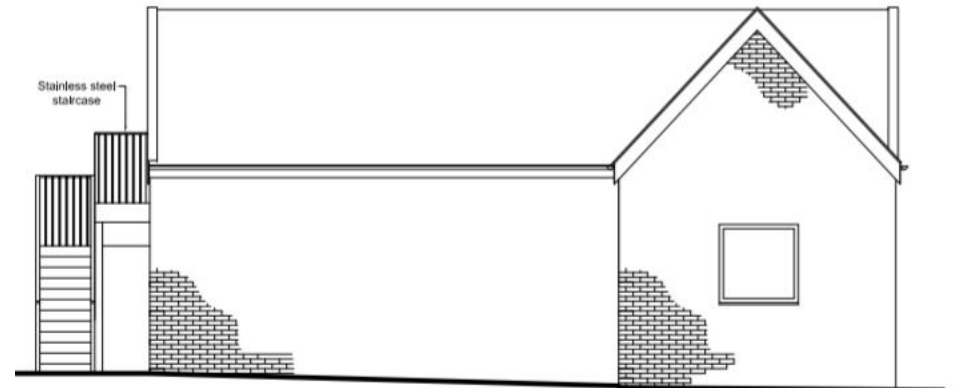
SIDE ELEVATION



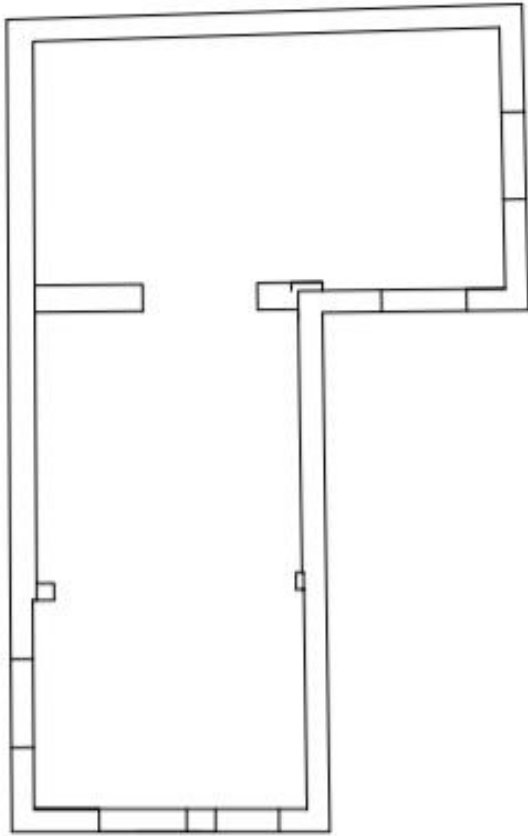
SIDE ELEVATION



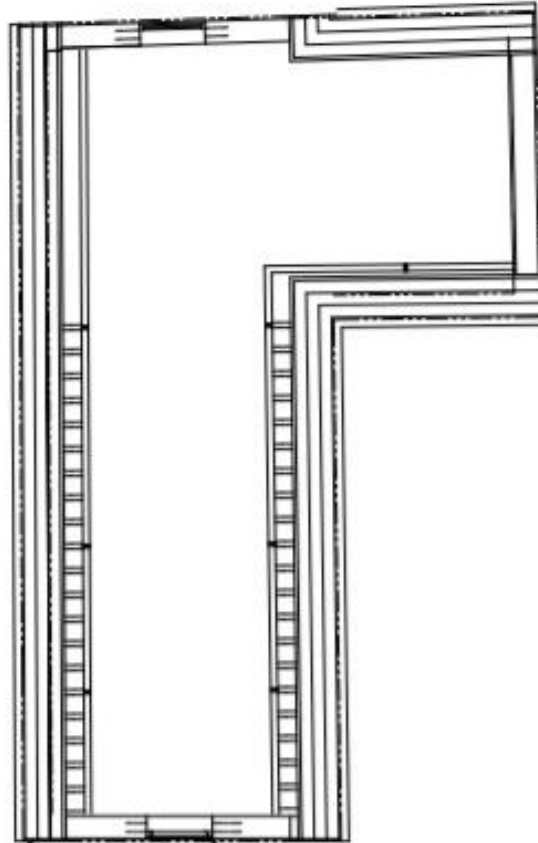
REAR ELEVATION



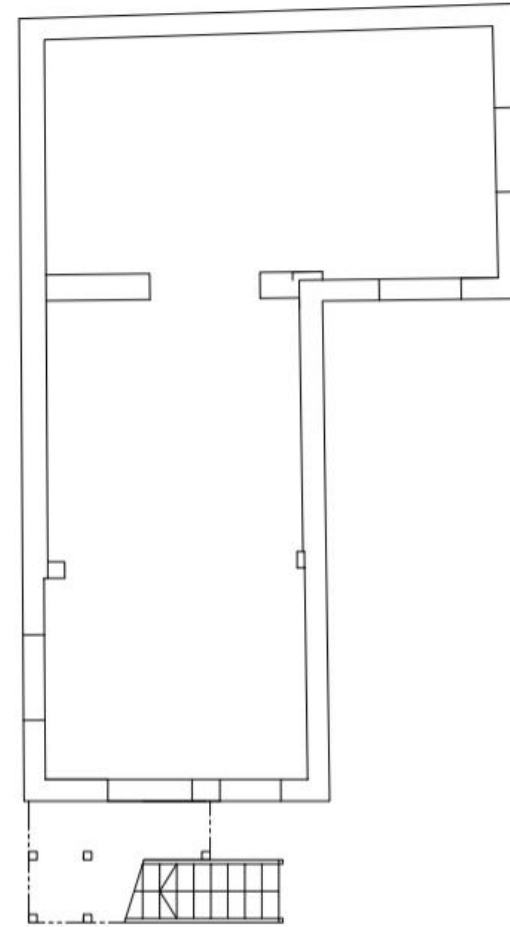
SIDE ELEVATION



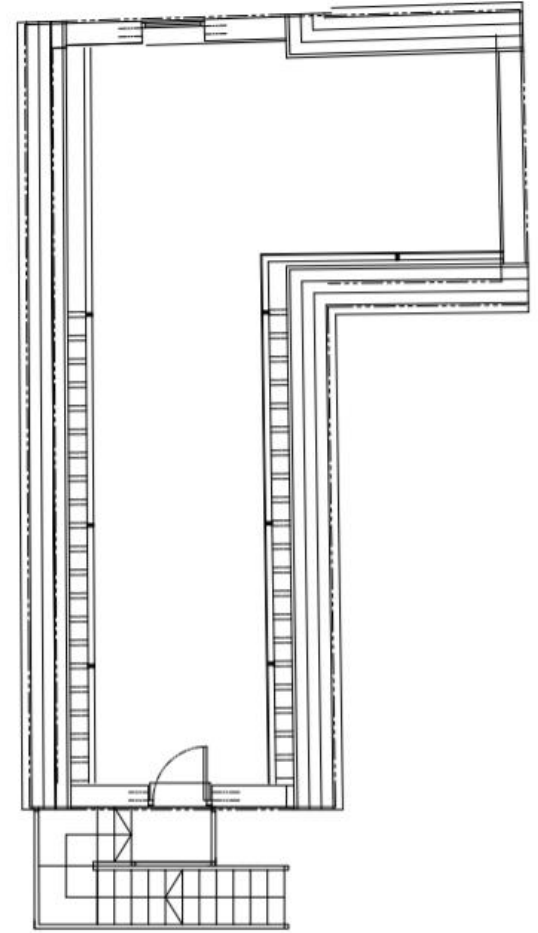
GROUND FLOOR PLAN



FIRST FLOOR PLAN



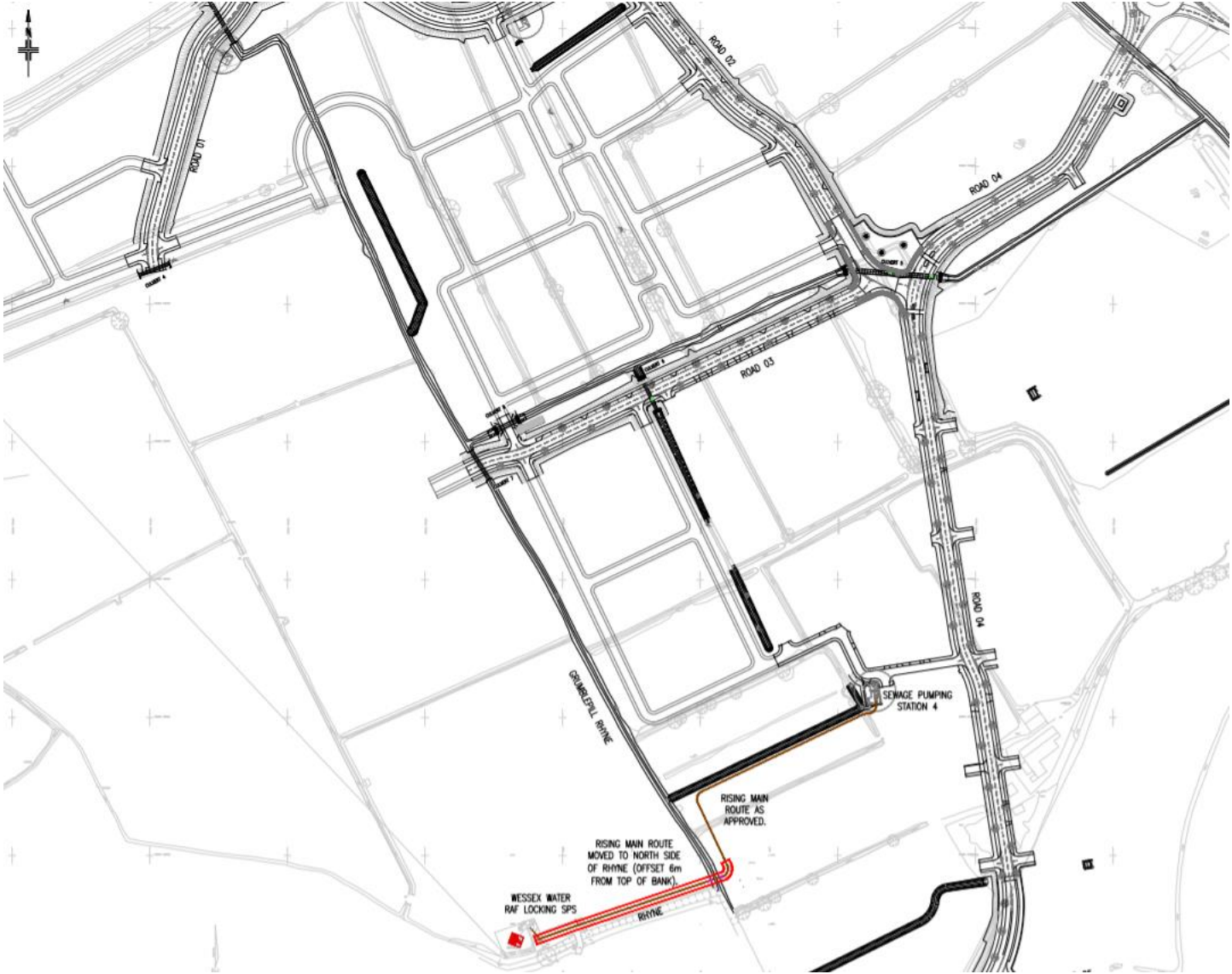
GROUND FLOOR PLAN

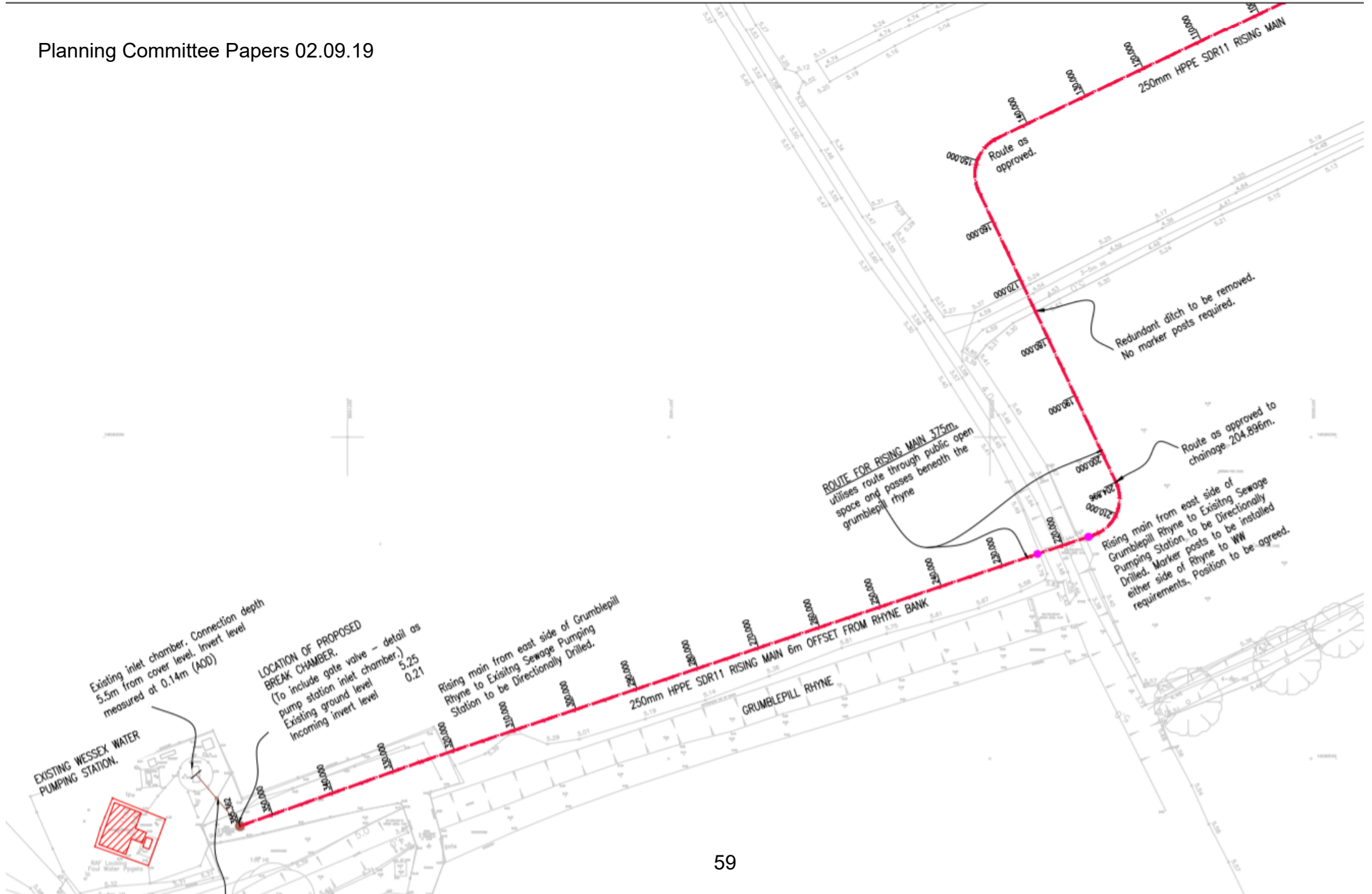


FIRST FLOOR PLAN

19/P/2059/NMA - Land South of Churchland Way Wolverhill Road Banwell.

Nonmaterial amendment to application 15/P/0514/F (construction of Phase 1 road infrastructure) to amend the rising of main route (foul) to south of site to north of the Grumblepill Rhyne.





18/P/4645/FUL - Waits Farm, Knightcott Road, Banwell. Minor Material Amendment for variation of Condition 1 (approved plans) of permission 16/P/2173/F. **APPROVED.**

19/P/1195/LDE - Bluebell Cottage, Box Bush Lane, Rolstone, Weston-super-Mare. BS24 6UA. Siting of a mobile home, container and storage building. **APPROVED**

19/P/1270/AGA - Land at Yarberry Wood (Part of Banwell Wood), North East of Castle Hill, Banwell. Prior notification for the proposed erection of a single storey forestry building. **WITHDRAWN**

19/P/1319/FUH - The Lawns, 2 High Street, Banwell. BS29 6AA. Proposed whole house window refurbishment, front porch development, garage roof refurbishment, driveway parking area and all associated works at 2 High Street. **WITHDRAWN**

19/P/1411/FUL - Gobbles Farm Wolvershill Road Banwell. Retrospective application for: change of use of 3 no. agricultural buildings to storage (Use Class B8); and 1 no. building to Gym (Use Class D2 (Assembly and Leisure)). **WITHDRAWN**

19/P/1578/FUH - 43 High Street Banwell BS29 6AF. Proposed single storey flat roof rear elevation extension & front elevation timber window replacements. **APPROVED**

19/P/1773/EA1 - Photovoltaic Installation at Bowerhouse, Riverside, Banwell. Request for a formal screening opinion as to whether an Environmental Impact Assessment (EIA) is required to be submitted for the installation of 37,880 no. 330Wp photovoltaic (PV) units onto Galvanised steel framework tables, supported on Galvanised steel pile foundations, as a 12 MW extension to the existing Solar Farm. **EIA NOT REQUIRED**