



AGENDA

EXTRAORDINARY LICENSING COMMITTEE MEETING

Date: Monday, 22 August 2022

Time: 2.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Cameron Beart, Derek Carnell (Chair), Roger Clark, Mike Dendor, Alastair Gould, Alan Horton, Carole Jackson, Peter Macdonald, Lee McCall, Julian Saunders, Paul Stephen, Eddie Thomas, Ghlin Whelan, Mike Whiting and Tony Winckless (Vice-Chair).

Quorum = 5

Pages

Information for the Public

*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: to be added

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1. Emergency Evacuation Procedure

The Chair will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chair will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chair will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chair has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chair is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B Report for the Licensing Committee to decide

4. Potential Relaxation of Street Trading Requirements

5 - 44

Issued on: Thursday, 11 August 2022

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Committee, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Licensing Committee Meeting	
Meeting Date	22 nd August 2022
Report Title	To make a decision on whether to waive licensing application requirements contained in the adopted Swale Street Trading Policy 2021 – 2024 in respect of a two day Street Trading Consent application made on behalf of the organisers of Faversham Hop Festival 2022
EMT Lead	Charlotte Hudson, Head of Housing and Community Services
Head of Service	
Lead Officer	Stephanie Curtis, Community Safety Manager Christina Hills. Licensing Team Leader
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That members consider whether to allow a two day Street Trading Consent application to be made by the organisers of Faversham Hop Festival 2022, rather than by individual traders at the event. 2. That members consider whether to allow a two day Street Trading Consent application to be made without the requirement for any individual trader DBS checks to be completed 3. That members consider whether to allow a two day Street Trading Consent application to be made without a formal 8 week consultation as required within the current Swale BC Street Trading Policy 2021 -2024. 4. That members consider what fee should be charged for the Street Trading Consent, (should the decision on recommendations 1 and 2 be to allow). 5. That members advise the applicant to note that any decision to waive the licensing requirements of the policy in respect of a one-off street trading consent to the organisers of the Hop Festival without full compliance with adopted policy, as set out in this report, would be a concession for 2022 only and that it will be expected that any future Faversham Hop Festival events will fully comply with the requirements contained within the current Swale BC Street Trading Policy 2021 - 2024

1 Purpose of Report and Executive Summary

- 1.1 To consider whether to waive the licensing requirements contained within Swale BC's Street Trading Policy in respect of a 'one-off' two day street trading consent to the organisers of Faversham Hop Festival due to take place on 3rd and 4th September 2022, by permitting a Street Trading Consent application to be made by the organisers of the event rather than to individual traders, by waiving the requirement for an 8 week consultation on the application, to not require basic DBS checks from the individual traders and to consider the associated application fees.

2 Background

- 2.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, a local authority may regulate street trading in their area. Swale BC has adopted these provisions for the whole of its area and on 23rd July 2010 designated all streets in the area as 'consent streets'.
- 2.2 The effect of this designation is that any street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council. Swale BC has had a policy in place since 2013. There is no statutory requirement for a local authority to have a formal Street Trading policy; however, a Council can choose to adopt such a policy.
- 2.3 The adoption of a Policy benefits customers as well as reassuring the general public and other public bodies. It also reinforces effective practices and ensures proportionate, consistent and targeted regulator activity, whilst also developing a transparent and effective dialogue and understanding between regulators and those we regulate
- 2.4 A draft revised policy was approved by General Licensing Committee on 2nd February 2020 for full public consultation which took place between 30th March 2020 and 30 June 2020. After this consultation the final policy was presented to General Licensing Committee on 21 January 2021 and was then formally adopted by full council on 31st March 2021. The current policy is shown as **APPENDIX I**.
- 2.5 Methods of consultation were by advertising on the council's website, in local newspapers and where appropriate by email and post.

The consultees were:

- All Swale Councillors
- All Town and Parish Councils
- Town Markets/Co-Operatives
- Kent Police

- Kent Fire and Rescue
 - Kent County Council Highways Department
 - Kent County Council Trading Standards
 - Kent County Council Safeguarding Unit
 - Swale BC Environmental Services (Commercial and Environmental Response teams)
 - Swale BC Planning
 - Swale BC Economy and Community Services team
 - Swale BC Green Spaces team
 - Any relevant trade associations
 - All existing Consent holders - these were individuals who held a six month or yearly Street Trading Consent with the council and did not include event organisers who had previously held a 'one-off' consent with the council such as Faversham Hop Festival organisers.
- 2.6 Amongst the changes made to the previous Street Trading Policy were that Event organisers would no longer apply on behalf of all stall holders and be granted one Street Trading Consent, instead each individual stall holder would require a separate Street Trading Consent of their own. The reason for this change was because previously the event organiser was the only person who would be legally accountable and the only person that the Council could take enforcement action against, should there be any problem (for example trading in counterfeit goods).
- 2.7 Additionally a basic DBS criminal records check would be required for each trader. For six month and yearly consents these checks are mandatory. For one off event consent applicants, these checks are required where it is considered necessary.
- 2.8 Faversham Hop Festival is due to take place on 3rd and 4th September 2022 following a two-year hiatus due to the Coronavirus pandemic.
- 2.9 The Hop Festival has run for a number of years by the same organiser and as far as the licensing team are aware there have never been any issues with any traders at the event which the festival organisers have taken responsibility for.
- 2.10 On 6th July 2022 the event manager for Faversham Hop Festival contacted the licensing team leader to ask what the licensing requirements were in relation to Street Trading consents following telephone conversations that had taken place with his colleague in June explaining the new process to be followed, however, due to annual leave this was not responded to until 19th July 2022 when confirmation of what was required was given. This email chain is shown as **APPENDIX II**.
- 2.11 On 27th July a Street Trading Application was received from the event organisers which was for a one-off event. No fee was received, and it was confirmed that DBS checks for the directors would follow together with a list of stall holders. The application is shown as **APPENDIX III**. The DBS checks and list of stall holders is

yet to be received. If the DBS check requirement is waived a list of traders must still be received.

- 2.12 On 8th August , director of Community Heritage Events Ltd emailed Swale BC chief executive Larissa Reed to ask her to intervene regarding issues on complying with the current licensing requirements for Street Trading Consents. The email is shown as **APPENDIX IV**. There was a letter from John Payne, chairman of Community Heritage Events which requested that the fee, (caused by the requirements for individual consents and DBS checks), for the Street Trading Consent be waived. This is shown as **APPENDIX IV**.
- 2.13 There is now not sufficient time to process any applications for Street Trading Consents to comply with the existing licence requirements contained within the policy which states that a consultation of 8 weeks is necessary. These consultees are:
- a) Kent Police
 - b) Kent Fire and Rescue Service
 - c) KCC Highways
 - d) Swale BC Environmental Health
 - e) Swale BC Environmental Response Team
 - f) Swale BC Planning
 - g) Swale BC Property Services
 - h) Swale BC Economy and Community Services
 - i) Swale BC Green Spaces team
 - j) Ward Councillors
 - k) Parish and Town Councils
 - l) KCC Safeguarding Unit

In the past no consultation was undertaken for one-off Street Trading Consent applications including that for the Hop Festival although the event management plan is always submitted for consideration by the Safety Advisory Group (SAG) which includes many of the consultees for Street Trading Consents. No adverse comments have been received by any of the SAG consultees for the 2022 Hop Festival.

- 2.14 Whilst the current policy does state that DBS checks are required 'where necessary' the licensing team have not provided any guidance as to when this should be, and this is something that will need to be addressed moving forward. DBS checks may not be relevant for all stall holders and could depend on the experience of the stall holder, the type of goods sold and access to the vulnerable for example DBS checks may only be necessary for stalls at greater risk of selling counterfeit goods or those which provide goods aimed at children. As there are many people around at this event the element of risk is far less than for holders of individual annual or six month consents.

- 2.15 The licensing team will also re-visit the application form to give more clarity in order to avoid the confusion that has been experienced on this occasion.
- 2.16 With regards to the fees to be charged under the old regime before the existing policy was adopted any event which had 50 or more stalls would have been charged £230. Under the existing policy individual consents for a period of up to 4 days are charged at £10 per applicant meaning that 50 stalls would attract a fee of £500. If a one-off consent is granted to the festival organisers alone then the fee due would be £10 as an individual applicant.
- 2.17 The current policy also allows for no fee to be charged in the following circumstances:
- *3.6.1 Street Trading at Fetes and Carnivals – outdoor events for which no entry fee is charged staged mainly for public entertainment and benefiting charitable concerns. It is expected that at least some of the monies raised will be contributed to the beneficiary individual, organisation or charity.*
 - *3.6.2 Street Trading at non-commercial or charitable events for which no entry fee is charged organised by not-for-profit organisations and charitable trusts.*

3 Options

- 3.1 The Committee agree to waive the licensing requirements within the current Street Trading Policy to allow a 2 day street trading consent to be made by the organisers of the Hop Festival and with no requirement for DBS checks from individual traders and to consider charging either no fee, £10 or the same as was charged historically i.e.£230. The Committee to waive the normal requirement for an 8 week consultation following the consideration of the Hop Festival by the Safety Advisory Group
- 3.2 The Committee could choose not to waive the requirements of the current Swale Street Trading Policy 2021 – 2024. It is doubtful if the Hop Festival could proceed without stalls trading at the event.
- 3.3 The event organisers for Faversham Hop Festival 2022 may choose to proceed with the event without any Street Trading Consents in place which would have the potential that each stall holder participating would be committing an offence and enforcement action would have to take place in accordance with the Street Trading Policy and the Council's Enforcement Policy. The maximum fine on conviction of an offence is £1,000.

5 Consultation Undertaken or Proposed

- 5.1 None as yet other than what is referred to in paragraph 2.13

6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety of the public consumers</p> <p>There are indirect links to:</p> <p>Priority 3:</p> <p>3.4 Ensure that the council plays a proactive role in reducing crime and antisocial behaviour.....</p> <p>3.5 Promote wellbeing and enjoyment of life by signposting and encouraging a wide range of sporting, cultural, leisure and development activities appropriate and accessible to each age group.</p>
Financial, Resource and Property	<p>There would be a loss of income as detailed in the body of the report. If the policy were subject to legal challenge there could be costs associated with this process.</p>
Legal, Statutory and Procurement	<p>The relevant legislation in relation to street trading is contained within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).</p>
Crime and Disorder	<p>It is a criminal offence to trade in the street without an appropriate consent. The policy provides a framework for consistent decision-making</p>
Environment and Climate/Ecological Emergency	<p>No implications</p>
Health and Wellbeing	<p>No implications</p>
Safeguarding of Children, Young People and Vulnerable Adults	<p>Licensing regimes are largely designed to protect public safety. DBS checks for Street Trading Consents are deemed to be necessary in some circumstances to check that applicants are suitable to trade.</p>
Risk Management and Health and Safety	<p>It is important that Swale BC has a robust and accountable regulatory regime in relation to street trading in order to ensure fair trading, prevent crime and to protect consumers</p>
Equality and Diversity	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful</p>

	<p>discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>When considering street trading consent applications, only issues provided for in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and provided for in the Street Trading policy for Swale BC will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.</p>
Privacy and Data Protection	Normal data protection and privacy rules will apply

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current Swale BC Street Trading Policy 2021 – 2024
- Appendix II: email from Hop Festival Event Manager
- Appendix III: Street Trading Application Form
- Appendix IV: Email from Director, Community Heritage Events
- Appendix V: Letter from Chairman, Community Heritage Events

8 Background Papers

None

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Swale Borough Council



Street Trading Policy

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

Version 1.0

1 April 2021

Next Scheduled Review: 1 April 2024

All enquiries relating to this document should be sent to:

Licensing
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

licensing@swale.gov.uk

Issue & Review Register

Summary of Changes	Issue Number & Date	Approved by
See General Licensing Committee report dated 21 January 2021	V0.1	General Licensing Committee

All changes to this document are tracked using a different colour and/or marked with a vertical line at the side of the page.

If amendments have been made, this will be redistributed to all named on the distribution list.

Compiled by: Christina Hills

Date: 21 January 2021

Approved by: General Licensing Committee

Date: 21 January 2021

Changes and Corrections

Any changes or corrections required should be notified in writing to:

Licensing
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Or

licensing@swale.gov.uk

Street Trading Policy 2021-2024

Local Government (Miscellaneous Provisions) Act 1982 Street Trading Local Policy Document

1. Legislation & Policy

- 1.1 Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 – Street Trading, which Swale Borough Council adopted in 1993 and resolved to control within its boundaries.

On 23rd July 2010 the Council formally designated all streets within its boundaries as ‘Consent Streets’.

The effect of this designation is that if you want to sell goods on the street (see para 3.2. for definition), you are street trading (see para 3.1 for definition) and you will need to have the appropriate consent from the Council unless you are legally exempt (see para 3.5).

Trading without the required consent is a criminal offence.

- 1.2 Swale Borough Council adopted this policy on 31st March 2021 to become effective on 1st April 2021.

Every three years the Policy will undergo a full review involving widespread consultation with the existing traders, relevant authorities and the general public, any consultation will be in line with Government guidelines.

2. Purpose & Objectives

- 2.1 Street trading can add variety and vibrancy to the character of this Borough as well as diversity of shopping opportunities. The aim of the Council is to give consent to traders who will help to create a vibrant street scene which complements retail activity, community events and activities.
- 2.2 The purpose of this policy is to provide a framework setting out the Council’s procedures which will be used to inform the various decision making processes to ensure a consistent approach and expectations of those engaged in street trading either from an individual pitch as a mobile trader or as part of a large scale event/festival
- 2.3. This policy aims to give clarity and transparency to potential and existing traders, explaining how the Council will promote its objectives and deliver compliance with imposed conditions.

The Council's key objectives are:

- 2.3.1 To protect the public through the control of street trading within Swale by improving standards of food safety, health and safety and environmental management to enhance the image of the area
- 2.3.2 To ensure that permitted street trading is properly regulated as to where, when and how it takes place.
- 2.3.3 To prevent public nuisance by the use of conditions designed to reduce the risk of nuisance from obstruction, noise, refuse, vermin, fumes and smells.
- 2.3.4 To ensure the suitability of the structures used for the sale of goods.
- 2.3.5 To ensure that traders and the people that they employ are 'fit and proper' in accordance with the Act. This will include a requirement for a basic Disclosure and Barring Service Criminal Records check.

3. Street Trading Definition and Exemptions

- 3.1 Street Trading is defined under the Act as 'selling, exposing or offering for sale any article (including a living thing) in a street'.
- 3.2 A 'street' is broadly defined to include any road, footway, beach or other area to which the public have access without payment and a service area as defined in s.329 of the Highways Act 1980.
- 3.3. This can include areas adjacent to a street, car parks and privately owned land where the public have access, without payment, as a matter of fact.
- 3.4 Street trading includes the sale of food and beverages. It does not include the provision of services (such as face painting or hair braiding) even if payment is made.
- 3.5 The following activities are **exempt** from the need to obtain a street trading consent under the Act:
 - 3.5.1 Trading by a person acting as a pedlar under the grant of a Pedlar's Certificate granted under the Pedlars Act 1871 and issued by the police – see 3.7 below
 - 3.5.2 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. This means markets that have a 'charter' or are permitted by other legislation e.g. The Food Act 1984. All other so called 'markets' will require a Street Trading Consent and for the purposes of this policy will be referred to as 'events' to avoid confusion.

- 3.5.3 Trading in a trunk road picnic area as defined in Section 112 of the Highways Act 1980.
- 3.5.4 Trading carried out as a news vendor selling newspapers or periodicals (only without a stall/receptacle) or one which is not over 1m long or wide or over 2m high.
- 3.5.5 Trading carried out at a petrol filling station.
- 3.5.6 Trading which is carried out at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop
- 3.5.7 Trading carried out by a 'roundsman' e.g. milk deliveries. However, this does not include ice cream sellers and mobile catering vehicles
- 3.5.8 Use for trading from an object or structure placed on, in or over the highway under Part VIIA of the Highways Act 1980
- 3.5.9 The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- 3.5.10 Doing anything authorised as a public charitable collection made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 – see 11.4 below
- 3.6 Trading at the following events requires a Street Trading Consent but no fee will be charged:
 - 3.6.1 Street Trading at Fetes and Carnivals – outdoor events for which no entry fee is charged staged mainly for public entertainment and benefiting charitable concerns. It is expected that at least some of the monies raised will be contributed to the beneficiary individual, organisation or charity.
 - 3.6.2 Street Trading at non-commercial or charitable events for which no entry fee is charged organised by not-for-profit organisations and charitable trusts.
- 3.7 As detailed in 3.5 above pedlars acting under a certificate are exempt. However, a pedlars' certificate is not required to sell food, and such sales are not exempt, although some traders do have certificates. If the sale is in a street, then it will be street trading and require the appropriate consent.
- 4. Consideration of an application for a Street Trading Consent - location**
 - 4.1 The Council does not designate pitches and applicants must therefore propose trading which is compatible with the location being applied for. When considering the proposal, the Council will have regard to other trading taking place in the immediate vicinity.

The aim of this policy is not to discourage competition, rather to ensure an appropriate mix of trading so as to avoid over saturation of any given area. Every application will be considered on its own merits.

Consent will not usually be given for any fixed locations where:

- 4.1.1. Road safety would be compromised either from the siting of the trading activity itself, or from customers visiting or leaving the site.
 - 4.1.2. There would be a significant loss of amenity to those in the area caused by additional traffic, or disturbance (e.g. noise, odour or fumes, etc.)
 - 4.1.3. There is already significant provision of similar goods in the immediate vicinity of the site to be used for street trading purposes.
 - 4.1.4. There is a conflict with Traffic Management Orders such as waiting restrictions.
 - 4.1.5. The trading obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger.
 - 4.1.6. The Consent Holder, staff and customers have no appropriate place to park in a safe manner, if required
 - 4.1.7. The pitch would be sited on the A249 or M2 as these locations are prohibited by Highways England. Layby's on any other road will be considered on a case by case basis.
 - 4.1.8. The pitch would be on a council owned carpark
- 4.2 The consent holder must be granted permission for the use of any land adjacent to the highway from the landowner and adjoining landowners where appropriate. The granting of a consent does not imply that landowners permission has been granted;

Consent to trade does not imply the grant of planning permission and applicants are strongly recommended to consult the Planning Department to check if permission is required prior to commencement of trading

5. Application Procedure

- 5.1 Only persons aged seventeen or over may apply for consent. However, a person under seventeen may be employed as an assistant.
- 5.2 New applications for sole traders and multiple trader event organisers will be determined following a 28 consecutive day consultation period.
- 5.3 One - Off Consents. The Council will grant one-off consents up to a maximum of 12 times per calendar year. These types of consents include events that are not exempt from street trading requirements under separate legislation.

- 5.3.1 One-off consents can last for up to 4 days
- 5.3.2 Each individual trader at an event must obtain their own consent. However, event organisers can co-ordinate the applications.
- 5.3.3 An application for a one-off consent must be submitted at least 8 weeks before the intended trading and will be determined following a 28 consecutive day consultation period
- 5.4 All applicants for the consents above will be required to provide documents as shown at Appendix I.
- 5.5 Renewal applications - For sole traders and event organisers
 - 5.5.1 Applicants should submit their renewal application at least 8 weeks prior to the expiry of their consent if they wish to continue to trade. The Council will normally send reminders of the expiry of consents three months before expiry. It does however, remain the responsibility of the trader to ensure that an application is submitted in time for the consent to be renewed.
 - 5.5.2 A renewal application will be determined following a 28 consecutive day consultation period
 - 5.5.3 At renewal, the Council will consult to determine if there are any concerns regarding the street trader or if there have been any complaints.
 - 5.5.4 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will normally be renewed.
 - 5.5.5 Where a renewal application has been made and there have been complaints or enforcement issues which did not result in revocation then the application may be rejected. The council may choose to consult with such agencies and interested parties it considers relevant in this regard before making a decision.
 - 5.5.6 Applicants will need to submit documents as shown in Appendix I.

6. Consent Fees

- 6.1 The Council can charge such fees as it considers reasonable and will recover the cost of administration and compliance.

Payment will be required for the following street trading applications:

- a) An annual consent for a fixed location or non-fixed location (mobile traders)
- b) A six month consent for a fixed location or non-fixed location (mobile traders)
- c) A One-off consent for individual traders where there is no exemption applicable (an event)

The Council's adopted fees, for the above-mentioned applications, are shown in Appendix III of this Policy.

7. How the Council makes its decisions

- 7.1. The Council is bound to act reasonably and consistently with its general obligations (e.g. those under the Human Rights Act and Equalities Act) but has a wide discretion when making a decision to give consent for Street Trading. The Council does not have to rely upon specific statutory grounds in order to refuse an application for Street Trading consent or whether or not to renew that consent.
- 7.2 The Licensing section will assess the proposed location, taking into consideration the concerns raised in Section 4 of this policy. The application will then be consulted with various public serving authorities and Council services. The consultees who will be consulted on all applications are:
- a) Kent Police
 - b) Kent Fire and Rescue Service
 - c) KCC Highways
 - d) Swale BC Environmental Health
 - e) Swale BC Environmental Response Team
 - f) Swale BC Planning
 - g) Swale BC Property Services
 - h) Swale BC Economy and Community Services
 - i) Swale BC Green Spaces team
 - j) Ward Councillors
 - k) Parish and Town Councils
 - l) KCC Safeguarding Unit

And in some cases:

- m) Other businesses/organisations if it is considered that they are likely to be affected by a successful application

The consultation will run for 28 consecutive days.

- 7.3. A representation will be considered to be relevant if it is made by a person, business or body that is likely to be directly affected by a successful application.

- 7.4 If the Licensing section receives a representation then it will be forwarded to the applicant for their comment. The name and address of the objector will be published unless the Council receive a request for this not to be done for a good reason. The Council will not accept anonymous representations.
- 7.5 Any comments that the applicant may wish to make should be received by the Licensing section within 10 working days of the applicant being notified of the representation.
- 7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the General Licensing Sub-Committee. The hearing will normally take place within 20 days from the end of the consultation period.
- 7.7 A Licensing Officer will be responsible for preparing a report for the General Licensing Committee (who can then delegate this to a Sub-Committee) , which will be made available to the applicant at least five working days before the date of the meeting. The applicant and the persons making representations will be invited to attend and will be advised in writing of the date, time and place when the application will be heard. Any party can be represented by a lawyer or supported by a representative of their choice.
- 7.8 The Committee may grant the consent as applied for or impose additional restrictions limiting the days and/or times when street trading is permitted. In some circumstances the Committee may restrict the goods which may be sold, the size of the trading pitch or any other relevant detail, depending on the specifics of the application. The Committee could also refuse the application.
- 7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Resilience and Licensing Manager, who will reconsider the case based on any new evidence given.
- 7.10 If an applicant's appeal is rejected, they will be made aware of the reasons for refusal and advised the only right of appeal against the Council's decision is by way of Judicial Review.
- 7.11 A Judicial Review is where a decision is made by a High Court Judge who will look at all aspects of the application and decide whether or not the Council has acted lawfully
- 7.12 The Council can revoke any street trading consent after it has been given.
- 7.13 In these circumstances, the Council will give notice of any intent to revoke a street trading consent, which will provide a detailed explanation as to why the

consent has been revoked. The Council reserves the right to put any contentious matters before the General Licensing Sub-Committee.

- 7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the General Licensing Sub-Committee applicants will be advised the only right of appeal against the Council's decision is by way of Judicial Review..
- 7.15 Applicants can also make a formal complaint to the Council at www.swale.gov.uk/compliments-and-complaints
- 7.16 Where a consent is refused the Council may refund the fee, or a part of it as it considers appropriate. Refunds will be considered on a case by case basis.

8. Surrendering a Street Trading Consent

- 8.1 The consent holder may at any time surrender in writing the consent issued to them. Where a consent is surrendered, the Council is under a duty to remit or refund the whole or part of the fee paid for the Consent as they consider appropriate as shown at para 9(5) of the Local Government (Miscellaneous Provisions) Act 1982.

9. Conditions

- 9.1 The Council has adopted standard conditions, as shown in Appendix II, based on the objectives and expectations set out in this policy document as well as the responsibilities of each trader, which will be attached to each Street Trading Consent. Additional conditions may be imposed, or amendments made to the standard conditions, should specific circumstances make this reasonably necessary. Breach of conditions could ultimately lead to enforcement action, which may include, but is not limited to the revocation of a Consent.
- 9.2 The Council may amend the consent conditions at any time. Any substantial amendment to the standard conditions would involve consultation with all affected parties and the responses being presented before the General Licensing Committee for formal adoption. Once adopted the amended conditions will be imposed on all existing consent holders immediately thereafter or as decided by Committee.
- 9.3 Failure to comply with our standard conditions may lead to enforcement action, which may include, but is not limited to consent being revoked by the Council. This may affect any future applications.

10. Enforcement

- 10.1 A person engaging in street trading without consent, trading from a stationary van, barrow, other vehicle or portable stall without specific permission for that

trading or who fails to comply with conditions at time of trading or location, will be guilty of an offence and may be liable to prosecution under paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

10.1.1 It is also an offence to make a false statement which you know to be false in any material respect or which you do not believe to be true in connection with an application for consent.

10.1.2 These offences are punishable on conviction with a fine up to £1,000.

10.2 The aim of enforcement within the borough of Swale, is to protect the health and safety and welfare of the public who may be exposed to risks from unauthorised or poorly run street trading. We aim to:

- a) Ensure that all street traders are fit and proper to trade
- b) Promote compliance with the law
- c) Ensure those who fail to abide by the Standard Conditions or relevant legislation (depending on the nature of the business) are held accountable, which may result in prosecution or revocation of their consent
- d) Be proportionate and consistent in our dealings with applicants and consent holders
- e) Be transparent, open and honest

10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Resilience and Licensing Manager, supported by Licensing Officers.

10.4 In regard to ice cream traders, a 'Code of Conduct', issued by the Department for Environment Food and Rural Affairs (www.defra.gov.uk) provides guidance to traders and Local Authorities on aspects of the trade such as the sounding of chimes. The Local Authority's Environmental Department may refer to this guidance when investigating allegations of noise nuisance.

10.5 The licensing team will only carry out enforcement on Ice Cream Sellers in the following circumstances:

- a) Trading without a consent
- b) Trading in an area not specified on the Street Trading Consent
- c) Trading outside of the permitted hours

10.6 Enforcement of the following will be carried out by other departments of the Council:

- a) Incorrect disposal of waste
- b) Health and Safety/ Food Hygiene and Environmental Issues

11. Other Legislative Requirements – This is not intended as an exhaustive list

- 11.1 Any food traders would need to be compliant with food hygiene regulations. All food businesses that prepare, sell, store or cook foods and drinks need to register as a food business with Environmental Health.
- 11.2 Where food is sold the consent holder must comply at all times with ALL current hygiene legislation.
- 11.3 Exposing vehicles for sale on a road is regulated under Section 3 of the Clean Neighbourhoods and Environment Act 2005. Complaints relating to commercial sales, of two or more vehicles within 500 metres of each other should be reported to Swale BC Environmental Response Team.
- 11.4 Persons collecting money under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 require a Street Collection Permit from the Council but not a Street Trading Consent.
- 11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as ‘chuggers’). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However Swale Borough Council does have an expectation that all proposed collectors of this type will contact the Regeneration Officer (Town Centres) to liaise over the location, days and times that this type of activity will take place, especially to ensure that they do not interfere with any markets or events taking place. It is expected that there will be no tables or structures such as gazebos erected by the collectors. Most important is the expectation that direct debit collectors will behave in a respectful and courteous manner toward members of the public and not harass them in any way.
- 11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the Regeneration Officer (Town Centre) to check suitable locations so as not to interfere with any events or markets that may be taking place.
- 11.7 Any sale of alcohol will also require a Temporary Events Notice (TEN) under the Licensing Act 2003. The notice period for giving a standard TEN is statutory and is 10 clear working days between and not including serving the notice and the date of the event. A late TEN requires at least 5 clear working days’ notice between and not including serving the notice and the date of the event.
- 11.8 There are limits on the number of standard TEN’s and late TEN’s that can be applied for within a year.

11.9 In respect of a consent issued to an Event Organiser, it is the responsibility of the organiser to ensure that any stall wishing to sell alcohol is aware of the requirement for a TEN.

12. Data Retention

12.1 Under the General Data Protection Regulations the Council has set out the period of time that personal information shall be retained.

12.2 All personal information provided on an unsuccessful application, will be retained for a period of six months before being destroyed.

12.3 All personal information relating to the consent holder, irrespective of its level of sensitivity, will be retained for the period of consent; once the consent has expired or been revoked or the trader notifies the Council they no longer wish to have consent; the information shall be retained for a period of 24 months before being destroyed. DBS checks will not be retained by the Council

Appendix 1 – Documents to provide on application

New Applications and Renewal Applications	One off consents
<p>A completed and signed street trading consent application form. Applications forms are available online at https://www.swale.gov.uk/street-trading-consent by email at licensing@swale.gov.uk or they can be sent by post on request from the licensing team</p>	<p>A completed and signed street trading consent application form. Applications forms are available online at https://www.swale.gov.uk/street-trading-consent by email at licensing@swale.gov.uk or they can be sent by post on request from the licensing team</p>
<p>The application form must be accompanied by the full fee (unless para 3.6 applies and no fee is due). Details of fees are shown at Appendix III</p>	<p>The application form must be accompanied by the full fee (unless para 3.6 applies and no fee is due). Details of fees are shown at Appendix III</p>
<p>Where the proposed street trading activity is from a fixed position, a plan showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site</p>	<p>A location plan showing the exact position of any cart, van, barrow etc</p>
<p>Ice Cream Vans and Mobile Food Vans are exempt from providing location plans unless the van is stationary. However, details should be given of the proposed route/streets/stopping places where it is intended street trading will take place as well as the proposed trading hours. This may vary from day to day.</p>	
<p>One colour photograph of the stall, van, barrow, cart that will be used for street trading activity. The photograph shall show any proposed awnings fully extended, whether integral or not.</p>	<p>One colour photograph of the stall, van, barrow, cart that will be used for street trading activity. The photograph shall show any proposed awnings fully extended, whether integral or not.</p>
<p>Multiple traders and event organisers do not need to provide photographs of the individual pitches but must provide a numbered site plan of pitches together with a list giving the name of each individual trader and the nature of their business that from time to time trade from those pitches. This list should be kept updated and amendments submitted to the licensing team throughout the lifetime of the consent</p>	<p>Event organisers do not need to provide photographs of the individual pitches but must provide a numbered site plan of pitches together with a list giving the name of each individual trader</p>

One passport size colour photograph of the applicant. If there are assistants, then they too must supply a photograph of themselves	One passport size colour photograph of the applicant. If there are assistants, then they too must supply a photograph of themselves
If the land is privately owned, written permission from the land owner, this includes Kent County Council Highways.	If the land is privately owned, written permission from the land owner this includes Kent County Council Highways.
<p>Applicants and where applicable their assistants, must submit a Standard Disclosure and Barring Service criminal records check. This can be obtained as shown below:</p> <p>Email: customerservices@dbs.gsi.gov.uk Phone: 03000 200 190 Address: PO Box 165. Liverpool L69 3JD</p> <p>The original certificate must accompany the application form and must be submitted within one month of issue. The requirement for a DBS does not apply to event organisers.</p>	<p>Where considered necessary, applicants must submit a Standard Disclosure and Barring Service criminal records check. This can be obtained as shown below:</p> <p>Email: customerservices@dbs.gsi.gov.uk Phone: 03000 200 190 Address: PO Box 165. Liverpool L69 3JD</p> <p>The original certificate must accompany the application form and must be submitted within one month of issue. The requirement for a DBS does not apply or event organisers.</p>
Evidence of the right to work in the UK. Documents that demonstrate this are attached as Appendix IV.	Evidence of the right to work in the UK. Documents that demonstrate this are attached as Appendix IV.

Appendix II: General Consent Conditions

1. When consent is granted the consent holder will be issued with formal written consent which shall be available for inspection by authorised officers of the Council or the Police at any time that trading is taking place.
2. When consent is granted the Consent Holder and any assistants will be issued with a badge, which must be worn at all times while street trading.
3. The consent holder shall ensure their street trading activities subject to consent do not create any obstruction to the flow of pedestrians or other traffic using the street or part of the street to which their consent relates or create any danger to persons using it.
4. The consent holder shall ensure that their street trading activities subject to consent do not cause a nuisance or annoyance, to person(s) or residents using the street or part of the street or running a business within the vicinity of where their consent applies.
5. No signs advertising the trading shall be placed where it can cause an obstruction to vehicles or pedestrians using the street.
6. Where food is sold the consent holder must comply at all times with ALL current hygiene legislation.
7. No street trading will take place within 400 metres of a school.
8. Consent holders must identify their preferred method of waste disposal at the time of making their application, and keep records of their waste management, which must be available, upon request by Swale Borough Council's Licensing or Environmental Department or from the Environment Agency.
9. The consent holder shall not deposit trade refuse or litter of any kind on the street or part of the street to which their consent relates; (Note under the Environmental Protection Act 1990 everyone has a duty of care to dispose of any refuse in a correct manner.)
10. The consent holder shall at the end of each trading day or session, whichever is the shortest, clear around their permitted site.
11. It is recommended that a licence holder has a waste management plan in place, to ensure that:

- a) Suitable waste containers will be made available to customers, where it is appropriate, for any potential waste products generated by the sale of goods.
- b) No waste liquids shall be disposed of into any highway channel, gully or manhole or in any other manner which is likely to cause pollution of any surface water channel.
- c) All refuse generated by the business must be taken to a licensed waste disposal site.

Appendix III: Current Fees and Charges

Annual Consent	£130.00
6 Month Consent	£65.00
One-Off Consent	£10.00

Appendix IV:

Documents which demonstrate entitlement to work in the UK

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the UKVI to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the UKVI to the family member of a national of a European Economic Area country or Switzerland
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the UKVI to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** Immigration Status Document issued by the UKVI to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
7. A birth (short or long) or adoption certificate issued by the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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Jo Millard

Subject: RE: Faversham Hop Festival - Street Trading

From:

Sent: 19 July 2022 14:17

To: Chris Hills <ChrisHills@Swale.gov.uk>

Cc: Lyn Newton <LynNewton@Swale.gov.uk>; Stephanie Curtis <StephanieCurtis@swale.gov.uk>

Subject: RE: Faversham Hop Festival - Street Trading

Good Afternoon Chris,

I did see you were on leave. Back to work in a heatwave!

Thank you for your clarification of the new Street Trading Policy which I have now forwarded to the Hop Festival Directors for their information. I must admit to still being a bit confused as the Application Form is still worded in such a way as to suggest an Event Organiser can apply for the consent.

Kind Regards,

Bill.

From: Chris Hills <ChrisHills@Swale.gov.uk>

Sent: 19 July 2022 11:29

To: 'Bill Fowler' <>

Cc: Lyn Newton <LynNewton@Swale.gov.uk>; Stephanie Curtis <StephanieCurtis@swale.gov.uk>

Subject: RE: Faversham Hop Festival - Street Trading

Good morning Bill

Thank you for your email. Apologies for the delay in a response but you would have gathered from my out of office message that I was on leave for 2 weeks.

I can confirm that since the last time that the Hop Festival was staged a new Street Trading Policy was adopted which I attach for your information.

The new policy was developed taking into account advice given by the council lawyers and the main change as far as you are concerned is that event organisers no longer apply for a 'blanket' consent and that it is now down to individual traders to apply for their own consent. By way of an explanation the change was made to ensure that in the event that enforcement action needed to be taken it was targeted at the individual(s) responsible for any transgression rather than the event organisers.

There is no 'risk assessment' as to who should or should not submit a DBS check and all individual traders are required to provide a basic DBS check which costs £23. The reasons for requiring this check are to ensure that no trader has a history in trading in stolen or counterfeit goods, has never been prosecuted for food and drink related violations but does also take into account safeguarding reasons.

Details of how to apply for a DBS are contained in the attached application that individual traders must submit. If a trader already has a DBS check which is less than 9 months old then this is acceptable for our purposes. It is a

straightforward process and we have not encountered any problems with traders who have already gone through this process.

Established town businesses are specifically exempt in legislation from having to apply for a Street Trading Consent as per the extract from the policy below:

3.5.6 Trading which is carried out at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop

The fee for a Street Trading Consent for up to 4 days permission is £10 which can be paid by card via the automated payment line 01795 417286 or online using the link <https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/street-trading/apply-and-pay#h2>

The fee is payable for any stall where a trader will be making an individual profit benefitting themselves rather than a not-for-profit organisation.

If you could supply a copy of your public liability insurance, it would be appreciated. If you also have a plan showing the position of each individual trader then this too would be gratefully accepted.

I hope this assists.

Best regards
Chris

Yours sincerely

Christina Hills

Christina Hills

Licensing Team Leader

Tel: 01795 417286 | Email: chrishills@swale.gov.uk | Website: www.swale.gov.uk

Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | ME10 3HT

From: Bill Fowler <>
Sent: 06 July 2022 12:12
To: Chris Hills <ChrisHills@Swale.gov.uk>
Cc: Lyn Newton <LynNewton@Swale.gov.uk>
Subject: Faversham Hop Festival - Street Trading
Importance: High

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Chris,

My colleague Rachel Wynn has appraised me of her recent comms with you regarding the Street Trading License for the Faversham Hop Festival. It appears things might have changed since we last applied for a license? Could you please clarify to me the process that is to be followed please?

In the past we have applied for a blanket street trading license to cover all the traders. We have our own PLI and we also require all traders to provide evidence of their own PLI relevant to their activities. All traders wishing to trade in alcoholic beverages must also provide evidence that they have applied to SBC for a TEN for their pitch. We also require all food vendors to provide evidence of a Food Hygiene rating of at least a four or five. Is the blanket application still an option for us?

I also understand that a requirement has been introduced for a basic DBS check for each trader. My understanding is that a DBS check is only required when an individual is Risk Assessed as having the potential to be in contact with unaccompanied children or vulnerable adults that is prolonged and frequent. Could you clarify please as this does

appear to be an overkill given the circumstances of the festival? It would also appear to open-up a requirement for all the established town businesses to have to apply for a DBS check if they exercise their option to place a stall outside their premises?

I note from the application form that for a 'one-off event that is designed to provide support for the local community or a charity, then no fee is payable'. The Faversham Hop Festival is delivered on behalf of Swale Borough Council by Community Heritage Events Ltd which is a Not For Profit company with any cash surpluses dedicated to the following years' Hop Festival. In recognition of this would the fee be payable?

You will see I have cc'd Lyn Newton in her capacity of Contract Monitor for the Faversham Hop Festival.

Kind Regards,

Bill.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify postmaster@swale.gov.uk

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Street Trading Consent Application

This application is for a street trading consent where traders and/or organisers are looking to make a commercial profit. The consent permits trading on a consent street for six months, one year, or for a one-off event.

There are fees to be paid for these consents. Details of the current fees are available at <https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/street-trading>

If you are applying for a one-off event that is designed to provide support for the local community or a charity, then no fee is payable.

Swale Borough Council (SBC) is committed to protecting the privacy and security of your personal information. As data controller we ensure that processing is carried out in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR). Any personal information you provide within this form will be used solely in connection to your Street Trading Consent Application.

The lawful basis which enables the Council to process your data for this purpose is: Public interest under Article 6, paragraph (e) of the UK GDPR and Schedule 1, part 1, paragraphs 10 and 11 of the Data Protection Act.

Information provided will be kept in accordance with the Council's retention and disposal guidelines, will only be shared with other departments within the Council and statutory organisations in relation to necessary enquiries regarding your application or where there is a legal requirement for us to do so.

As a data subject you have the right to access your personal data and to ensure the Council is processing it in the correct way. For further information please visit the privacy pages on the Council's website at www.swale.gov.uk or contact the data protection officer by emailing dataprotectionofficer@swale.gov.uk.

Applicant Details	
Title	Mrs
Full Name	Rachel Wynn
Date of Birth (dd/mm/yyyy)	
National Insurance Number	
Home Address (Registered Address in the case of a limited company)	
Postcode	
Telephone Number	
Mobile Number	
Email Address	

Are you applying for a six month consent? <i>This includes trading one day a week throughout the six months</i>	<input type="checkbox"/>
Are you applying for a temporary consent? <i>i.e. . one-off consent</i>	<input type="checkbox"/>
Are you applying for a one-off charity event? <i>If so, no fee is payable</i>	<input checked="" type="checkbox"/>
Are you applying for a one-off commercial event? <i>E.g. Festivals, Carnivals where stall holders make a profit</i>	<input type="checkbox"/>
Are you applying for consent to authorise a number of other traders, <i>If so, you will need to complete Appendix 1</i>	<input checked="" type="checkbox"/>

Proposed Trading Period <i>Specify the dates of start and end for the consent, please note this cannot exceed one year.</i>	3rd September 2022	to	4th September 2022
Proposed Trading Days <i>Specify the days of the week you will be trading. E.g. Monday to Friday or Friday, Saturday and Sunday every week.</i> <i>If you are only trading on specific days, state the day of the week and the date. E.g. Tuesday 7 May 2021.</i>	Saturday & Sunday		
Proposed Trading Times <i>Specify the exact times of trading and on what days in 24hr clock format.</i> <i>Please note that any parking restrictions in place must be complied with at all times.</i>		From	To
	Monday		
	Tuesday		
	Wednesday		
	Thursday		
	Friday		
	Saturday	10am	17.30pm
	Sunday	10am	17.30pm

Business Details	
Name of Trading Business	Community Heritage Events Ltd
Registered Address of Business	3a Market Street Faversham Kent ME13 7AH
Is your business trading in food?	No
If yes, which Local Authority is your business registered with, and what is your current Food Hygiene Rating	N/A

Tick off each of the following required documents you are submitting with this application form.

The full fee – paid by calling 01795 417286 or online https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/street-trading/apply-and-pay#h2	
Proof of Public Liability Insurance	✗
Plan, showing precise location of intended trading location(s) For event organisers this should show the location of each stall and should correlate with the information given on Appendix A	✗
Proof of consent from landowner(s) for trading and storage locations	
Proof of Planning Permission(s) (if intending to trade for more than 28 days in a year)	
Photographic Proof of Identity & RTW (passport or residence permit) if not a limited company	
Clear electronic passport style photograph of the applicant if not a limited company and if the applicant is unable to supply photographic proof of identity & RTW	
A Basic Disclosure Certificate (Dated within the last 9 months) for the applicant (or each company officer as named on Companies' House if a limited company)	✗
Colour photographs of front, side and back of stall, van, cart etc.	
A copy of your trade waste contract/agreement if applicable	
Authorisation under the Licensing Act 2003, if providing late night refreshment or selling alcohol	
A copy of the V5C for each vehicle you plan to use, showing you as the registered keeper	
A copy of the current MOT certificate for each vehicle, unless the vehicle is less than 3 years old	

Declaration and Signature

I hereby make an application to Swale Borough Council for the grant of a Street Trading Consent, subject to the Statutes, Regulations, Policies, Byelaws and Conditions relating to the same for the time being in force.

I declare that I have checked the information on this application and, to the best of my knowledge and belief, it is correct. I understand that it is an offence for any person to knowingly or recklessly make a false statement or to omit material information for which I could be prosecuted, and any consent issued revoked.

I declare that I have supplied all the appropriate supporting documentation listed in the above checklist, and I am aware that if any of the information supplied on this application should change, I need to inform the Council in writing and pay the fee for amending the consent, if applicable.

I understand that I must undertake to comply with the legislation, byelaws, policy and conditions of consent as are now, or may hereafter be in force, for regulating street trading.

Rachel Wynn	Company Secretary
NAME	CAPACITY OF SIGNATORY
SIGNATURE	27/07/2022
	DATE

APPENDIX 1: Additional details required for each trader at an event

(Please use as many as required to cover all traders at your event). Alternatively, please submit this information electronically. (excel/word table is acceptable).

The information you provide on this form will be used by Swale Borough Council for licensing purposes. We may share your information and make any other necessary enquiries regarding your application with other departments and statutory organisations in relation to the application. Your personal information will be processed in line with Data Protection legislation and we will not disclose information about you to anyone outside the Council unless the law permits or requires us to.

We will retain your data for as long as it is required for our administrative use, after which it will be securely disposed of.

Stall Number (should correlate with plan)	
Stall Name	
Stall Owner	
Stall Owner Address	
Stall Owner Email	
Stall Owner Telephone Number	
Name of stall manager at the event	
Description of articles or food to be sold	

Stall Number (should correlate with plan)	
Stall Name	
Stall Owner	
Stall Owner Address	
Stall Owner Email	
Stall Owner Telephone Number	
Name of stall manager at the event	
Description of articles or food to be sold	

Larissa Reed
Chief Executive
Swale Borough Council

Dear Ms Reed

Faversham Hop Festival, 3-4 September 2022

The Hop Festival is one of Swale's premier events, much missed over the last two years and going ahead this year thanks to a successful public appeal for funding. We are very excited about giving the people of Swale something to celebrate again as we emerge from Covid, and to provide a significant boost to local businesses.

However we have a last minute problem which we need your help urgently to resolve please, or we won't be able to proceed.

We have been informed of requirements for stall holders to apply individually for street trading licences (cost £10) and to have DBS checks (cost c£20). These requirements were not set out in our stall application process and have emerged so late we don't consider it reasonable to expect stall holders to take on this additional cost (*even supposing there is time to complete the DBS process in time for the festival*). We anticipate many stall holders will walk away, undermining the viability of the festival which relies on this income source; and a successful street festival needs a diverse range of stalls.

Were we as the festival promoters to pick up the costs for around 50 stalls we are looking at additional unbudgeted costs of some £1500. We are already having to absorb much higher supplier costs than anticipated as a result of rising fuel, energy etc costs so this could tip us over into insolvency, which we are not prepared to contemplate.

Clearly something has gone wrong with communicating these changes, which we now understand were introduced from April 2021, prior to us signing our latest contract with the Council. As promoters of one of the largest events in Swale we would have expected to have been consulted on these changes in advance. We weren't consulted then and have not been informed of them until now.

In the circumstances we would ask that we be exempted from the changes this year please (an exemption I understand Faversham market traders operating during the Festival already get).

Despite our reservations about the changes - which we can expand on separately - we do recognise the Council wishes to move in this direction and will ensure we build them into our application process next year.

I look forward to hearing from you.

Chairman
Community Heritage Events

Jo Millard

From: Licensing (SBC)
Subject: RE: Faversham Hop Festival, 3-4 September 2022 - VERY URGENT

From:
Sent: 08 August 2022 17:17
To: Larissa Reed <LarissaReed@Swale.gov.uk>
Cc: john.payne@favershamhopfestival.org; adminsupport@favershamhopfestival.org; Lyn Newton <LynNewton@Swale.gov.uk>; Chris Hills <ChrisHills@Swale.gov.uk>
Subject: Faversham Hop Festival, 3-4 September 2022 - VERY URGENT

Dear Ms Reed

The Hop Festival is due to take place in a few weeks time but we have a very serious issue over implementing new street trading requirements that needs resolving if it is to go ahead.

Please see the letter attached from our Chairman.

Regards

Director

Community Heritage Events

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