



CHILTERN DISTRICT COUNCIL

Licensing & Regulation Committee

**Tuesday, 28th June, 2016
At
6.30 pm**

LATE REPORT:

Street Trading Consent Application

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE - 28 June 2016**

Background Papers, if any, are specified at the end of the Report

STREET TRADING CONSENT APPLICATION

Contact Officer: Nathan March 01494 732056 nmarch@chiltern.gov.uk

RECOMMENDATIONS

- **To refuse the application for a Street Trading Consent, accordance with the Council's Street Trading Policy due to the concerns raised in the objection from the Town Council and that there could be a loss of amenity caused by noise and odour from the trader;**

1. Background

- 1.1. The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.
- 1.2. Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence/consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council.
- 1.3. The Council adopted these provisions in 1984 and following a consultation exercise designated a large number of streets throughout the district as Consent Streets which are primarily in and around town centres.
- 1.4. In accordance with the Council's Street Trading Policy 2012 attached as Appendix 1, applications that do not attract objections can be dealt with via delegated powers to officers. However if an objection is received, the application must be determined by the Licensing & Regulation Committee.

2. The Application

- 2.1. An application has been received from Mr Khushi Mohammed of 269 Langley Road, Slough to sell Indian foods from a catering trailer situated on High Street, Chesham near the Clock Tower (as indicated on the plan attached as appendix 2) between the hours of 08:00 and 18:00 Monday, Tuesday, Thursday & Friday. A copy of the application is attached as appendix 3.
- 2.2. In accordance with the Council's Street Trading Policy, , the following organisations/people were consulted:-
 - Thames Valley Police,
 - Bucks Fire and Rescue Service,

Classification: OFFICIAL

- Transport for Bucks, Bucks County Council.
- Environmental Health (Food, safety and noise)
- Ward and Parish or Town Councillors

2.3. During the consultation period, the licensing authority received one representation from the Chesham Town Council which is attached as appendix 4. The representation raises concerns over the trading location not being suitable as it falls within a conservation area and that there are already sufficient provisions for food and drink in the vicinity. Concerns were also raised about an increase in vehicular traffic in the pedestrian dominated area and the proximity to residential properties above the surrounding shops.

2.4. The licensing authority did not receive representations from any other consultees.

2.5. Mr Mohammed had previously submitted an application for a Street Trading Consent further up the High Street in Chesham to which no objections were received. The consent was therefore granted and Mr Mohammed began to trade. Shortly after trade starting, the Council received a number of complaints and it was found that the site that was being used was not suitable as the trailer was blocking the highway/pavement.

2.6. Mr Mohammed voluntarily surrendered this Consent and engaged with Transport for Bucks prior to submitting this application to ensure that the same issue did not arise.

2.7. There are no other existing Street Trading Consents in the immediate vicinity of this location.

3. Consideration

3.1. In considering applications for the grant of a Street Trading Consent as well as the individual merits of the application and the relevant legislation the Street Trading Policy provides that the following factors should be considered:

a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

b) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour particularly in residential areas.

d) Highway

The location and operating times will be such that the highway can be maintained in accordance with Buckinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

3.2. The Council's Street Trading Policy states that the Council will normally grant a street trading consent unless, in its opinion:

- 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;
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- d) There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes *but note that competition issues will not be a consideration*;
- e) There is a conflict with Traffic Orders such as waiting restrictions;
- f) 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;
- g) The trading unit obstructs the safe passage of users of the footway or carriageway;
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- i) The site does not allow the consent holder, staff and customers to park in a safe manner;
- j) 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.

4. Decision

4.1. Schedule 4 paragraph 7 (2) of the 1982 Act provides that the Council may grant a consent if they think fit subject to the Mandatory grounds for refusal at subparagraph (3)

4.2. The Council is not under any duty to grant a Street Trading Consent and need not specify any of the statutory grounds for refusal. Therefore, the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council. However, the Council must have regard to its Street Trading Policy, which outlines the approach that it will take in determining applications of this sort and will need to give full reasons for its decision.

4.3. Accordingly the Committee may:

4.3.1. Grant the application as it stands in which case it will be subject to the Council's approved standard conditions.

4.3.2. Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and necessary.

4.3.3. Refuse the application.

4.4. The Council has already approved a set on standard conditions which are attached at appendix 5 which will apply to and will be imposed on any Street Trading Consent that is granted.

4.5. There is no statutory right of appeal against the Council's decision to refuse to grant a Consent but any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the other parties costs

5. Background Papers

- The Local Government Miscellaneous Provisions Act 1982.
- The Council's Street Trading Policy.
- Application file ref 16/00078/STREET

CHILTERN District Council



Health and Housing Division

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING POLICY 2012

CONTENTS

	Page
1. Introduction	3
2. Legislation and current provision	3
3. The Licensing Process and Delegation of Functions	5
4. Applications for a Street Trading Consent	5
5. Consent Conditions	9
6. Fees	9
7. Markets and Special Events	10
8. Enforcement	10
9. Further Information	11
Annex 1 Maps showing Consent Streets	12
Annex 2 Maps showing Prohibited Street	19
Annex 3 Standard Conditions Applicable to Street Trading Consents	20

1.0 Introduction

- 1.1 The aim of this policy is to set out Chiltern District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- a) Thames Valley Police;
 - b) Buckinghamshire Fire and Rescue;
 - c) Existing consent holders;
 - d) Representatives of businesses and residents in the Chiltern DC area;
 - e) Town and Parish Councils;
 - f) Chiltern DC Estates Officer

- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy will be reviewed to take account of changes in legislation or Government guidance.

2.0 Legislation and current provision

- 2.1 At a meeting of the Environmental Health Committee held on 31st May 1984, it was resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area with the result that a number of streets were designated as consent streets. This means that anyone who wishes to trade on these streets must hold a street trading consent. In May 2005, the A413 was designated as a prohibited street.
- 2.2 Annex 1 and 2 list and map the streets in the District that are designated as prohibited streets or consent streets.
- 2.3 Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.3 'Street Trading' is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 2.4 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without local authority consent
 - Licence Streets: where trading is prohibited without a local authority licence
- 2.5 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be

liable, on conviction, to a fine of up to £1000. However, the Act makes certain activities exempt from the requirement to hold a consent. These are:

- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- d) news vendors selling only newspapers or periodicals
- e) petrol filling stations
- f) shops forecourts
- g) rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
- h) objects or structures placed on, in or over a highway under Part VIII A of the Highways Act 1980
- i) operation of facilities for recreation or refreshment under Part VII A of the Highways Act 1980
- j) Street Collections

3.0 The Licensing Process and Delegation of Functions

- 3.1 This part of the document sets out how applications for Street Trading Consents in the Chiltern District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the Licensing and Regulation Committee for determination.

4.0 Applications for a Street Trading Consent

Advice for New Applicants

- 4.1 New applicants are advised to contact the Council, Thames Valley Police and Transport for Bucks at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval.

Applications

- 4.3 Applications will only be considered for sites in 'Consent Streets'. All applications must be made on the Council's prescribed application form.
- 4.4 Each application must be accompanied by the prescribed, non-refundable application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 4.5 The following will also be required to be submitted with the application:
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should also indicate the locations of other street traders and outlets trading in similar commodities to those proposed;
 - Details of the proposed activity, including the nature of goods being sold, times and days of operations and written permission of the landowner if on private land;
 - Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.

Processing of an Application

- 4.6 On receipt of the application form an acknowledgment will be sent to the applicant.
- 4.7 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.8 The application will either be:
- Granted and a trading consent will be issued with conditions attached, or
 - Refused.
- 4.9 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:
- Thames Valley Police,
 - Bucks Fire and Rescue Service,
 - Transport for Bucks, Bucks County Council.
 - Environmental Health (Food, safety and noise)
 - Ward and Parish or Town Councillors

- 4.10 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent. If representations are received, then the Licensing and Regulation Committee will be engaged, who will make a decision based upon the application, representations made and in accordance with this policy.
- 4.11 Written observations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

Key Considerations

- 4.12 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 4.13 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- a) **Public Safety**
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - b) **Public Order**
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - c) **The Avoidance of Public Nuisance**
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - d) **Highway**
The location and operating times will be such that the highway can be maintained in accordance with the Buckinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
- 4.14 The Council will normally grant a street trading consent unless, in its opinion:
- 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;
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity 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 already adequate like provision in the immediate vicinity of the site to be used for street trading purposes *but note that competition issues will not be a consideration*;
- There is a conflict with Traffic Orders such as waiting restrictions;
- 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;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- 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.

Departure from Policy

- 4.15 In exercising its discretion in carrying out its regulatory functions, Chiltern District Council will have regard to this Policy document and the principles set out therein.
- 4.16 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.17 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Health and Housing may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Services.
- 4.18 There is no right of appeal against a variation of a condition, or refusal to grant or renew a trading Consent.
- 4.19 Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

Consents

- 4.20 Consents may be issued for a period of up to consecutive 12 months or quarterly.
- 4.21 All Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

- 4.22 Upon renewal, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 4.23 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 be renewed.
- 4.24 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the Licensing and Regulation Committee.
- 4.25 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
- 4.26 Where an application is referred to the Licensing and Regulation Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in a neighbouring premise or knows an applicant personally, they must declare an interest in accordance with Local Authorities (Model Code of Conduct) Order 2007the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 4.27 Following the determination of an application, the Head of Health and Housing will notify the applicant of the decision in writing as soon as possible after the decision.
- 4.28 There is no statutory right of appeal against refusal to issue a consent.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in Annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to revocation or non renewal of consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to consents

or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a consent.

6.0 Fees

- 6.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the duration of the consent and the trading hours. Details of the current fees can be found on the Council's website or on application to the Licensing Section. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual consents should be accompanied by a non-refundable application fee. If the application is approved, the balance of the quarterly fee will be due in advance of the consent being issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

Street Trading Consents for which fees are not payable

- 6.3 Chiltern District Council will not require the payment of fees for the following street trading activities:
- fetes, carnivals or similar community based and run events
 - non-commercial or charitable events
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
 - sales of articles by householders on land contiguous with their homes
 - the authorised street markets at Amersham and Chesham

7.0 Markets and Special Events

- 7.1 The Authorised Amersham and Chesham weekly markets are outside the scope of the street trading scheme.
- 7.2 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

- 7.3 The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.
- 7.4 The Council will require the operating company to hold an insurance certificate covering all the individual traders.
- 7.5 If the event is being held on behalf of raising funds for a charity, etc the fee will be waived.

8.0 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 8.3 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Head of Health and Housing.

9.0 Further Information

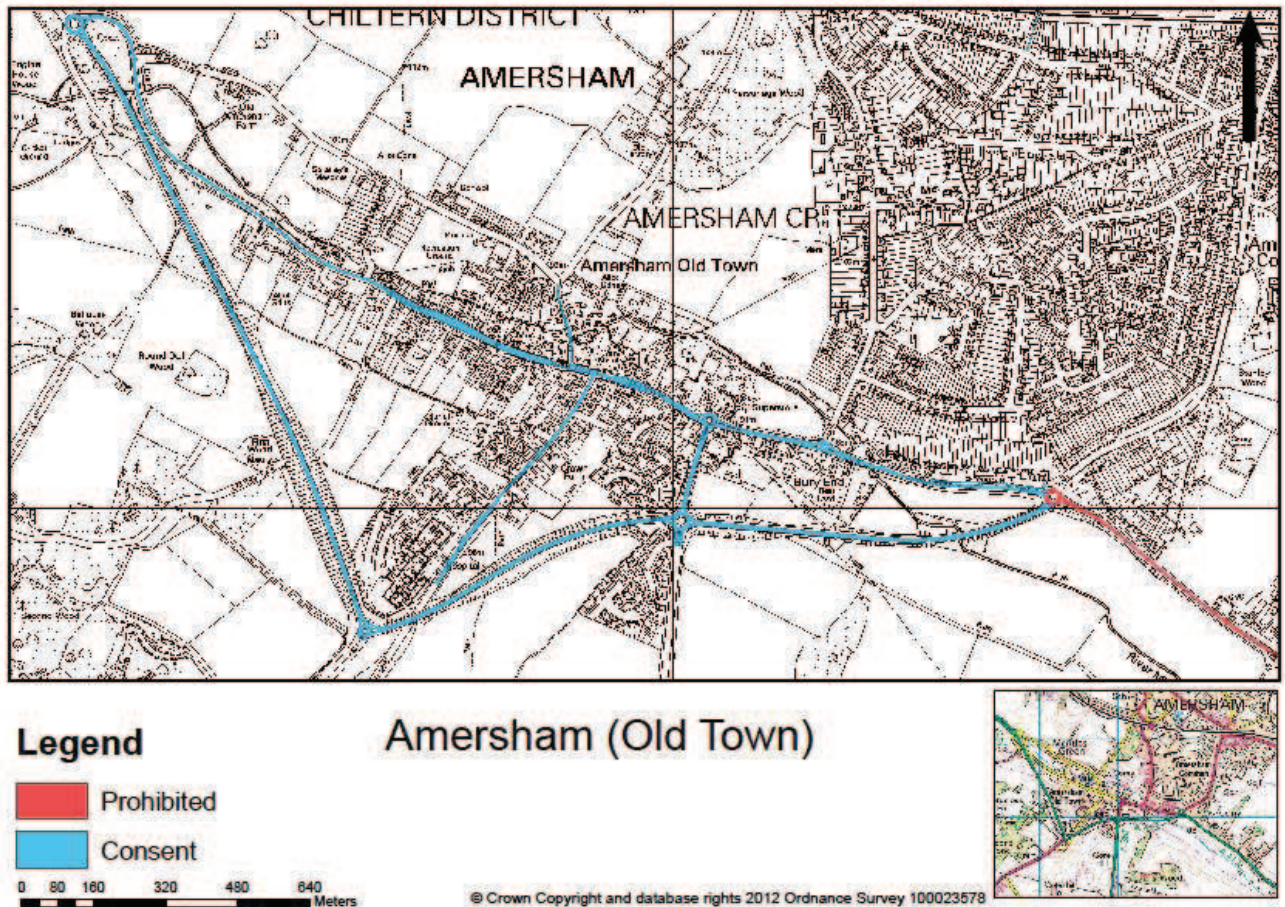
Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
Chiltern District Council
King George V House
King George V Road
Amersham
Bucks HP6 5AW

T: 01494 732068
F: 01494 586504
E: licensing@chiltern.gov.uk
Website: www.chiltern.gov.uk

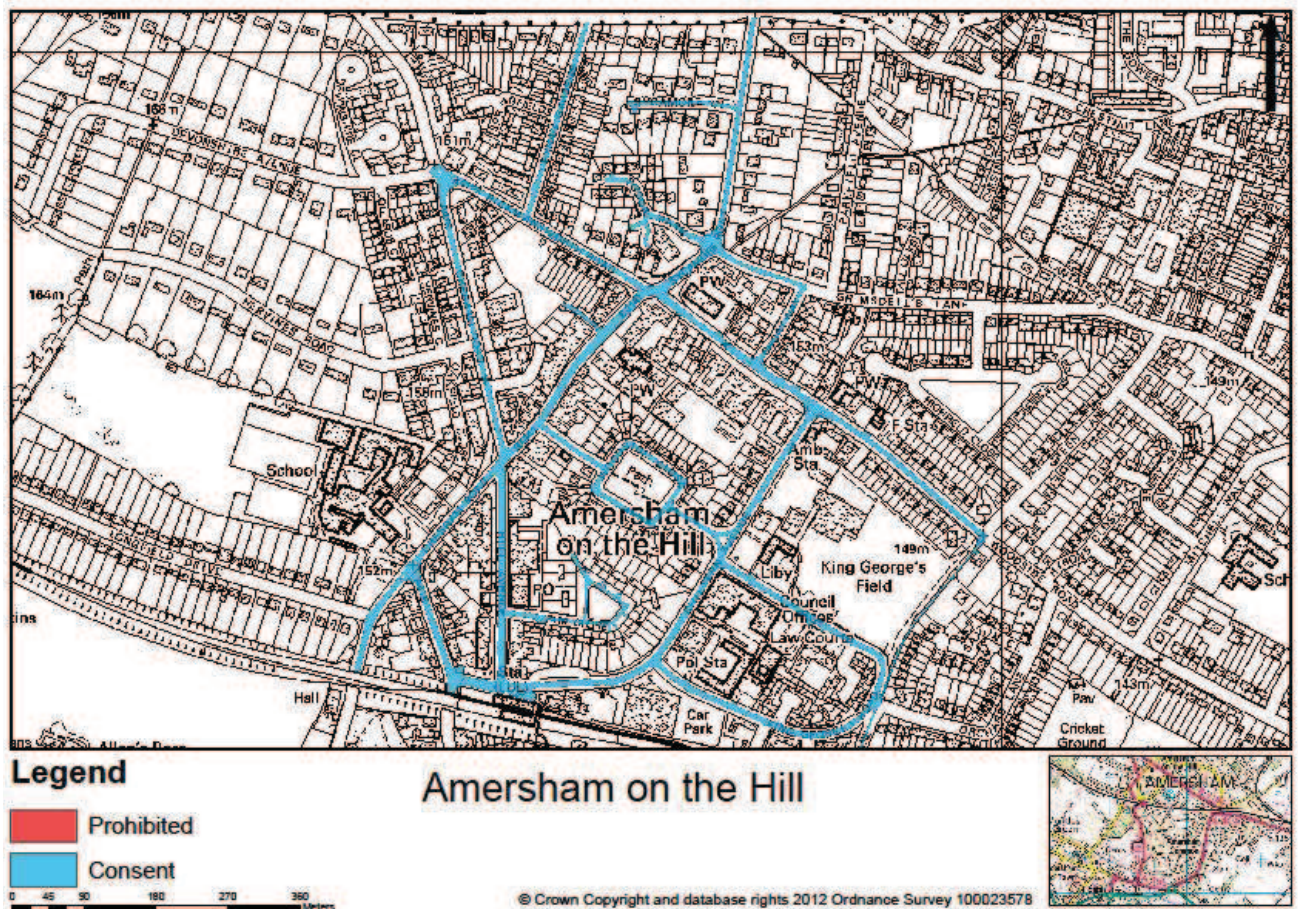
Annex 1 Consent Streets

Amersham



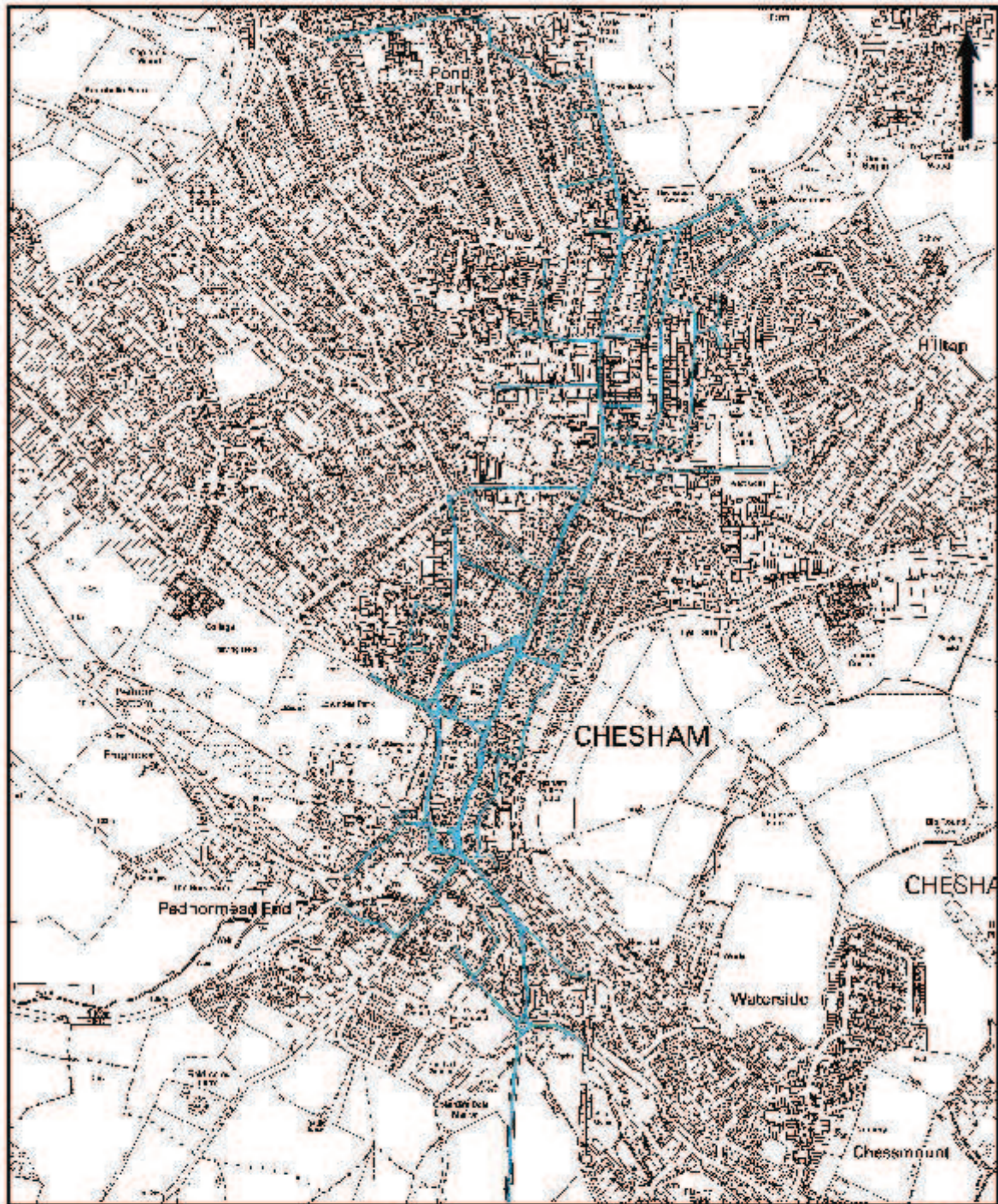
London Road West, also known in part as Chequers Hill;
 The Broadway;
 Market Square;
 High Street;
 Missenden Road (otherwise known as Wendover Road) all forming part of the traffic route A413 from the junction of Stanley Hill westwards to the point where the road passes over the River Misbourne west of the layby in front of the main entrance to the Shardeloes Estate;
 Church Street;
 Whielden Street/Whielden Lane from the junction of the A413 to a point opposite the Southern boundary of the Amersham Hospital Car Park;
 That section of Gore Hill from The Broadway to the junction with Fieldway.
 London Road (A413) towards Chalfont St Giles

Amersham-on-the-Hill



Chesham Road from the junction with Devonshire Avenue to the junction with Station Road;
 Rectory Hill from the junction with Station Road to LRT overbridge;
 Station Road from the junction of Chesham Road to the LRT overbridge;
 Station Approach, Hill Avenue;
 Elm Close, Chiltern Avenue;
 King George V Road;
 Hyrons Lane from the junction of Woodside Road to the LRT overbridge;
 Woodside Road from the junction of Hyrons Lane to Rickmansworth Road;
 Woodside Close, Sycamore Close;
 Sycamore Road;
 Service Road off Sycamore Road leading to Car Park;
 Short Way, Tudor Park;
 Grimsdells Lane from the junction with Shortway to Sycamore Road;
 Lexham Gardens;
 Rickmansworth Road from the junction with Devonshire Avenue to Woodside Road.

Chesham



Legend

-  Prohibited
-  Consent

Chesham



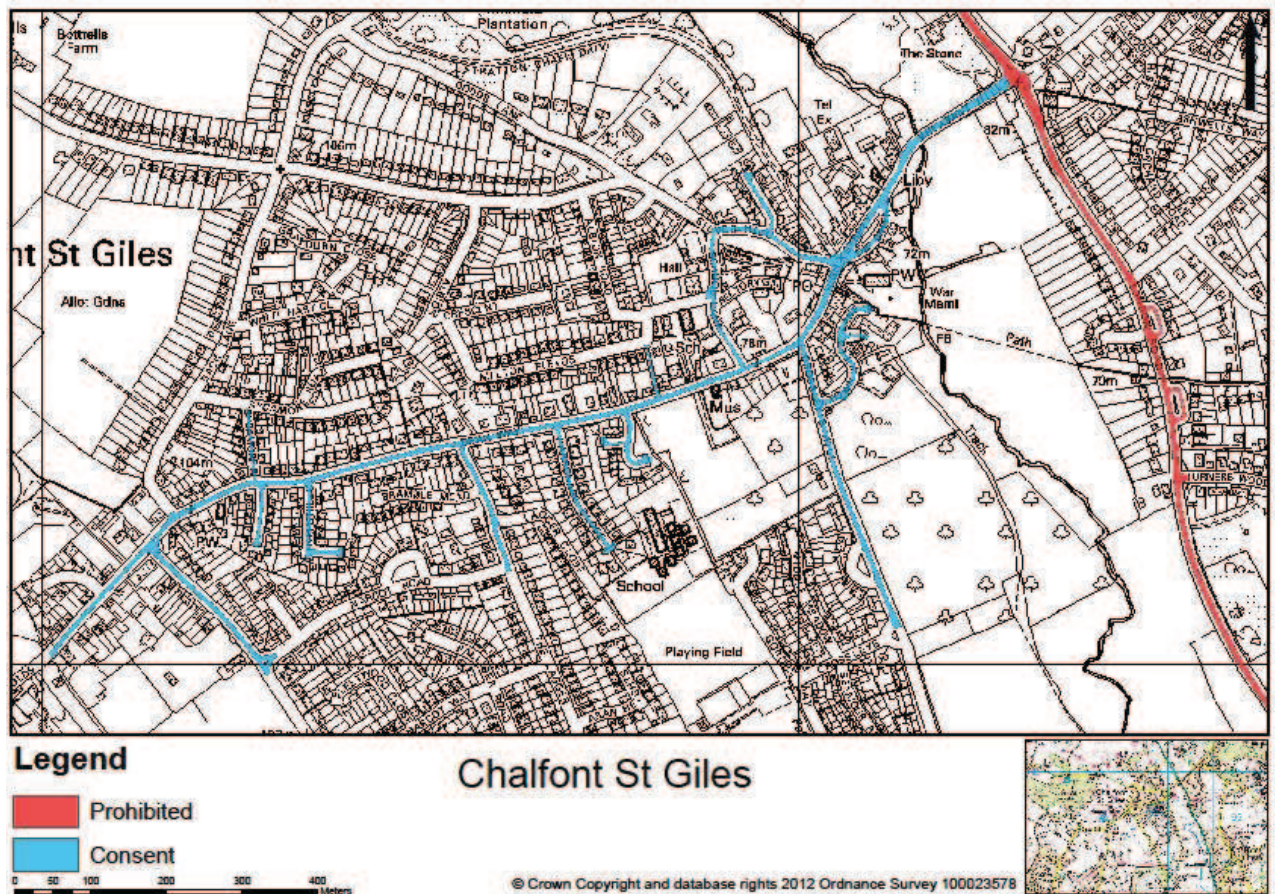
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Broad Street;
High Street;
Red Lion Street;
Market Square;
Waterside from the junction of Red Lion Street to the LRT overbridge;
Moor Road from the junction of Amersham Road to the LRT overbridge;
Amersham Road;
Amy Lane;
Meades Lane;
Germain Street from the junction with Fullers Hill and Wey Lane to the junction with Red Lion Street and Market Square;
Wey Lane;
Church Street;
St Mary's Way;
Blucher Street;
The Broadway;
Park Road from the junction of St Mary's Way to junction with Stanley Avenue;
Bellington Road from the junction of St Mary's Way to the junction with Sunnyside Road;
Sunnyside Road;
Higham Road;
Townsend Road;
Elgiva Lane;
Wesley Hill;
East Street;
Station Road;
The Backs;
White Hill from the junction of Victoria Road to the junction with Broad Street, High Street and St Mary's Way;
Townfield;
Gladstone Road;
Victoria Road;
Bury Lane;
Albert Road;
Abbotts Place;
Abbotts Vale;
Addison Road;
Alexander Street;
Alma Road;
Berkhampstead Road;
Birch Way;
Britannia Road;
Brockhurst Road;
Cameron Road (to junction with Stoney Grove);
Cherry Tree Walk;
Chilton Road;
Essex Road;
Frances Street;

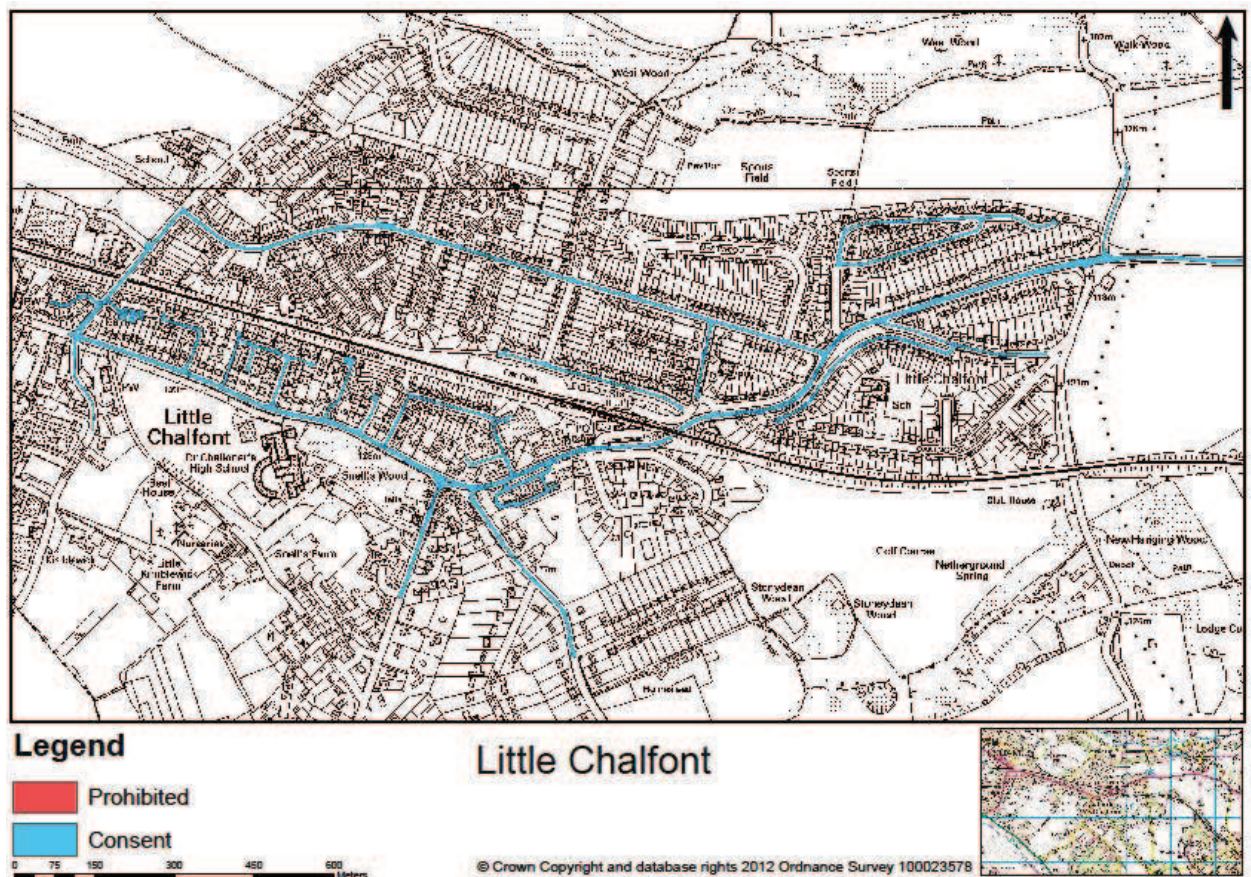
George Street;
Greenway;
Nashleigh Hill (to junction with Preston Hill);
Nutkins Way;
Preston Hill;
Russell Court;
Sayward Close;
Severalls Avenue;
Treachers Close;
Vale Rise;
Vale Road (to junction with Greenway).

Chalfont St Giles



Pheasant Hill;
 High Street (including The Green);
 Silver Hill (from the junction with High Street to the junction with School Lane);
 Up Corner Close;
 School Lane;
 Bowstridge Lane (from the junction with High Street to the junction with Crossleys);
 Townfield Lane;
 Dean Way;
 Hillside Close;
 Parsonage Road;
 The Lager (from the junction with Dean Way to the junction with Narcot Road);
 Tripps Hill Close;
 Bowlers Orchard;
 Milton Hill;
 Sycamore Rise;
 Narcot Lane (from the junction with Three Households to the junction with Narcot Road);
 Three Households (from the junction with Narcot Lane to 10 metres beyond "Old Beams").
 London Road/Amersham Road (A413) towards Chalfont St Peter

Little Chalfont

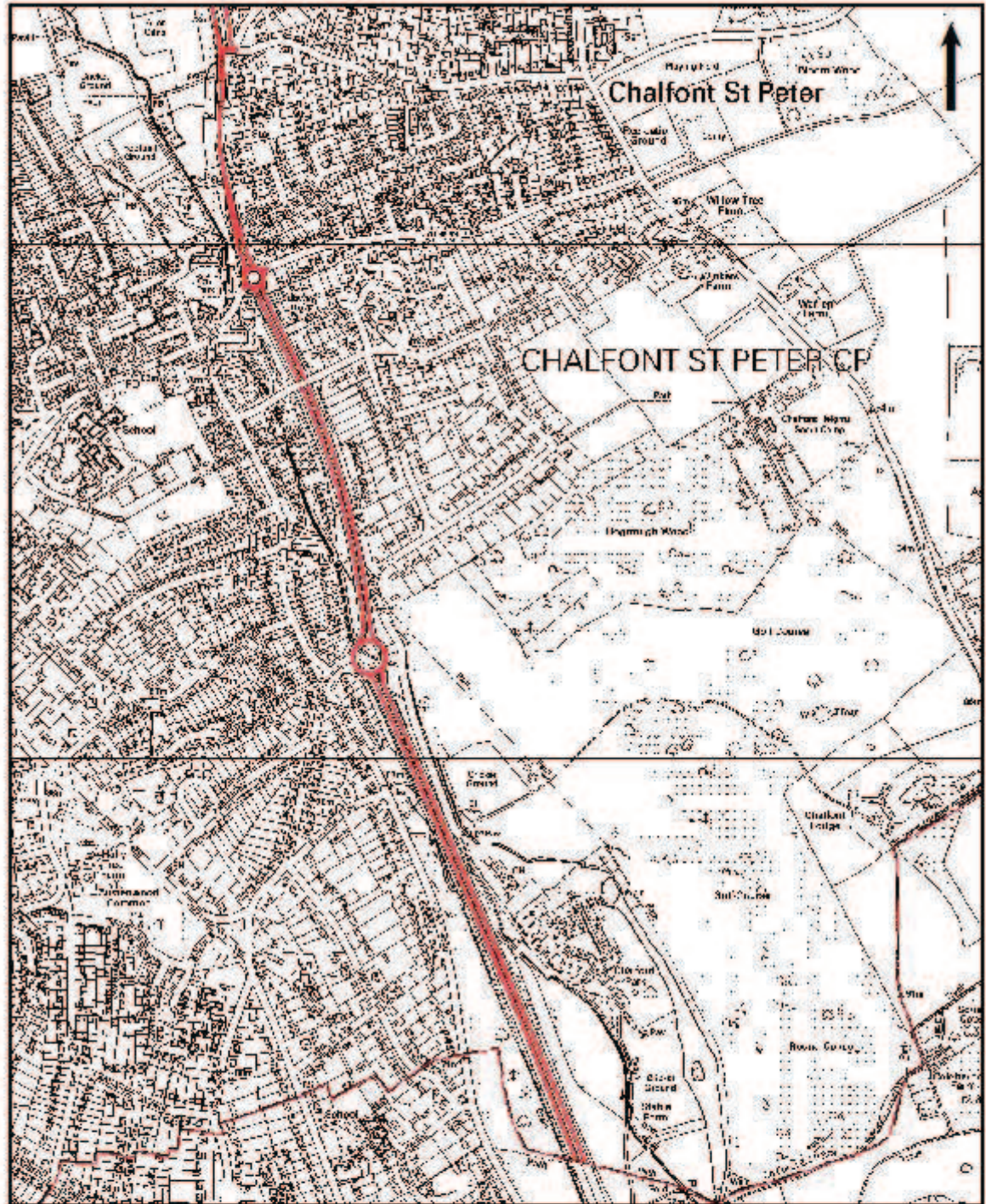


Amersham Place;
 Amersham Road;
 Amersham Way;
 Applefield;
 Arbour View;
 Bedford Avenue;
 Bell Lane (to junction with Elizabeth Avenue);
 Beel Close;
 Burtons Lane (to junction with Loudhams Wood Lane);
 Chalfont Avenue;
 Chalfont Station Road;
 Chenies Parade;
 Chessfield Park;
 Church Grove;
 Clayton Walk;
 Cokes Lane (to junction with Snells Wood Court);
 Cumberland Close;
 Derwent Close;
 Elizabeth Avenue;
 Finch Lane (200 yards from junction with White Lion Road);
 Kenway Drive;
 Loudhams Road;
 St Nicholas Close;




Stoney Lane (200 yards from junction with Amersham Road);
White Lion Road (to junction with Bell Lane).

Chalfont St Peter

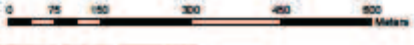
Gravel Hill/Chalfont St Peter By-Pass to the district boundary



Legend

-  Prohibited
-  Consent
-  District Boundary

Chalfont St Peter



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Annex 2 Prohibited Street

A413 from its junction with Stanley Hill, Amersham to the District Boundary at Chalfont St Peter

Annex 3

Standard Conditions Applicable to Street Trading Consents

General

- a) These Standard Conditions will apply to all licences unless disapplied or varied by the Head of Health and Housing.

Standard Conditions

1. Definitions
 - i) 'street' includes –
 - [a] any road, footway, beach or other area to which the public have access without payment ;and
 - [b] a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;
 - (ii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street;
2. The Consent granted by the Council is personal to the holder.
3. The street trading consent only relates to the vehicle/premises stipulated within the consent.
4. The consent holder can only trade in the goods stipulated in the consent.
5. Ancillary items can be sold where relevant to the goods being traded.
6. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
7. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
8. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
9. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
10. The Consent may only be transferred to another person with the prior written consent of the Head of Health and Housing.

11. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
12. The 'permitted hours' will be those stipulated within the consent but will not include any Bank Holiday, Easter Sunday and Christmas Day and New Year's Day when falling on a weekend.
13. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
14. The consent holder will vacate the site within 15 minutes of the end of the permitted hours.
15. The consent holder shall not trade in any street designated by the Council as a prohibited street.
16. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
17. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - (a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - (b) Cause an obstruction to the vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of adjoining property or to other users of the street.
19. The holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
20. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
21. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.

22. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
23. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
24. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
25. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
26. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
27. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Head of Health and Housing.
28. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
29. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
30. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
31. The holder shall notify the Head of Health and Housing at Council Offices, King George V House, King George V Road, Amersham, Bucks, HP6 5AW in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.

32. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
33. The Council may revoke the Consent at any time.
34. The holder will return the Consent to the Council immediately upon revocation or surrender.
35. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
36. The Council may at any time vary these Conditions without notice.

Additional Conditions Applicable To Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. If the Public Conveniences are required to open beyond 20:00 a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.



Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT

TO: ENVIRONMENTAL HEALTH MANAGER, CHILTERN DISTRICT COUNCIL,
COUNCIL OFFICES, KING GEORGE V ROAD, AMERSHAM, BUCKS., HP6 5AW.

I, the undersigned KHUSHI MOHAMMED
(Please give full name)

of 269 LANGELY ROAD

SLOUGH. BERK SL3 7EQ Tel: 07970 114573

hereby apply for a Street Trading Consent in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

I wish to apply as follows:

Location (street, town etc): HIGH CHESHAM NEAR CLOCKTOWER

Days: MON, THU, THU, FRI

Times: 8- 5pm

Description of goods: INDIAN FOOD

Description of stall, vehicle, etc: CARTLING TARIAL

I declare that I am over 17 years of age.

I enclose the sum/deposit of £ in support of this application.

Signed: K. Moham Date: 13-1-2016

* Please use black ink, and complete in block letters.

From: [Bill Richards](#)
To: [Licensing](#)
Cc: [Charlie Robinson](#)
Subject: Application for Street Trading Licence - Chesham Market Sq - Mr Mohammad
Date: 29 January 2016 14:28:03

Please find below comments from Chesham Town Council's local ward Member and Chairman of our Development Control Committee.

Strongly recommend refusal.

This is in a Conservation area

It is completely in the wrong place in front of a line of existing rate paying businesses, at least three of which are food and drink outlets already open in the evenings, but with approved venting in place. Also above most of the units around are residential flats with the area above the Building Society in the course of conversion.

Believe it is on designated highway land and would expect this use would increase traffic in the pedestrian dominated Market Square which is completely undesirable.

Regards

Bill Richards
Town Clerk
01494 583824

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'Help us to safeguard the environment - Only print this email if absolutely necessary.'

Conditions relating to Street Trading Consent

1. Definitions

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;and

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