



## Licensing Committee agenda

Date: Tuesday 27 February 2024

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

### Membership:

A Baughan, J Baum, D Dhillon, P Gomm, T Green, P Griffin, W Raja, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman) and A Wood (Vice-Chairman)

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Agenda Item	Page No
1 Apologies for absence	
2 Declarations of interest	
3 Minutes of the previous meeting To approve as a correct record the Minutes of the meeting held on 7 November 2023.	3 - 10

## **Part A - Statutory Functions**

None

## **Part B - Other Licensing Functions**

<b>4</b>	<b>Buckinghamshire Council draft Street Trading Consent Policy</b>	<b>11 - 94</b>
<b>5</b>	<b>Taxi and Private Hire Licensing Budget Review and Fees and Charges</b>	<b>95 - 116</b>
<b>6</b>	<b>Date of next meeting</b> 16 April 2024 at 6.30pm	

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01895 837319



Agenda Item 3

# Buckinghamshire Council

## Licensing Committee

### Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 7 NOVEMBER 2023 IN THE PARALYMPIC ROOM, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.07 PM**

#### **MEMBERS PRESENT**

A Baughan, D Dhillon, P Gomm, T Green, J Rush, D Town, J Towns and A Wood (Vice-Chairman, in the Chair)

#### **OTHERS IN ATTENDANCE**

S Gallacher, A Thomlinson, L Vallis, E Cook, J Bowles and C Crelling

#### **Agenda Item**

##### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Joseph Baum, Nick Southworth, Sir Beville Stanier Bt and Heather Wallace.

##### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

##### **3 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting held on 5 September 2023 were agreed as a correct record.

##### **4 BUCKINGHAMSHIRE COUNCIL DRAFT ANIMAL LICENSING POLICY**

In accordance with the Animal Welfare Act 2006, Buckinghamshire Council, in its role as Licensing Authority, was responsible for licensing operators of businesses carrying out prescribed activities involving animals. In addition, the Council was also responsible for licensing keepers of animals that were defined as dangerous wild animals and for the licensing of zoos.

There was currently no animal licensing policy covering the Buckinghamshire Council area. Whilst there was no statutory requirement for a policy under any of the legislation relating to these types of licence, it was considered appropriate to produce a single policy which sets out a clear and consistent framework for the Council's approach to animal licensing. The adoption of a policy supported the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

The draft Animal Licensing Policy ("the Policy") provided guidance on the various application processes, a brief overview of relevant legislation and links to statutory guidance. The legislation and regulations, under which animal licences were issued, required the Council to determine,

among other factors, whether the applicant was suitable or in the case of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 “fit and proper” in terms of their ability to comply with licence conditions and to be an operator for that type of activity. Whilst there was no legal definition of “fit and proper” in the regulations, the Policy provided an opportunity to outline matters, which the Council would take into consideration when deciding if someone was suitable to hold a licence.

As well as the need to comply with the different statutory licensing requirements, it was of public interest to ensure the general safety and wellbeing of animals, those responsible for them and members of the public who might come into contact with them. The adoption of a policy would also give the Council an opportunity to set out its expectations around safeguarding for operators of businesses whose activities took place around children and vulnerable persons.

On the 11 April 2023, the Licensing Committee approved a new draft Animal Licensing Policy for consultation. The Policy had now been subject to a full consultation process, which ran from 20 April 2023 to 31 May 2023. The purpose of this report was to provide feedback on the responses received as part of the consultation and to identify any changes to be made to the draft Policy in response to the consultation.

In total there were 26 responses to the consultation survey. 25 were received via the online consultation through Your Voice Bucks and one response was posted to the Council. The summary of these responses was attached as Appendix 1. The comments provided with responses were shown in Appendix 2. Following this consultation process, the draft Policy with proposed amendments was attached as Appendix 3. A summary of the proposed amendments was set out in section 2 of the report.

If approved by Committee, an implementation date for the new Animal Licensing Policy would be agreed between the Chairman of the Licensing Committee and the Head of the Licensing Service, taking into consideration any practicalities such as updating the Council’s webpages, application forms and processes.

Members were invited to ask questions of officers. A Member asked why it was that the fee for a dangerous wild animal renewal application was cheaper than a new dangerous wild animal application, but the renewal for a zoo application was more expensive than a new zoo application. In response, officers explained that the licensing service was now going through a process to review the fees and there would be a paper coming to the Licensing Committee on fees in February. It was agreed that the Member’s question would be answered in the report, which would be submitted to the February meeting.

A Member raised a concern regarding the requirement for applicants to provide evidence of a Disclosure and Barring Service (DBS) check and was of the opinion that the requirement should not be included in the Policy. The Member commented that the requirement was additional bureaucracy, which wasn’t necessary and that it only showed known information on the applicant at the time of the check. The check also did not, as far as they were aware, include animal welfare offences. The Member also argued that the Government did not think a DBS check was required, as it was not covered in the legislation.

In response to the Member’s concern regarding the requirements for applicants to provide evidence of a DBS check, officers advised that although there was no specific requirement to provide a DBS check in the legislation under which these licences were issued, the legislation was clear that the Council must be satisfied that an applicant was suitable and, with regard to Licensing of Activities Involving Animals (LAIA) licences, that the applicant should provide whatever information the Local Authority required as part of the application process. There was

currently no central database to record animal welfare offences or disqualifications relating to animals to check against. In addition, there was a recognition that other types of offences might need to be taken into consideration if they indicated that an individual was not suitable to be granted a licence to operate that type of business or unlikely to be compliant with licence conditions, such as violent offences and fraud. A DBS check was also more likely to deter those not suitable from applying for a licence. For all these reasons, it was felt appropriate to include this requirement in the Policy and was considered a proportionate requirement to be made of applicants in order to assist in satisfying the Council that it was granting licences to people who were suitable. Furthermore, a clear majority of those who responded to the consultation agreed that applicants should provide evidence of a DBS check to hold a licence.

It was noted that the Council would not be able to ask for an enhanced disclosure and would only be able to ask for a basic disclosure. With regards to whether animal welfare offences would show on a DBS check, officers clarified that it was not that no animal welfare offences would show on a DBS check, but that a DBS check would possibly not show any convictions for prosecutions undertaken by the RSPCA or the Local Authority. However, officers had checked with the Disclosure and Barring Service and Local Authorities could add their convictions onto a DBS.

A Member raised the issue of goldfish being given away as prizes at fairs in Buckinghamshire and asked whether this would be covered under the Animal Licensing Policy. Officers advised that this would not be covered by the Animal Licensing Policy given the nature of that type of trader. The Council wouldn't be able to licence them for selling animals as pets as they were unlikely to be based in the area. They would have to be licenced in the area they were based and the Local Authority, where they were based, would then have to prove that they had a trading income that required them to have a licence. The Council was aware of the welfare concerns around goldfish being given away as prizes and did not approve of the practice. Over the summer when this issue was raised, officers contacted the Green Spaces Team and provided them with the information on the licensing position, but then recommended that if the Council had its own land, which it was hiring or leasing, then it might be possible to impose a condition to not allow pets to be given as prizes.

Officers clarified the circumstances in which someone who breeds a family pet would require a licence and explained that it depended on whether they were acting commercially or not. Officers advised that anyone, who was not sure if they required a licence, should contact the licensing service for advice. In response to a question regarding what impact the Dangerous Dogs Act would have on this Policy, officers explained that it was unlikely to have much of an impact. The Council was aware of the XL Bullies ban, which would be coming into effect from the 31 December 2023, and the Council would be contacting any of its licence holders, that were currently involved in dog breeding or the boarding of dogs, to sign post them to the Government guidance. Officers were not aware of anyone holding a licence to breed XL Bullies in Buckinghamshire. To date there had only been one or two enquiries on the matter.

On a vote being taken the recommendation was proposed by Cllr Dhillon and seconded by Cllr Gomm and:-

**RESOLVED that the final version of the Animal Licensing Policy, as set out in appendix 3, be agreed with an implementation date to be agreed with the Chairman of the Licensing Committee and Head of Licensing Service.**

## **5 HACKNEY CARRIAGE FARE REVIEW**

The Committee received a report on the proposal to restructure and increase Hackney Carriage fares (tariffs) for the Buckinghamshire Council area. The proposal had been made in light of significant increases in costs and further to requests from the licensed hackney carriage trade. The Committee were asked, in advance of a Leader Key Decision, to note and comment on the proposals. It was noted that it was a Leader Key Decision and not, as was stated in the report, a Cabinet Member Decision.

Where tariffs were set by the local authority, drivers of hackney carriage vehicles (taxis) could not charge more than the maximum specified fare, apart from in certain exceptional circumstances, although they could charge less. Local authorities had no powers in relation to setting the fares charged for the use of private hire vehicles. Buckinghamshire Council currently licenced approximately 340 hackney carriage vehicles and 2025 private hire vehicles.

The process and requirements for the fixing of fares for hackney carriage was set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and included the requirement for advertising and a statutory 14-day consultation period. There was no prescribed methodology for calculating maximum fares and each local authority was responsible for adopting its own approach to devising local rates. Common methods included a consideration of changes to inflation, associated vehicle running costs, comparisons with other licensing authorities and the views from the hackney carriage trade.

Buckinghamshire Council first introduced a single set of hackney carriage tariffs in September 2021. It was intended that an annual review of fares would take place each April, starting 2023, taking into account any rise in CPI figures along with local and national benchmarking. However, significant increases in fuel prices and other costs faced by the trade in 2021/22 led to this review being brought forward and a revised schedule of fares was introduced in August 2022.

The licensing service had received a further request from the hackney trade representatives to review the fares once again. The service had met with trade representatives on a number of occasions to discuss this request and representatives had produced a number of reasons and supporting information to justify the request for a review. The basis for the review was on two grounds, firstly in response to significant increases in costs impacting the trade and secondly because it had been identified that there were anomalies with the fare structure introduced last August 2022 that the trade would like to see rectified.

The licensing service had also conducted its own research, reviewing changes to CPI and other influencing factors such as fuel prices and motor insurance premiums. An analysis of fares charged nationally and locally in neighbouring local authority areas had been conducted. Of particular interest was the finding that average hackney carriage fares had increased nationally by 16% since fares were last reviewed by Buckinghamshire Council in August 2022.

Arising from the trade meetings, the hackney trade representatives had put forward a new fare structure that they would like Buckinghamshire Council to adopt. The new structure was simpler to understand and implement and would provide greater clarity for the trade and customers, with a clear distinction between higher tariffs. The proposal included an increase in the minimum fare to ensure drivers were appropriately recompensed for waiting times between fares and short journeys. The proposal also included a request to increase fares across the board, to compensate for increased running maintenance costs and greater “dead” mileage as a result of working in a larger authority area. A significant increase was proposed to tariffs 2 and 3 to reflect the unsociable hours and encourage drivers to make themselves available at these

times. The new structure, if approved, would more readily lend itself to CPI increases as percentage increases could be simply applied to all tariffs proportionately. It was also proposed that the current maximum soiling charge be increased from £50 to £100. The current maximum charge of £50 was not considered adequate to cover the cost of valeting the vehicle and time that the driver might be off the road while the vehicle was being cleaned. The proposed £100 charge was a maximum and could be scaled accordingly.

The proposed new tariff of maximum fares was shown as Appendix 2. With regards to next steps, officers advised that following this committee meeting, a key decision report would be prepared and presented to the Leader of the Council incorporating any comments made by the Licensing Committee for consideration. If the Leader of the Council was minded to approve the proposed fares, as set out in appendix 2, they would then go out to public consultation for a period of two weeks. Should there be any objections raised during the consultation, the matter would then be referred back to the Leader of the Council for a final decision to be made within two months of the consultation exercise.

Members were invited to ask questions of officers. In response to a question, officers clarified that whilst drivers of hackney carriage vehicles could not charge more than the maximum specified fare, apart from in certain exceptional circumstances as set out in the report, they could charge less. Following a question regarding the use of credit cards, officers advised that hackney carriage drivers could take card payments, but they were not able to charge an additional amount for card payments and that drivers had to cover the costs associated with taking card payments.

With regards to “dead” mileage as referred to in paragraph 3.9 of the report, a Member of the Committee asked whether legislation would allow for the reintroduction of zones based on the old district authorities’ areas. In response, officers advised that the Council could not reintroduce zones. The Council could in theory have a fare structure that took different areas into account, but that would be hard to work in practice and would be very complicated. One of the benefits of the proposed fare structure was that it would be simpler to understand and implement and would provide greater clarity for the hackney carriage trade and customers.

In the discussion which followed, a Member of the Committee asked whether consideration could be given to also include Eid in Tariffs 2 and 3 to encourage drivers to make themselves available during this time. In response, officers advised that this had not been raised by the hackney carriage trade, but it was something that could be put forward in the Leader’s report for consideration. In the meantime, officers would speak to the hackney carriage trade to find out their views on it.

A Member of the Committee recognised the increase of costs to the hackney carriage trade as set out in the report and how this could impact on the service they were providing. Another Member of the Committee stated that they were comfortable with the proposed increase given the significant increases of costs to the hackney carriage trade and the need for the hackney carriage trade to make a decent living. The Member added that the proposed tariff structure would also give the hackney carriage trade the option to be competitive if they wanted. Furthermore, customers would still be able to make a choice.

**RESOLVED that, in advance of a Leader Key Decision, the proposal to restructure and increase Hackney Carriage fares (tariffs) for the Buckinghamshire Council area, in light of significant increases in costs and further to requests from the licensed hackney carriage trade, be noted and that the comments of the Committee, as set out in the minutes above, be fed back to the Leader of the Council.**

## **6 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ANNUAL REVIEW**

The Committee received a report on the Hackney Carriage and Private Hire Licensing Annual Review. Prior to service alignment following the creation of the new Unitary Council in April 2020 and the implementation of the Council's new Hackney Carriage and Private Hire Licensing Policy, the Licensing Service committed to providing reports to the Licensing Committee related to service delivery and policy impact. This was the second annual report, focusing on the period 1 October 2022 through to 30 September 2023.

The report provided an overview of application outcomes, an update on enforcement activity, key changes to service provision and improvements in service delivery, legislative changes and other matters considered to be of relevance or interest to the Committee such as communication with the trade, updates on safeguarding training and English language assessments. The report also contained an overview of hackney carriage and private hire related matters on the horizon that were likely to impact the service and the trade over the coming year. Financial considerations such as income, expenditure and other budgetary matters had been excluded from the report. A separate report was being prepared for consideration by the Licensing Committee at a future meeting and this information would form the basis for licence fee review.

As part of the introduction to the report, the Principal Licensing Officer explained that an error had been made in the information provided in appendices 1 and 2, as not all the information for the month of October 2022 had been included. Updated versions of appendices 1 and 2, which included all the October 2022 information, were circulated to Members of the Committee at the meeting. These would be made available on the Council's website. The Principal Licensing Officer went through the report highlighting the updated information and an updated copy of the report, showing this updated information, would also be made available on the Council's website.

Members were invited to ask questions of officers. A Member asked what the difference was between a renewal and a new licence application and whether new applications were made by new drivers. In response, officers explained that licences were granted for 3 years and drivers were required to renew their licence before the 3 years expired. Often drivers, for whatever reasons, despite receiving reminders from the Council, did not reapply on time. If a driver did not apply by the expiry date, they were required to apply for a new licence. Therefore, not all new applications were made by drivers who were new to the trade.

A Member expressed concern over the number of offences being carried out by drivers in the trade. Officers explained that there was a national picture around the hackney and private hire trade where a minority of people working in those trades had been associated with criminal activity, particularly around child sexual exploitation. As a result of this, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. The Council had implemented everything within that statutory guidance in its new Hackney Carriage and Private Hire Licensing Policy. The report being presented showed that the Council acted in a robust, consistent and thorough manner to ensure public safety. Public safety was the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. It was also important to note the offences being committed by drivers were being carried out by a minority of drivers and that the vast majority of drivers in Buckinghamshire were law abiding citizens who carried out their role in an effective way.

A Member commented that there was an issue in High Wycombe with a number of hackney carriage and private hire vehicles parking on pavements and on corners in breach of highway



code rules 243 and 244. The Member asked officers whether the licensing service would be able to take action if it was sent photos of vehicles breaching these rules. In response, officers advised that they would encourage anyone to report a vehicle, which was in breach of the highway code. A significant number of complaints the service received were related to parking matters and every complaint received was thoroughly investigated.

In response to a question, regarding whether there had been an increase or decrease in the numbers of drivers who had been refused a licence compared to last year, officers advised that there has been a slight increase in the number of drivers who had been refused a licence this year compared to last year. There had been an increase in the number of applications received overall this year compared to last year and therefore a slight increase in the number of drivers who had been refused a licence was not unexpected.

**RESOLVED that the report be noted.**

## **7 DATE OF NEXT MEETING**

It was noted that the date of the next meeting was 27 February 2024 at 6.30pm.

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## Report to Licensing (Regulatory) Committee

<b>Date:</b>	27 <sup>th</sup> February 2024
<b>Title:</b>	Buckinghamshire Council draft Street Trading Consent Policy
<b>Cabinet Member(s):</b>	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Contact officer:</b>	Jo Bowles, Senior Licensing Officer
<b>Ward(s) affected :</b>	none specific
<b>Recommendations:</b>	<p><b>(1) The Licensing Committee recommend that Full Council pass a resolution to designate all streets in Buckinghamshire as ‘consent streets’ for the purposes of street trading.</b></p> <p><b>(2) That the draft Street Trading Consent Policy set out at Appendix 1, subject to any recommended amendments, be approved for public consultation.</b></p>
<b>Reason for decision:</b>	<p>The adoption of street trading controls helps promote prosperity, local order, consumer protection, public health and safety, fairness, quality, and community involvement.</p> <p>The adoption of a policy supports Buckinghamshire Council’s commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.</p>

### 1. Background

- 1.1 Outside London, street trading is mainly controlled through the Local Government (Miscellaneous Provisions) Act 1982 (referred to onwards as “The Act”), the Highways Act 1980, the Pedlars Act 1871 and historic common law, modified and supplemented by general and local legislation.

- 1.2 Street trading legislation is adoptive and may be used to regulate the sale or offering for sale of anything in a street. A “street” includes any road, footway, beach, or other area to which the public have access without payment, including service stations. The definition is not limited to the public highway and can include the public realm and privately owned but freely and publicly accessible areas, such as open spaces and retail shopping centre car parks.
- 1.3 Determination of street trading matters, including fee setting, is a non-executive function of the council. The power to determine consents and take enforcement under may be delegated to council officers, in accordance with the council’s scheme of delegations.
- 1.4 Prior to the formation of Buckinghamshire Council in April 2020, street trading was dealt with differently in each legacy district council area, using different application forms, processes, and fee levels. Since becoming a unitary authority, the licensing team have been working to consolidate records and develop working practices that are consistent across the new council area.
- 1.5 There is currently no street trading consent policy covering the Buckinghamshire Council area. Whilst there is no statutory requirement for a policy under the legislation, it is considered appropriate to produce a single policy which sets out a clear and consistent framework for the council’s approach to street trading. The adoption of a policy supports the council’s commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.
- 1.6 A pre-draft policy consultation exercise has been carried out and the results have helped shape Buckinghamshire Council’s first draft street trading consent policy. It is proposed that all streets in the Buckinghamshire Council area are designated as ‘consent’ streets.
- 1.7 Subject to agreement by the Licensing Committee, the draft policy will be consulted upon widely for a period of 6 weeks. The results of the consultation will be reported back to the Licensing Committee for further consideration.
- 1.8 The draft Street Trading Consent Policy (referred to onwards as “the Policy”) at Appendix 1 also provides guidance on the application processes and a brief overview of relevant legislation.
- 1.9 The Policy provides an opportunity to outline matters which the council will take into consideration when deciding whether to grant a street trading consent and it aims to balance the needs of the public, traders, businesses, and the environment as well as supporting the council’s [Corporate Plan](#).
- 1.10 The ability to determine where street trading can take place, the articles that may be sold and the way trading is conducted, can help to support other council plans in

terms of how public spaces look, feel, and are used. The street trading regime can be used to promote healthy lifestyle choices and environmentally friendly activities. A well-planned street trading policy also presents an opportunity to support economic prosperity and areas with vibrant street trading activity are likely to benefit not only traders themselves, but other businesses within the vicinity.

## **2. Main content of report**

- 2.1 If the street trading provisions of the Act are adopted, the council will be required to consider and determine applications for street trading consents in line with the provisions set out in schedule 4 of the Act.
- 2.2 In adopting the relevant provisions of the Act, a local authority has various options in terms of its approach to regulating street trading activity. Streets may be designated:
- “Prohibited streets”, where no trading may take place,
  - “Licensed streets”, where a licence is required to trade; and
  - “Consent streets”, where a consent is required from the Council.
- 2.3 There are distinct differences between “licences” and “consents”. Licences are generally considered more suited to permanent traders and provide greater protection for the holder. Councils are obliged to grant licences unless any of the statutory grounds for refusal apply and holders have the right to appeal any decision to refuse, revoke or vary the terms of a licence. Consents are more suited to mobile trader and by contrast consent holders have less protection. The use of consents is generally seen as a simpler and more effective way to regulate street trading. For example, if a consent holder is found to have acted inappropriately their consent can be revoked with immediate effect at any time and the holder has no statutory right of appeal if a consent is refused, revoked, or is modified. Conditions may be attached to both licences and consents and councils tend to adopt standard conditions for this purpose, modified as required to suit specific circumstances.
- 2.4 In areas where street trading controls are adopted, consent from the council will be required for any trading in that area where members of the public can freely enter to see the goods for sale without having to pay any money, unless one of the legal exceptions apply. Case law has further established that if trading happens in an area where the public can access without payment, even if the public did not go there, this is still deemed a “street” and permission from the council is needed to trade there. ([West Berkshire DC v Paine \[2009\]](#))

- 2.5 In accordance with the Act, street trading specifically concerns the selling or exposing or offering for sale of any article (including a living thing). It does not apply to the supply, or offering to supply, of services.
- 2.6 Examples of public areas where street trading consent is required include:
- Public parks, playing fields, commons, and riverbanks
  - Town centre industrial estates and retail shopping centre car parks
  - Car parks attached to pubs and restaurants during opening hours
  - Railway station car parks
  - Private fields temporarily opened to the public
  - Caravan Park
  - Parking bays and grass verges off the public highway
  - Hospital car parks
- 2.7 In accordance with the Act, the following activities are not considered street trading:
- Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
  - Trading in a market or fair that has a legal right to be held by virtue of a grant or an enactment or order.
  - Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
  - Trading as a news vendor where the only articles sold are newspapers or periodicals and they are sold without a stall or with a small stall that does not exceed certain dimensions or occupy a certain area.
  - Trading at premises used as a petrol filling station or a shop, or in a street adjoining such premises as part of the business of the shop.
  - Selling things as a roundsman such as a milkman or a baker.
  - Using an object or structure for trading or operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980. These facilities are commonly licensed under a "table and chairs or "pavement licence".
  - Selling articles, or collecting money, under the authority of a street collection permit, under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- 2.8 Currently, the council is operating under legacy district council arrangements summarised as follows:

Aylesbury Area: Consent streets have been designated in Aylesbury, Buckingham, and Wendover. Unregulated trading can occur outside these consent areas and on privately owned land. There are no licensed streets.

Chiltern Area: Consent streets operate in several areas, and there is one prohibited street. There are no licensed streets.

South Bucks Area: Several roads have been designated as prohibited streets for street trading. There are no consent or licensed streets.

Wycombe Area: Several areas have been designated as Prohibited Streets, the remain areas are deemed consent streets. There are no licensed streets.

- 2.9 There are 19 street trading consents in operation across the Buckinghamshire Council area, one in Chiltern and South Bucks, 5 in Aylesbury Vale and 14 in the Wycombe area. All the existing consent holders will be engaged with during the consultation period should the draft Policy be approved by the Licensing Committee.

**2.10 Pre-draft Policy engagement**

- 2.11 The licensing service conducted a pre-draft policy engagement workshops and consultation to elicit the views of stakeholders on several policy areas summarised below.

- 2.12 The pre-draft policy workshops were held on 23<sup>rd</sup> and 30<sup>th</sup> May 2023 and were well attended by internal and external stakeholders. The workshops were used as an opportunity to discuss the various approaches to regulating street trading and to explore the potential opportunities that a new policy would present. Below is a summary of the key findings from the workshops:

- Opportunity to regulate traders that do not currently have to apply for consent, ensuring that all traders are held to the same standards.
- Individuals and vehicles, carts, barrows, stalls, etc. would have to be deemed safe and suitable to trade in Buckinghamshire.
- Must ensure that we do not put measures in place that would be to the detriment of not-for-profit community events.
- Clear enforcement policy is required.
- Need the ability to be flexible to accommodate traders and existing events that take place.
- Sustainable and environmentally friendly traders are essential, need to utilise the street trading regime to support this.

- 2.13 The consultation was conducted by way of an online survey, open from 3<sup>rd</sup> August 2023 until 1<sup>st</sup> October 2023. The survey was shared with all consultees listed in the

draft policy, all elected members, all town and parish councils and existing consent holders.

- 2.14 Survey respondents were asked to describe their role: resident, business, ward councillor, responsible authority, town, or parish council and other. In total six responses to the survey were received which incorporated representatives from eight roles.

Role type	Response rate
Residential interest	37.5%
Business interest	12.5%
Councillor ward, parish, town	25%
Responsible authority	25%

- 2.15 A copy of the pre-draft policy survey questionnaire is shown at Appendix 2. A summary of key findings is shown at Appendix 3. The results of the survey and the workshops have helped inform the content of the draft version of the Policy, as summarised below.

2.16 **Draft Policy**

- 2.17 The draft Policy is based on the recommendation that Full Council designates all streets in the authority's area as 'consent' streets, should the Licensing Committee be minded supporting this recommendation. This would mean that anyone wishing to trade in Buckinghamshire Council's area would need to apply for a street trading consent, unless one the exceptions shown in 2.7 applies.
- 2.18 It is also proposed that there be some local dispensation from the requirement for street trading consent in specific circumstances and these are:
- Non-commercial events such as not for profit events like village fetes and school fundraising activities.
  - Shopping centres, where traders are set up within covered shopping centres or arcades.
  - Goods sold from working farms at the premises where they were produced.
  - Residential properties holding garage sales or similar, selling unwanted household goods.
  - Domestic sale of a single used vehicle.
- 2.19 The draft Policy provides that the following types of consent are available to applicants:



- Standard consent, for traders from a static location.
  - Consent for peripatetic traders, for those who travel around the area such as ice cream and fish and chip vans.
  - Event consent, for community or special events to allow one consent to cover multiple traders.
- 2.20 The application process is set out in the draft Policy, with applicants being encouraged to contact the licensing service in advance of making an application to seek advice and clarification on any aspects of the Policy and requirements that they are unsure about.
- 2.21 As part of the application process, applicants and nominated assistants will be required to provide a basic disclosure certificate from the Disclosure and Barring Service (DBS) dated within two months of the date of application. This will enable the council to assess the suitability of applicants and any nominated assistants.
- 2.22 Street traders and their staff may encounter a wide variety of members of the public including children and vulnerable adults. Some individuals may use their position as a trader to take advantage of such people. There is an expectation from the public that those persons trading under a consent granted by Buckinghamshire Council are trustworthy, honest and do not pose a risk to the public. The draft Policy explains the types of convictions and unacceptable behaviour that are particularly relevant to street trading. It also emphasises that each application is considered on its own merits.
- 2.23 The draft Policy requires applicants to provide proof of identity documents. Applicants are also required to provide various documents in relation to the suitability and safety of the vehicle, van, stall, or unit they are seeking to trade from so the licensing authority can be satisfied it is in a safe and suitable condition to be used in this manner.
- 2.24 Once an application is complete and deemed valid, the application will be subject to a 28-day consultation to allow other council departments, external stakeholders and members of the public to review the application and make any representations either for or against the application.
- 2.25 As part of the consultation, the applicant will need to display a public notice detailing the hours applied for and description of the proposed articles to be sold at the desired location. This will not be required for peripatetic trader applications.
- 2.26 The draft Policy details various criteria that will be used when deciding whether a consent should be granted to an applicant. The criteria include considerations in relation to nuisance, public safety, protection of children and vulnerable adults. Other factors that relate to the council's broader corporate aims are also considered in the draft Policy:

- The environmental impact of the proposal.
- Whether the proposal will enhance the quality of the local area
- Does the proposal present increased opportunities for small businesses and encourage economic growth.

2.27 The draft Policy also supports Buckinghamshire’s Joint Local Health and Wellbeing Strategy (2022-2025) priority to reduce childhood obesity and contribute to the council’s whole systems approach to a healthy weight. The draft Policy recommends an exclusion zone of 400m for fast food outlets around schools for standard traders from a fixed site. For those traders classified as peripatetic, the restriction is that they should trade within 200m from any entry or exit gate to a school or college from an hour before the start of the school day until an hour after the end of the school day, unless they have written permission from the Head Teacher. The Whole Systems Approach to Healthy Weight in Buckinghamshire is guided by the Office for Health Inequalities and Disparities (OHID – formerly Public Health England). A key priority in Buckinghamshire’s action plan is “to create an environment where healthy food is the preferred choice, whether eating in or out of the home”. OHID proposes Local Authorities use licensing policies to prevent mobile trading near a school or requiring healthier choices as a condition of a licence to trade. It is hoped that by having these restrictions in the draft policy it will:

- Contribute to improving the food environment as part of a whole systems approach to reduce child obesity and support healthy food choices
- Reduce traffic safety concerns and traffic congestion around schools
- Avoid undermining school health policies and programmes to support children’s health and wellbeing
- Avoid undermining healthy school catering services
- Reduce persistent and immediate pressures on parents (both pester power and financial pressures) at the school gate to purchase unhealthy items that they may not be able to easily afford.

2.28 There is no statutory right of appeal against a decision to refuse or revoke a street trading consent. However, if an applicant is aggrieved by the council’s decision it is proposed that they will have the opportunity to lodge an appeal in writing to the licensing service that will be considered by a senior officer, unconnected to the application.

2.29 Street trading consents are granted for a maximum of 12 months and fees will be set and reviewed annually on a cost recovery basis. The council may charge such fees as is considered reasonable for the grant of a consent. Furthermore, different fees may be charged according to the duration of the consent, the streets in which the

authorisation applies and the articles the holder is authorised to sell. Essentially, the Courts have determined that street trading fees must be set at a level designed to only recoup the costs of administering the consent scheme and the council cannot aim to make a profit from the scheme.

- 2.30 Applications must be accompanied by the relevant fee. If an application is approved and consent granted, the balance of the fee will be due before the consent is issued. The council may choose to agree that remaining fees be paid in instalments if it considers it appropriate to do so.
- 2.31 It is proposed that consents are issued with standard conditions that are outlined in Appendix 2 and 3 of the draft Policy. The council also has the ability to add any additional conditions related to specific business should it be deemed reasonable and appropriate to do so. This can be done at the point of grant, or any time during the course of the consent period.
- 2.32 A risk-based approach to compliance checks and enforcement is set out in the draft Policy. This includes reference to partnership working with other agencies and/or council departments and the sharing of intelligence relating to offences under the Act and unauthorised street trading.

### **3. Next steps and review**

- 3.1 If approved by this Committee, and subject to any suggested amendments, the draft Policy will undergo a six-week public consultation with all relevant stakeholders notified, including current street trading consent holders and non-consent holders (where these can be identified), Ward, Town and Parish Councillors, Community Boards, Thames Valley Police, Fire and Rescue Service and a number of Council departments such as Environmental Health, Trading Standards, Economic Development Team, Public Health, Planning and Community Safety.
- 3.2 Following the consultation process, a further report will be presented to this Committee providing full details of any comments received, together with any recommended changes by the licensing service to the draft Policy arising from the consultation.
- 3.3 Should the Committee be minded agreeing the proposed recommendation to adopt consent street controls, the matter will be referred to Full Council for consideration, once a final version of the Policy has been agreed by this Committee.

### **4. Other options considered**

- 4.1 The council could decide to adopt different controls, in different areas of the borough, as well as deciding to apply no controls in certain areas, or indeed no

controls at all. It has been recommended that street trading consent controls be adopted across the whole council area as this allows for the greatest flexibility, ensures equitable standards are applied in all areas and allows swift action to be taken should it be necessary. The ultimate decision on adoption of controls rest with Full Council, however this committee could consider the matter again, following consideration of consultation feedback on the draft Policy, before a final recommendation is made to Full Council.

- 4.2 The council could choose not to have a street trading licensing policy as there is no statutory requirement to have one. However, a policy provides an opportunity for the council to set out its approach, providing clarity for applicants, consent holders and other affected parties.

## **5. Legal and financial implications**

- 5.1 The Local Government (Miscellaneous Provisions) Act 1982, schedule 4, sets out the process for designating consent streets and rescinding any existing street trading resolution(s). Should the committee be minded to recommend the adoption of consent streets, or any other recommendation related to trading controls in designated streets, the Act requires the council to pass a resolution. In accordance with the council's constitution, the passing of bye-laws and local legislation is reserved to Full Council.
- 5.2 As a consequence of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (SI 2008/2867), resolutions made by the former legacy councils in respect of street trading controls will continue to apply until such time as Buckinghamshire Council passes a new resolution to adopt street trading controls.
- 5.3 The adoption of a Policy ensures consistency of approach, and it is considered that the council would be far less likely to be open to legal challenged where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and the council's approach to enforcement.
- 5.4 The Licensing Committee is responsible for setting fees charged by the council for street trading. Licence fee levels are required to be calculated on a cost recovery basis with a view to ensuring that they remain cost neutral to the council. The forecasted income for street trading consents for 2023/24 is circa £60k, based on the various fee structures of the legacy district councils which still apply. Any new controls on street trading will not be introduced within the current financial period so this forecast will be unaffected by the recommendations contained within this report.
- 5.5 Should new street trading controls be introduced across the whole council area, including controls on mobile traders, it is anticipated that more traders will be

brought within scope of the regime. At present it is not possible to give an accurate estimate of the number of new traders however it is expected that this information will be available following the proposed consultation exercise. Once final decisions have been made on the adoption of street trading controls and policy content, the licensing service intends to review both the budgetary position and levels of fees and charges during the period 2024/25 with a view to ensuring a cost neutral financial position is maintained. A further report will be presented to the licensing committee on this and if approved new fees may be introduced during 2024/25 dependent on the policy decision making process. Thereafter fees and income levels will be reviewed on an annual basis.

- 5.6 The council has referred to the document “Open for Business: Local Government Association (LGA) guidance on locally set licence fees”. The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly.

## **6. Corporate implications**

**Protecting the vulnerable** – by setting out our expectations around the suitability of applicants and nominated assistants, it is hoped that this will provide assurance to customers in relation to these businesses.

**Property – N/A**

**HR – N/A**

**Climate Change – N/A**

**Sustainability** – applicants are encouraged to consider the potential environmental impact of their business and provide an environmental impact statement as part of the application process.

**Equality** - An equality impact screening assessment has been carried out which does not indicate any adverse or disproportionate effects on those with protected characteristics however the assessment will be kept under review to ensure appropriate information in this regard is available as and when required.

**Data** – dealing with any application for a consent will require the collection and processing of personal data. Such processing is justified in the public interest in appropriate licensing of street traders. The Council’s current licensing procedures ensure relevant personal data (including criminal conviction data) is processed in accordance with the Data Protection Act and UK GDPR requirements and this will apply to any further detailed personal data (if any) processed as a result of the proposed policy being adopted.

**Value for money** – policy will be reviewed as legislative changes occur and updated accordingly, ensuring that it is fit for purpose. A formal review will be carried out at least every 5 years. All of this work will be performed by officers in-house.

## 7. Key documents

- Appendix 1 – Draft Street trading consent policy
- Appendix 2 – Pre-draft policy engagement survey questionnaire
- Appendix 3 – responses to pre-draft policy engagement survey questionnaire
- The Local Government (Miscellaneous Provisions) Act 1982  
[\*Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)\*](#)
- [\*Buckinghamshire Council Corporate Plan, 2020 – 2025\*](#)
- Pedlars Act 1871  
[\*Pedlars Act 1871 \(legislation.gov.uk\)\*](#)
- The Highways Act 1980  
[\*Highways Act 1980 \(legislation.gov.uk\)\*](#)
- West Berkshire District Council V Simon Paine  
[\*West Berkshire District Council v Paine \[2009\] EWHC 422 \(Admin\) \(05 February 2009\) \(bailii.org\)\*](#)



# **STREET TRADING POLICY**

**DRAFT**

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## **1.0 Introduction**

### **1.1 Accessibility**

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate it into other accessible formats. If you have other accessibility needs, please contact the licensing service at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

### **1.2 Buckinghamshire Council**

Buckinghamshire Council came into effect on 1 April 2020, bringing together the former Buckinghamshire County Council, and the four district councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The county has a population of over 550,000 residents and includes the towns of Buckingham, Winslow, Aylesbury, Wendover, Princess Risborough, Chesham, Amersham, High Wycombe, Beaconsfield and Gerrards Cross. The county has a significant amount of rural space with over a quarter of the county within the Chilterns Area of Outstanding Natural Beauty and a further third is covered by the Metropolitan Green Belt.

A map showing Buckinghamshire Council's area is shown in Appendix 1.

A search can be carried out to see if an address or possible street trading location falls within this area through the local authority finder <https://www.gov.uk/find-local-council>

A map of streets maintained by Buckinghamshire Council is available via this [link](#).

This policy has been written taking into consideration the following 4 key priorities identified in the [Buckinghamshire Council Corporate Plan 2020 to 2025](#):

- Strengthening our communities
- Improving our environment
- Protecting the vulnerable
- Increasing prosperity

Licensing has a crucial role to play in achieving these goals, through the formulation of policy, decision making, promotion of best practice and enforcement activities.

### **1.3 Information and data sharing**

In the interests of protecting public funds, Buckinghamshire Council reserves the right to use any information or data submitted as part of an application, renewal, administration or compliance or enforcement process for the prevention and detection of fraud and crime.

Data held will include name, address, telephone number(s), e-mail address(es), date of birth, national insurance number alongside information about criminal history, driving

record and right to work in the UK. This information will have been provided as part of the application process.

This information is required so that applications can be processed and consents granted.

Buckinghamshire Council may share applicant's information internally and we reserve the right to check the information provided by applicants for accuracy and to detect crime. We may share applicant's information with other statutory/ regulated authorities and agencies or if it is required by law. Other parties may include the Disclosure and Barring Service, the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.

Further information about how Buckinghamshire Council processes data and contact details for the council's Data Protection Officer can be found at: [Privacy | Buckinghamshire Council](#)

#### **1.4 About this policy**

This is Buckinghamshire Council's first published street trading policy statement, "the Policy." The Policy replaces any street trading policies adopted by the former district councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe relating to street trading consents.

Whilst there is no legal requirement for Buckinghamshire Council to adopt a policy relating to street trading, a policy benefits all interested parties, providing a clear and consistent framework which sets out the council's approach to regulating street trading.

The Policy sets out how Buckinghamshire Council will:

- Specify the criteria that applications for street trading authorisations are considered against, detailing what is expected from applicants and the conditions that authorised traders must generally comply with.
- Encourage a street trading environment which, whilst sensitive to the needs of the public, also provides quality consumer choice and complements the surrounding environment and retail offer, enhancing the character of the Buckinghamshire area, whilst ensuring public safety and preventing crime, disorder, and nuisance.
- Provide council officers with guidance on how to determine applications for authorisations against the specified decision-making framework.
- Work to ensure that there is a level playing field for street traders operating in the council's area, ensuring that all traders are compliant with the council's requirements.

The Council has widely consulted in the formulation of this Policy, including the following:

- Those who currently hold a street trading consent.
- Existing traders who do not require a consent under legacy policies/arrangements.
- Buckinghamshire Council's Licensing Committee.

- Ward Councillors.
- Town and Parish Councillors.
- Community Boards.
- Cabinet Member for Homelessness and Regulatory Services.
- Thames Valley Police.
- Buckinghamshire Fire & Rescue Service.
- Local residents and businesses.
- Buckinghamshire and Surrey Trading Standards.
- Other internal council service areas such as Environmental Health, Community Safety, Economic Development, Highways, Public Health and Planning.

The Policy supports Buckinghamshire's Joint Local Health and Wellbeing Strategy (2022-2025) priority to reduce child obesity and contribute to the council's whole systems approach to a healthy weight.

To ensure that the Policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this Policy with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Homelessness and Regulatory Services and the Head of Service for Licensing.

## **1.5 What is street trading?**

Section 3 and [Schedule 4 of the Local Government \(Miscellaneous Provisions\) Act 1982](#) (referred to onwards as 'the Act') gives local authorities the power to consent, licence or prohibit street trading across the whole of their district, or limit it to certain areas.

The Act defines street trading as the 'selling or exposing or offering for sale of any article (including a living thing) in a street'.

A 'street' is defined as:

- (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 1989 ('An area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be, provided service stations or other buildings or facilities to be used in connection with the use of the special road')

Street trading legislation is adoptive and may be used to regulate the sale or offering for sale of anything in a street as defined above. The definition is not limited to the public highway and can include the public realm and private, but publicly accessible areas, such as retail shopping centre car parks and open spaces.

## **2.0 The Role of the Council in the regulation of street trading**

Under the Act, councils can choose whether they wish to control street trading within their areas. In adopting the relevant provisions of the Act, a council has various options in terms of its approach to regulating street trading activity. Streets may be designated:

- “Prohibited streets” where no trading may take place
- “Licensed streets” where a licence is required to trade, and
- “Consent streets” where a consent is required from the Council.

Councils can also choose to introduce any of these controls in specified streets only and leave other streets unregulated.

Buckinghamshire Council has resolved to introduced controls across the whole district and further resolved that all streets are designated as ‘consent’ streets for the purposes of street trading. The council has decided to introduce consents as it allows the authority to regulate the street trading activities across all areas that members of public may freely access. Consents are suited to the types of trading that takes place in Buckinghamshire Council’s area, such as food vans and mobile traders.

This means that anyone who wants to trade in a street in the Buckinghamshire Council area needs to get permission first, because all streets are now consent streets, unless one of the legal exceptions or local dispensations apply, see 2.2 and 2.3.

As specified in the Act, a person can only be granted consent if they are aged 17 years or older. A consent can be issued for up to 12 months and might include permission to use a stationary van, cart, barrow or other vehicle or a portable stall. It is unlikely that Buckinghamshire Council would authorise trading from a permanent installation.

The council is required to act reasonably and be consistent with its general obligations, however consents are granted or refused at the council’s discretion. The council will take all relevant matters into consideration, including information provided as part of the application process before making a decision to grant, refuse or revoke a street trading consent.

There is no statutory right of appeal against any decision made in respect of a street trading consent. Nonetheless the council has provided an internal right of appeal which is set out at section 7. A street trading consent can be granted for up to 12 months and may be revoked at any time.

The council is able to attach any reasonable conditions to the grant or renewal of a street trading consent. The council is also able to vary the conditions attached to existing consents at any time should it be deemed necessary. If any such variations are to be made the consent holder will be notified in writing and they will take effect immediately or on another date as specified.

## **2.1 Consent Street**

All streets in Buckinghamshire Council’s area have been designated as consent streets. This means that any person who wishes to sell items in a street must first obtain a street trading consent from Buckinghamshire Council.

A street is defined in law as:

*Any road, footway, beach or other area (private or public) provided the public have access without payment.*

To decide if an area is a street, where the public can go without paying any money, the council asks,

*"Can a member of the public freely enter the area to see the goods for sale without having to pay any money?"*

If the answer to this question is yes, then the area is considered a street and an application for consent is required. Court decisions have shown that if trading happens in an area where the public can access without payment (even if the public did not go there) it is a "street" and needs permission to trade there. See [West Berkshire DC v Paine \[2009\]](#).

Public areas where trading consent is required include, by way of example:

- Public parks, playing fields, commons and riverbanks.
- Town centre, industrial estates and retail shopping centre car parks.
- Car parks attached to pubs and restaurants during opening times.
- Railway station car parks.
- Private fields temporarily opened to the public.
- Caravan parks.
- Parking bays and verges off the public highway.
- Hospital car parks.

If you wish to trade on an area of private land that does not fall within the above definition, please speak to the Licensing Service as a street trading consent may still be required.

Buckinghamshire Council does not maintain a list of suitable street trading locations. Instead, those interested in becoming a street trader should use this Policy, and the decision making criteria to identify suitable trading locations.

## **2.2 Legal exceptions**

The Act states that the following activities are not 'street trading' and therefore consent is not required for:

- (a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- (b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980

- (d) Trading as a newsvendor i.e., the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act.
- (e) Trading which:
  - (i) Is carried on at premises used as a petrol filling station; or
  - (ii) Is carried on at premises used as a shop or in a street adjoining premises so used as part of the business of the shop (such business must not obstruct the highway or payment area).
- (f) Selling items or offering or exposing them for sale as a roundsman. For example, a person who makes pre-ordered deliveries of milk or bread within a given locality. Selling ice cream from a van is not classed as a roundsman as the ice-cream is not pre-ordered. See the case of Kempin (T/A British Bulldog Ice Cream) v Brighton & Hove Council [2001].
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980. For example, the use of table and chairs by customers that are placed outside of premises that are subject to current pavement licence.
- (i) The doing of anything authorised by regulations made under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 i.e., the collection of money or selling of articles for the benefit of a charity or other similar cause.

### **2.3 Local Dispensation from Street Trading Consent**

Buckinghamshire Council will not enforce the requirement for a consent in the following limited circumstances:

- (a) Non-commercial events. Trading at community-based events, run for non-commercial purposes, such as a fete or school fund raising activity, do not require consent. Where any of the profit from trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned, then the activity is not exempt and will require a consent. In deciding whether a “non-commercial” event is given dispensation, Buckinghamshire Council Licensing Officers will consider who is running the event, what the purpose of the event is and, if any profit is made, if that goes to the organiser or the community/not for profit organisation. Organisers of non-commercial events may be asked to submit a return to the council that shows the expenses and income from the event to ensure it complies with the dispensation.
- (b) Shopping centres. Traders that are set up within covered shopping centres, arcades or similar do not require consent. Traders will require permission from the landlord/landowner. Outside areas which are freely accessible to the public will require consent.
- (c) Working farms. Goods sold from working farms at the premises where they were produced do not require consent.

(d) Residential properties. The sale of unwanted household items, for example through garage sales or online sales, or produce, such as homegrown fruit and vegetables, as long as this takes place within the grounds of the residential property, do not require a consent.

(e) Used vehicles. The domestic sale of a second hand car by its owner will not normally be considered as street trading.

The council will only consider a vehicle owner to be street trading if:

- the vehicle is placed outside of a reasonable radius of the owners residential property,
- the vehicle is exposed in a prominent position where it can be viewed by the public without sufficient reason,
- any person selling more than one vehicle at a time or with such frequency so as to indicate a business, will be considered to be trading from the street.

## **2.4 Trading on council land**

Anyone wishing to trade on Buckinghamshire Council owned land must get permission from the relevant department of the council to do so before applying for a street trading consent. Examples of council owned land may include car parks, parks and other open spaces. If a trader already has a parks licence, lease or similar then they may be exempt from requiring a street trading consent. Please speak to the [Licensing Service](#) in this circumstance.

## **2.5 Traders with multiple fixed sites**

Some street traders may visit different locations across the district to trade during the week. For instance, on a Monday, they may trade from a location in Aylesbury, Buckingham on Wednesday and then Chesham on Saturday. The council requires these traders to apply for a consent for each separate location, however a reduced fee may be charged for those seeking consents for multiple sites.

## **2.6 Peripatetic traders**

Some businesses may wish to trade by continually moving from location to location across Buckinghamshire Council's area. For example, ice cream vans, coffee vans and similar traders.

It is recognised that this type of trader will only be in one location for a short period, typically no longer than 20 or 30 minutes, before moving on. As a result of this, such traders may apply for a 'Peripatetic street trading consent.' The Peripatetic street trading consent will be based on the maximum number of hours they wish to trade for per day.

This type of street trading consent will be subject to conditions that mean individuals will not be allowed to trade for more than 30 minutes from any single location per day, and each new trading location must be at least 50 metres apart in any 24 hour period. This reflects the transient nature of their operation. Trading in one location for longer than 30

minutes will mean the trader needs to apply for a street trading consent for the street concerned.

The council will consider restricting mobile operator street trading consents if issues develop with multiple traders visiting the same location. Any issues that arise will be considered on a case-by-case basis.

## **2.7 Event Consents: Community events, fetes, carnivals and special events**

Buckinghamshire Council wishes to support local events, which may also include an element of commercial activity and therefore would not be considered exempt from controls. Such events may involve invited commercial traders and also attract speculative traders that are not part of the event but will trade close to the event. The council will regulate trading at these events to safeguard the public and event organisers.

However, in order to simplify the procedure, the organiser can obtain one event consent for the whole occasion. In such circumstances, the organiser will be responsible for gathering the relevant information from all individual traders and providing it to the council, instead of each trader applying on their own for an individual consent. This information includes:

- date,
- trading location,
- traders' full names and trading as names (if applicable),
- business and residential addresses,
- vehicle registrations,
- contact telephone numbers and email addresses,
- items traded,
- other information considered relevant.

The event consent will allow Buckinghamshire Council to collaborate with town and parish councils, community event planners and businesses that want to enhance an area through more community unity, more visitors and economic advantages.

The council will consider granting event consents to organisations or individual traders either on a one-off or annual basis.

## **2.8 Other regulatory requirements**

### **Food Business Registration**

Where an applicant's street trading involves providing food and or drink, they must be registered with the appropriate council as a food business, as well as holding a street trading consent.

The council expects traders to maintain good standards of hygiene. Traders who sell food and or drink will, as a condition of their consent be required to achieve and maintain a minimum food hygiene rating of 3 or above unless otherwise permitted to trade by the council pending an inspection.



The council may decide to refuse to grant a street trading consent or revoke one which has been granted where the applicant has a rating of less than 3.

### Licensing Act 2003

The provision of late-night refreshment (hot food and drink between 23:00-05:00 hours) and the sale by retail of alcohol are licensable activities under the Licensing Act 2003, any consent holder wishing to provide either of these activities will also require a premises licence or temporary event notice (TEN) from the council.

The council may refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder cannot demonstrate that a premises licence or TEN is in place, where one is needed. For further advice on licensing requirements, please contact the [Licensing Service](#).

### Planning

Planning permission may be required in addition to a street trading consent in some instances.

A person intending to apply for a street trading consent should also check to see if planning permission is required before making their application. For further advice please contact Buckinghamshire Council's [Planning Service](#).

The Council may refuse or revoke a consent in the event of the holder being in breach of planning legislation.

## **3.0 Application types and processing**

The council is unable to advise on the business merits of an application or the commercial suitability of a location.

The council's considerations in determining whether to grant a consent are set out in section 5 and applicants should take these into account when deciding where to trade.

Application forms and guidance are available from the Licensing Team and can be found on the council's website [Business licences and permits | Buckinghamshire Council](#)

### **3.1 New street trading consent application:**

Applicants that are considering make a street trading consent application for the first time are advised to contact Buckinghamshire Council's [Licensing Service](#) at the earliest opportunity should they have any queries. This allows officers time to provide advice and clarify any areas of uncertainty.

New applicants are required to provide the following information:

**a) Application form**

All applications must be made and submitted on the council's prescribed application form. This must be signed by the applicant and all information requested must be provided.

**b) Applied for hours**

Applied for hours can be on the hour, or at 15-minute intervals past the hour. Applications where a trader applies for limited hours to be used across a longer period, i.e. three hours between the hours of 3pm – 8pm will not normally be permitted.

**c) Site and location plans**

Applicants must provide a good quality location map or plan to scale of at least 1:1250 scale showing where the proposed trading activity is to take place from a fixed position. The applicant must clearly mark on the plan with a red line the exact position of the van, cart barrow or other vehicle or stall they intend to use in the location, drawn to scale. Applicants must also include a plan showing the dimensions of the intended trading area. If the stationary van, cart, barrow or other vehicle or portable stall includes a canopy, awning or hatch that will extend out, this must also be indicated on the plan and drawn to scale. The applicant must show the orientation of the van or stall so that it is clear where customers will stand to be served.

Officers will need to identify any neighbouring properties who may be affected, so it may be necessary for the applicant to submit a series of plans and/or maps of varying sizes and scales. Road names should also be included, where appropriate.

The applicant must include on the plan any additional furniture, containers, bins, signage or other items as well as the trading unit that they intend to use. It is important to note that should an applicant wish to provide tables and chairs for their customers or place any other items on the public highway, additional permission may be required such as a pavement licence.

If the plan(s) accompanying the application do not clearly indicate the proposed location and other required information accurately enough, the application is likely to be rejected.

Mobile traders are not required to provide location and site plans however they will be expected to provide details of their trading unit, including relevant dimensions, and a description of the intended trading locations.

**(c) Types of articles the applicant proposes to sell**

The applicant should accurately describe or list the types of articles (e.g. toiletries, clothes, food etc) that they intend to sell in their application. Should they be granted a consent, the types of articles they are permitted to sell will become a condition of the consent which, if breached, could result in revocation of the consent.

It is possible to request a change to the types of articles that are permitted to be sold by way of a variation to the consent once granted.

Buckinghamshire Council has determined that applications to sell any of the items listed below will usually be refused:

- Tobacco and/or tobacco products.
- E-Cigarettes (including vapes).
- Energy drinks to children below 16 years of age.
- Plastic and helium balloons.
- Sky lanterns.
- Single use plastics.
- Goods or paraphernalia which may be associated with illegal drug use.
- Merchandise displaying offensive language or sexually explicit images.
- Selling animals as pets in any part of a street or public place.

**(d) Photographs of street trading unit to be used**

A colour photograph, or series of colour photographs, which clearly show the stationary van, cart, barrow or other vehicle or portable stall, and other items to be used, including any design or artwork must be provided. If the unit is under construction, then a detailed illustration will need to be provided.

This does not apply to consent applications for events where there is to be multiple traders unless council licensing officers specifically request this information.

**(e) Landowner Permission**

Evidence must be provided, such as an email or letter from the landowner or party responsible for the land (including Buckinghamshire Council), that the applicant has been given permission to trade from the proposed location.

Private land does not exempt traders from street trading consent requirements if the public have access free of charge. Only where private land is self-contained, with no access permitted by members of the public, or there is a charge to enter the private land, can the trading be considered exempt from the requirement for a street trading consent.

**(f) Insurance**

A copy of a valid certificate of insurance covering third party and public liability risks for a minimum of £10,000,000.

If staff are employed a copy of a valid certificate of employer's liability insurance indemnifying the applicant for a minimum of £5,000,000 is also required.

**(g) Vehicle documents**

A current MOT certificate (excluding those vehicles that do not require an MOT) must be provided if a vehicle is being used as the street trading unit or in connection with the trading unit.

A copy of a valid vehicle insurance certificate for the vehicle to be used to trade from and for any applicable vehicle used in connection with the trading unit.

Evidence that the applicant is legally responsible for any vehicles used in connection with the trading arrangements. This could be the V5 or a lease agreement if the applicant does not own the vehicle.

#### **(h) Applicant's documents**

Applicants must provide a recognised form of photographic identification and proof of current residential address. The applicant is also required to provide a digital passport style photograph of themselves. These same details must be provided for all nominated assistants. If there are staffing changes it is the responsibility of the applicant/consent holder to notify the council and provide the same information for nominated assistant(s) before they may be permitted to work under the street trading consent.

A Basic Disclosure and Barring Service (DBS) certificate for the street trading applicant and any nominated assistant who will be employed is required. The certificate must be no more than two months old at the time of application. Those traders whose licence is in force at the time that this policy comes into effect will be required to submit a new Basic Disclosure and Barring Service (DBS) certificate at the time of their next renewal application.

Applicants must provide the council with a copy of their current DVLA driver's licence, (or licence for any employee if they are responsible for driving vehicles used for trading purposes). Applicants disqualified from driving, or with a history of poor driving, are likely to be refused unless they have alternate transport arrangements in place to the council's satisfaction such as a named designated driver.

To ensure that consent holders have the right to work in the UK, and that they do not employ anyone who does not have the legal right to work, applicants, and any employee, will be required to provide proof of their right to work. This can be evidenced either by obtaining a right to work share code, or for British and Irish citizens, producing their passport or other acceptable documentation. Further advice on how to prove your right to work is available [here](#).

It is not a legal requirement for a street trader to confirm that they are correctly registered for tax purposes, but the council will ask applicants to confirm that they understand their tax duties.

Applicants will also be asked to provide an environmental impact statement to demonstrate that they have considered the environmental impact/sustainability of their trading and this will be included on the application form.

#### **(i) Gas and electrical safety**

Electrical or gas equipment that will be used as part of the street trading activity must be in good condition, serviced and regularly maintained and tested for safety in accordance with the current applicable law or manufacturer guidelines. Guidance for gas safety in catering can be found [here](#) and electrical safety [here](#).

Some vehicles and stalls, especially if they are cooking food will be powered in a number of ways. This could be via an electricity supply from mains or a generator, LPG or a petrol motor. Certificates will be required confirming that any equipment of this nature has been installed correctly and any service requirements have been carried out.

#### **(j) Waste Transfer Contract/Agreement or Waste Carrier Licence**

Businesses have a duty of care to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. Evidence of such an agreement if applicable needs to be provided upon application. Guidance on how to dispose of commercial waste can be found [here](#).

#### **(k) Fees**

All applications are required to be accompanied by the relevant fee and paid in a manner prescribed by the council. It may be possible for traders to make an application fee and then submit monthly ongoing maintenance fees as an alternate to paying the full annual fee. Traders who have a poor history of paying fees on time are unlikely to be permitted to pay the fees in monthly instalments.

Incomplete applications are likely to be refused or rejected and the applicant will be advised what is required and will have 7 days to provide the outstanding information.

An application will be deemed to be valid once the completed signed application form, all relevant documentation and the appropriate fee have been received by the council.

Once an application has been deemed to be valid, it will be subject to a 28 day consultation, during which time the applicant will need to advertise the application. Further details on this requirement can be found in Section 4 of this policy.

### **3.2 Renewal of Street Trading Consent**

Holders of existing street trading consents will receive a reminder approximately three months before the consent is due to expire. Failure to submit the renewal at least 28 days before expiry may lead to a delay in the consent being issued.

Existing consent holders are able to apply to renew their consent on exactly the same terms and conditions as before. For example, for another year and with the exact same conditions attached. In this instance it will not be necessary for the application to be subject to a 28 day consultation.

If a renewal application is not submitted before the current consent expires, the consent will lapse and a new application and associated documents will be required. No

application to renew a street trading consent will be determined until the appropriate fee has been paid. Once a consent has expired the trader is not authorised to continue trading until such time as they have been granted and issued a new consent.

In order to renew a street trading consent, the existing consent holder will need to provide the following documents:

- Renewal application fully completed and signed.
- Basic DBS certificate, issued within the previous 2 months.
- Insurance documents, current public liability and employers liability insurance.
- Vehicle documents, current MOT certificate and V5/ proof of ownership unless previously provided.
- DVLA driving licence, for applicant and any nominated assistants.

### **3.3 Change of owner/proprietor/consent holder**

The Act makes no provision for the transfer of a street trading consent.

In circumstances where a consent holder wishes to relinquish his consent but another applicant wishes to apply for a consent on the same terms as the previous trader e.g. same location, trading times and days and types of articles with the same conditions, provided the new application is made prior to the previous consent being surrendered or revoked no new public consultation period will be required. Where the previous consent has been surrendered or revoked a new application will be required to be advertised in accordance with Section 4.

### **3.4 Variations to Consents**

The Act allows the council to vary conditions attached to a street trading consent at any time.

If a consent holder wishes to change any of the conditions on their consent, they can submit a written request to vary the consent. Examples of where this may be required include:

- Change the days or times of operation.
- Move trading pitch or add an extra pitch.
- Change the style of trading unit.
- Changing the items for sale to include those not currently listed on the consent.

Requests to change conditions which restrict the types of articles that can be sold will generally be considered as minor. This means that a consultation will not be required, and licensing officers will consider the request and determine if it is appropriate to make the changes.

Requests to change or add pitches, changing the hours and days of operation and changing the style of trading unit the consent holder wishes to trade from will generally be considered as significant changes and will therefore be considered in the same way as a

new application. This includes a 28-day consultation, and the decision will be made using the criteria detailed in the policy.

### **3.5 Surrender of consents**

A consent holder can at any time, surrender the consent if it is no longer required.

Where a consent holder surrenders their consent, the council may refund the holder a proportion of the application fee they have paid, once administrative costs having been deducted.

In order to surrender a consent, this request needs to be made in writing to the [Licensing Service](#) and the consent needs to be returned to the council.

## **4.0 Advertising and consultation of the application**

The applicant must display a notice prominently at the proposed trading location for the consultation period of 28 days, to publicise the application. The applicant must provide photographic evidence to the satisfaction of the council that the notice has been displayed for the entire period.

The notice should be printed on A4 white paper and state the following:

- (a) The applicant's name.
- (b) The proposed days and hours of trading.
- (c) A description of the articles to be sold.
- (d) Representations both for and against the application must be submitted to the council, providing an email address to do so.
- (e) The date by which representations must be made i.e. the end of the consultation period.
- (f) Further details of the application can be found on the council's website.

A notice template is provided for applicants at Appendix 2

The notice must be displayed as close to the proposed site as is practical. The notice can be fixed to fencing, lamp posts or other form of street furniture or natural feature like a tree. The applicant is encouraged to regularly check the location of the notice and in the event that the notice is damaged to the extent that it cannot be read, or has been removed, the applicant is responsible for replacing it as soon as reasonably practicable.

The applicant must provide the council with a photograph of the initial fixing of the notice in place within 7 days of being notified the application is valid.

If the application is not considered to have been advertised properly, the consultation period may be extended. Once the consultation period has finished, it is the applicant's responsibility to remove the notice.

The council will consult with the following agencies or persons:

- Thames Valley Police.
- Buckinghamshire Fire and Rescue.
- Highways (Buckinghamshire Council).
- Environmental Health (Buckinghamshire Council).
- Trading Standards (Buckinghamshire Council).
- Public Health (in relation to applications which may impact on children and young people's health)
- Relevant Town and/or Parish Councils.
- Ward Councillors.
- Organisations responsible for the management of town centres.
- Any other consultee or council department that officers consider appropriate.

The consultees will all receive details of the application, including maps and plans. The consultation period will begin the day after the council receives a valid application. The consultation is 28 days in length and the council will consider responses from the consultees listed above and any other interested party, such as a member of the public.

Should any party wish to make representations against the application, they must do so within the consultation period, giving reasons to support their representation.

Representations should make reference to the decision-making criteria detailed in section 5 of this policy. Any representations received outside of the consultation period will not be considered.

## **5.0 Decision making criteria**

Council licensing officers have delegated responsibility for determining applications for street trading consents, using the criteria listed below. Each application will be assessed on its own merits and where appropriate, individual circumstances may be taken into consideration.

The criteria include:

### **5.1 Suitable location**

Street traders are expected to operate without causing unreasonable disturbance or nuisance to occupiers of nearby properties, businesses and homes. The steps that the council expects a trader to take will differ depending on the location.

The council is aware that it would be unwise and unfair on the public to operate a policy that would result in an area becoming saturated with street traders. Save for specific markets and events, traders will not normally be permitted to be within 250 metres of



each other, unless the location is suitable for more than one trader and the activities are complementary.

The location of the proposed street trading activity should not present a risk to the public in terms of road safety, obstruction, or fire hazard. The location should also not conflict with any Traffic Orders, such as waiting restrictions. The applicant must ensure that they and any assistants employed by them have adequate access to toilet facilities. The location of a trader must also not impact on pedestrians travelling with prams, pushchairs, wheelchairs or those who have mobility or disability issues.

The council wishes to protect its high streets and town centres whilst at the same time encouraging a more vibrant shopping experience.

Consent will not be granted if it would allow, or result in, a trader blocking, obscuring or impinging on the operation of another business. This includes where there is an existing fixed premises already selling similar produce.

The council will consider applications in relation to the customers the trader wishes to attract. It acknowledges that some residents may not like a street trader in their neighbourhood for aesthetic reasons. However, the council is clear that it will not consider this a reason to refuse a consent to trade. If an applicant has a viable business offer with customers in a certain location, and there are no legal restrictions on their ability to trade at that place, the council will only intervene, if satisfied it is right to do so to promote the objectives of this Policy.

Consideration will also be given to whether it is appropriate for traders to be located near to schools and similar buildings, especially if they are proposing to sell fast food. Fast food is hot food served quickly that is energy dense and high in fats, sugar or salt. This may include chips and other fried foods, burgers, hot dogs and pizzas.

Applications by traders intending to sell fast food from a fixed location within 400m of a school, nursery or college are likely to be refused, especially if they are going to be trading at the start/end of the school day or during lunch periods. Peripatetic traders, such as ice-cream vans wishing to trade within 200m from any entry or exit gates from a school or collect from an hour before the start of the school day until an hour after the end of the school day will likely be refused, unless they have the written authority from the Head Teacher of the school.

## **5.2 Protection of children and vulnerable people**

In reviewing an application, the risk posed to children and other vulnerable groups by the activity, location, products on offer, target audience and suitability of trader will be considered. Traders must not conduct activities in a way that would take advantage of anyone who is vulnerable.

## **5.3 Increased opportunities for small businesses and encourages economic growth**

Buckinghamshire Council wants to encourage and allow a variety of street trading activities. Allowing a range of consumer choice will encourage and inspire creative and innovative traders and help contribute to vibrant town centres.

All products sold must reach the same standard as those sold from any other outlet and the protections set out in consumer legislation apply. The council will also consider the application in relation to Buckinghamshire Joint Local Health and Wellbeing Strategy 2022 to 2025.

Street trading in commercial or shopping areas should add value to the overall appearance of the area in which the trader has applied to be located in order to encourage customers to the wider area.

#### **5.4 Prevention of public nuisance**

Consideration will be given to measures proposed by a trader to reduce and control the risk of nuisance from noise, litter, vermin, fumes, odour and the disposal of associated waste. Traders must have measures in place to prevent littering and have a commercial waste contract. Any adverse impact of the trader on traffic and pedestrians could be considered a potential nuisance and safety concern. The council will consider the times, frequency and duration of the operation in relation to any potential for nuisance caused by the street trading activity.

When assessing the impact of an application the council will consider what is reasonable for the area in which the trader seeks to operate. In commercial, industrial or busy areas, certain activities may be more reasonable. If a trader proposes to operate near residential properties, higher standards will be expected.

All street traders will be required to park lawfully. The council will not ordinarily intervene over issues of parking availability. However, if an area has insufficient parking availability the council will as part of its assessment consider whether the presence of a street trader may cause a nuisance to members of the public by denying a parking space to a legitimate user. This is particularly relevant in residential or high demand areas.

#### **5.5 Prevention of crime and disorder**

Street trading applications will not be granted if they present a risk to public order or are considered likely to encourage or facilitate crime. This includes anti-social behaviour. The suitability of an applicant and any nominated assistant is relevant, and the council will not grant a consent to anyone who it considers likely to commit or use their position as a trader to facilitate crime or otherwise endanger the public.

Applicants who wish to trade during evening or nighttime hours should carefully consider the potential for their activity or trading location to be at risk of contributing to crime and disorder.

#### **5.6 Complementing the visual amenity**

The council will evaluate how the suggested street trading activity will contribute to the appeal of the desired location. Does it improve the area? Will it create a more attractive and/or enjoyable experience for customers? Do the items that are offered for sale complement the businesses that are already operating in the area?

### **5.7 New local small businesses**

The Buckinghamshire Council Corporate Plan aims to support small and medium enterprises to grow and flourish through promotion of high streets and Enterprise Zones. This means the council will look favourably at those applications that are from local Buckinghamshire Council residents starting up small businesses.

### **5.8 Outstanding fees**

The council will take into account an applicant's payment history in relation to previous street trading consent. Applicants with a history of failing to make payments or defaulting on agreed payment plans are likely to be refused a consent.

Applications are not considered valid until the application fee has been paid alongside all the required documentation for both new and renewal applications.

### **5.9 Environmental Considerations**

The council encourages all traders to take steps to reduce their impact on the environment. When applying, street traders are asked to consider their impact on the environment and what steps they will take to limit this. Things to consider include but are not limited to, power supply, carbon footprint, waste disposal, recycling and sustainable approaches to trading.

Applicants will need to demonstrate consideration for [The Environmental Protection \(Plastic Plates etc. and Polystyrene Containers etc.\) \(England\) Regulations 2023](#). From the 1<sup>st</sup> October 2023, these regulations prohibit the use and/or sale of certain single use plastic items. All applicants will need to be compliant with these regulations. If a trader is found to be in breach of these regulations, a consent could be revoked or application refused.

If the council have concerns over the environmental sustainability of a street trader, it may consider working with them in the preparation of an environmental improvement plan. A consent application may be revoked or refused if the council considers that the trading activity does not do enough to minimise any negative effect that it poses to the environment.

Applicants need to demonstrate that they have given consideration to the relevant regulations in relation to packaging, but also to using environmentally friendly power sources and vehicles.

Applicants are expected to ensure that they will have adequate receptacles for litter generated by their street trading activity and are expected to routinely clear around their trading unit during trading periods and at the end of trade.

## **5.10 Public health and safety**

The council will consider applications with a view to ensuring that no trading activity poses a risk to the health or safety of the public. For this reason, the trader and their stationary van, cart, barrow or other vehicle or portable stall must not block or cover manholes, fire hydrants or emergency escape routes.

In assessing public safety, the council will take into consideration: water safety, hygiene standards, product safety and the safety of any structure, stall, vessel or vehicle used. Applicants must ensure that they assess the activity that they intend to carry out and take reasonable steps to prevent any aspect of the activity from causing harm to the public or being carried out in such a way that there is a possible risk.

The policy also provides an opportunity to realise Buckinghamshire's strategic vision, 'Succeeding as a Place: Achieving our Shared Vision for Buckinghamshire to 2050,' which highlights a growing need for a healthy built and natural environment and seeks to "create places that foster healthy behaviours and take health inequalities".

In Buckinghamshire, child obesity rates are high and increasing. Nearly 1 in 5 children started school above a healthy weight and a third of children leave primary school overweight or obese. Obesity rates for reception children (4–5-year-olds) and Year 6 children (10–11-year-olds) are 7.1% and 17.1% respectively.

The Government Food strategy sets a national ambition for a 50% reduction in childhood obesity by 2030. Many councils have introduced trading restrictions on ice cream vans in close proximity to schools.

The Whole Systems Approach to Healthy Weight in Buckinghamshire is guided by the Office for Health Inequalities and Disparities (OHID – formerly Public Health England). A key priority in Buckinghamshire's action plan is "to create an environment where healthy food is the preferred choice, whether eating in or out of the home." OHID proposes that Local Authorities use licensing policies to prevent mobile traders near a school or requiring healthier choices as a condition of a licence to trade.

The rationale for these policies includes:

- To contribute to improving the food environment as part of a whole systems approach to reduce child obesity and support healthy food choices.
- Traffic safety concerns and reduce traffic congestion around schools.
- To avoid undermining school healthy policies and programmes to support children's health and wellbeing (such as Buckinghamshire's Health School Award programme).
- To avoid undermining healthy school catering choices.
- To reduce persistent and immediate pressures on parents (both pester power and financial pressures) at the school gate to purchase unhealthy items that they may not be able to easily afford.

### **5.11 Road safety**

Buckinghamshire Council will not grant consent to any trader directly abutting a road with a speed limit of 30mph or above. Any trading near to a road with a speed limit higher than 30mph will need to be sufficiently located away from the road, either in a substantive lay-by or service road.

The proposed location for the street trading activity should not present a significant risk to the public in terms of highway safety and/or obstruction. This includes consideration of factors such as interference with sight lines for other road users and access to pedestrian crossings.

The hours and/or time of day that the applicant proposes to trade may be considered if it can be shown that traffic levels are lower at the times applied for and the applicant's impact would not undermine road safety at such times.

### **5.12 Suitability of van, cart, barrow, other vehicle or portable stall**

The council must be satisfied that the proposed van, cart, barrow, other vehicle, or portable stall is roadworthy, safe for use and does not pose any danger to the public.

The van, cart, barrow, other vehicle, or portable stall must be of good quality design and build. It will also need to be kept in a clean and well-maintained condition. It should not be of an appearance to the detriment of the quality of the street scene in its proposed location.

The council will give careful consideration to comments from consultees that raise concerns about the suitability of a proposed trading unit and any evidence that indicates that the unit may be unsafe or considered dangerous is likely to result in an application being refused.

### **5.13 Suitability of applicant and nominated assistant(s)**

Street traders and their staff are in a position of considerable trust. They may come into contact with a wide variety of members of the public, including children, those with disabilities and those who may be considered more vulnerable. Some individuals may use their position as a trader to take advantage of any such person to commit crime. It is reasonable for the council to consider the suitability of an individual when deciding whether or not to grant a street trading consent.

The Act allows for inclusion of conditions including those relating to nuisance. When considering an application for a street trading consent the council is mindful of the need to avoid nuisance behaviour by the applicant or their nominated assistants.

A basic disclosure from the Disclosure and Barring Service (DBS) dated within the last two months needs to be submitted with an application. Basic disclosure certificates will also need to be provided for any nominated assistant who will be employed by the trader, who

deals with members of the public by taking orders, supplying goods or handling cash. The Council needs to be notified of any new nominated assistants and supplied with their basic disclosure certificate before they begin working on the stationary van, cart, barrow or other vehicle or portable stall. The basic disclosure provided for a new or additional nominated assistant will be reviewed by the licensing authority and the applicant will be advised if they have been approved.

These is an expectation from the public that those persons trading under a consent granted by Buckinghamshire Council are trustworthy, honest and do not pose a risk to the safety of the public.

A consent holder who employs someone in a role without a basic disclosure certificate or fails to notify the council of their employment within 72 hours as specified in the conditions on a street trading consent is likely to have their street trading consent reviewed and possibly revoked.

Where applications are received from individuals whose basic disclosure or those of their nominated assistants reveals convictions, the council will consider if the convictions are relevant in determining the suitability of the applicant to hold the type of licence they have applied for. The council will consider if the type of offences is an indication that an applicant is less likely to comply with street trading consent conditions, for example convictions for:

- Licensing offences, particularly those related to street trading.
- Offences involving dishonesty or fraud.

In each instance, the application will be considered on its own merits, with applicants given an opportunity to make representations prior to the Council determining the application.

Street traders will be authorised to deal with members of the public daily and often without supervision. It is essential that the Council are satisfied that the public will not be exposed to nuisance behaviour when dealing with the street trader. The applicant and any nominated assistant must therefore declare all unspent convictions and cautions at the time of application. Failure to do so may result in the application being refused.

The Council accepts and acknowledges the principal of rehabilitation and that an unspent conviction should not automatically prevent a consent being granted.

Street traders should always conduct themselves in a professional manner. The following safeguarding risks in relation to street trading activities have been identified by the council:

- Access to children and vulnerable adults.
- Ability to locate close to areas where children congregate.
- Mobile traders have regular rounds in residential areas, so have the potential to obtain personal information such as holiday plans.

Therefore, the council has determined that convictions for offences involving the following will be considered particularly relevant when determining an application for a street trading consent:

- Offences involving violence.
- Sex and indecency offences.
- Supply or possession of drugs.
- Burglary.
- Dishonesty.
- Motoring offences.

Consents may not be granted or could be revoked if a trader or their nominated assistant(s) conducts themselves in an unacceptable/unsuitable manner towards the public and/or the Council.

An applicant's history of street trading including whether previous consents have been used appropriately and whether consent fees have been paid will also be considered.

Complaints previously recorded against an applicant, and which are held on file will be taken into account when renewal applications are being considered.

Mobile traders who drive around the borough must be able to demonstrate that they do not represent a risk to the public. For instance, ice cream vans or similar will be spend the majority of their time driving around the borough, often in areas with a high density of children and young people. It is therefore imperative that the council are satisfied they are safe, professional and competent drivers.

#### **5.14 Residential Areas**

The council is acutely aware of the right of residents to peace and quiet. The council will take a more stringent approach to trading hours in areas of higher residential density where there is greater risk of public nuisance.

## **6.0 Decision making process**

All applications, whether new or renewal, will usually be granted by delegated officers if:

- There are no objections to the application within the 28-day consultation.
- The requirements of the policy are met by the application.

Any representations made within the 28-day consultation period must be 'relevant', and must not be considered by the council to be frivolous or vexatious. They must be relevant to the trader and location and relate to matters referenced in this Policy. Where a valid representation is received, the application will be referred to a licensing officer to be determined under delegated powers.

If an application for a street trading consent is refused, or a consent revoked, whilst an individual may wish to apply for a new application at any time, anyone applying within 12 months of the refusal or revocation on the same terms as before is likely to be refused.

Licensing officers have delegated powers and can grant, refuse, revoke and condition a consent as considered reasonable to promote the objectives of this policy.

## **7.0 Refusal and right of appeal**

When an application is refused, or a consent is revoked, the applicant will be notified in writing and given the reasons for the decision. The applicant may receive a partial refund for any application or maintenance fees paid once the council has deducted its administrative costs.

There is no statutory right of appeal against a decision to refuse to grant, refuse to renew or revoke a street trading consent. However, if an applicant is aggrieved by the council's decision to refuse or revoke a street trading consent, they can lodge an appeal in writing within 21 days of the date of the refusal or revocation notice. This should be sent to the Licensing Service and can be by letter or email to [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk).

Where an appeal is received in writing, the following process will be followed:

- Receipt of the appeal will be acknowledged.
- The appeal will be dealt with by a senior officer authorised to determine street trading consent appeals under the council's scheme of delegations. The senior officer determining the appeal will have had no involvement in the application process.
- The senior officer determining the appeal will decide if any further information in relation to the street trading consent application is required and contact the applicant.
- A decision will be provided to the applicant in writing within 21 days of the date the appeal was received.
- If the applicant remains unhappy with the outcome of the appeal they can challenge the decision by way of a judicial review

If a consent holder has their consent refused or revoked, it is unlikely that a new application would be granted within 12 months of the refusal or revocation.

## **8.0 Duration of consents and fees**

Street trading consents will be granted for a maximum of 12 months unless a reduced period is considered appropriate.

The issuing of a consent only authorises trading in accordance with the requirements of The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4). The consent holder must ensure that they comply with any other statutory provisions relating to their business.



Fees are set and reviewed annually on a cost recovery basis. The fee charged considers the location, trading hours and items to be sold. Details of the current fees can be found on the Buckinghamshire Council website.

Fees must be paid in advance and all applications for street trading consents must be accompanied by the relevant application fee. If the application is approved, the balance of the fee will be due before the consent is issued to the applicant. The council may agree for remaining fees to be paid in instalments.

Consents that have not been renewed by the expiry date will cease to exist and trading must cease until such time as a new consent has been granted.

Failure to renew or to pay renewal fees may result in any subsequent application being treated as a new application. This means that if a trader does not submit a renewal application and/or make payment for the renewal of the consent, they will need to submit a new application and all of the associated documents required with this type of application.

Street trading consents may not be transferred and the sub-letting of pitches is not permitted.

If there are changes to the consent holder then a new street trading consent will need to be applied for.

If it is found that an original consent holder is no longer operating an authorised trading unit, the consent will be revoked.

## **9.0 Conditions and Enforcement**

### **9.1 Conditions**

General conditions (attached at Appendix 3 and 4) will be attached to every consent granted detailing the holder's responsibility to promote the objectives of this policy.

Additional conditions, tailored to the individual consent granted will be attached if deemed by the council to be appropriate, proportionate, justifiable and capable of being met by the consent holder. Additional conditions will be unambiguous and precisely worded so the consent holder and authorised officers are clear on what is expected to achieve compliance.

The council is able at any time to vary the conditions attached to a consent by notifying the consent holder in writing and specifying the date the change will take effect.

Individuals who engage in street trading without a consent or who fail to comply with the conditions imposed on any consent granted, will be liable to prosecution.

### **9.2 Complaints**

Complaints relating to consent holders can be made to the council's [Licensing Service](#). Any complaints made by residents to the Licensing Service will be investigated by a licensing officer where they relate to a breach of the law, or non-compliance with the

conditions of a consent or the objectives of this Policy are being undermined. Substantiated complaints or any other reasonable grounds could trigger a review of a street trading consent.

Complaints will be recorded on file and taken into account when renewal applications are being considered.

### **9.3 Enforcement**

A trader's failure to comply with street trading consent and the conditions attached to it is an offence and could result in the consent holder being prosecuted, or the consent being reviewed leading to possible revocation or further conditions imposed on the consent. The council aims to enforce in a proportionate manner.

The following principles will be followed when carrying out enforcement and compliance activities:

- Transparency – those against whom enforcement action is considered will receive sufficient explanation in plain English.
- Accountability – officers will be courteous, fair and efficient at all times. Details of enforcement action and decisions will be recorded and carried out without unnecessary delay.
- Proportionality – any action taken by the council will be proportionate to the risk or wider public benefit.
- Consistency – the council will carry out its duties in a fair, equitable and consistent manner having regard to the Buckinghamshire Council Enforcement Policy

Under paragraph 10, schedule 4 of the Act, a person commits an offence if they:

- Trade in a street without first obtaining a street trading consent.
- Have a street trading consent and breach a condition on it, or trade from a stall, vehicle etc. that they have not been given permission to trade from.

A person found guilty and convicted of this offence can receive a fine of up to £1,000

The council may decide it is appropriate to take other sanctions which can include:

- Verbal warning.
- Written warning (including a Final Warning).
- Vary the conditions on a consent, for instance, change the operating days or hours.
- Revoke a consent.

The Act gives the council the power to revoke or vary the conditions attached to a consent at any time, to which there is no right of appeal.

Council officers who are authorised to carry out enforcement and compliance activities carry photographic, council issued identity cards and authorisations which they will produce, if requested.

For minor issues the council will issue a warning letter and provide a reasonable time for compliance to be achieved. Where further issues arise the officer may issue a final warning letter or impose additional conditions or in serious cases, revocation. The decision will be at the discretion of the licensing officer.

The extent of non-compliance and any steps to rectify the issue will be taken into consideration in reaching any decision.

If a consent holder or their trading activity is deemed to pose an immediate and serious danger to the public or is significantly undermining the policy objectives, immediate revocation will take place. Where possible the consent holder will be notified of the issues and provided with an opportunity to make written representations before a decision is made.

Where upon inspection or investigation of a complaint, officers may deem it appropriate to impose additional conditions on the consent holder. If this is the case, the conditions would take immediate effect once the consent holder has been notified in writing.

In circumstances where a consent holder has additional conditions placed on their consent by an officer, or has the consent revoked, they will be permitted to appeal the decision to a senior officer. In these circumstances the appeal procedure set out in section 7 will be followed.

#### **9.4 Reviews of consents**

Consents that are granted by the council are subject to traders' compliance with the policy.

Any persons affected or aggrieved by a trader can apply to the council for a consent to be reviewed. The review of a consent will be considered by a senior officer.

Applications for a consent to be reviewed must be supported by sufficient evidence of the alleged problem or issue. Officers will not accept applications for review of a consent without evidence.

On considering a request for review of a consent, the senior officer will consider whether any of the steps set out in the Enforcement section of the Policy, section 9.3, are appropriate and if so, the same procedures will be followed.

There will be a cooling off period of 6 months following a review of a street trading consent, and this means it would be unlikely that the council would consider another review for the same trader in that time, especially if it were for the same reasons and or request made by the same person.

## APPENDIX 1 – MAP OF BUCKINGHAMSHIRE COUNCIL AREA



## APPENDIX 2 – NOTICE TEMPLATE



### Local Government (Miscellaneous Provisions) Act 1982

#### Notice of street trading consent application

**<name of applicant>** has applied to Buckinghamshire Council for a street trading consent to allow them to sell articles at this location.

They intend to sell **<accurate description of articles it is intended to sell>**

The proposed trading hours are:

**<insert days and times applied for>**

Any person wishing to make a representation in relation to this application must give notice in writing to the council, giving in detail the grounds of objection by no later than **<insert deadline for representations, which is 28 days beginning on the day after the application is served on the council>**. Representations can be submitted by email to [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

Further details of the application can be found online: [Street trading consent | Buckinghamshire Council](#)

### **APPENDIX 3 - CONDITIONS – STREET TRADING CONSENTS**

1. The consent is granted to the named person(s) on the front of the consent. Subletting or transfer of this consent is prohibited.
2. All nominated assistants that the consent holder wishes to employ must be approved by the licensing authority in writing before they begin working on the stationary van, cart, barrow or other vehicle or portable stall.
3. The consent holder and nominated assistant(s) are only permitted to trade on the day(s) and between the times stated on the consent. No additional days or hours are permitted.
4. The consent holder and nominated assistant(s) shall not sell, offer or expose for sale any goods or types of articles other than those stated on the consent.
5. Counterfeit articles must not be sold nor must a consent holder or any nominated assistant display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
6. A valid third-Party Public Liability Insurance certificate indemnifying the consent holder up to a minimum sum of £10 million shall be held by the consent holder at all times.
7. The consent holder and nominated assistant(s) are only permitted to trade at the location specified on the consent and in the manner shown on the approved plan, attached to this consent.
8. The consent holder must ensure they have written permission from the respective landowner to occupy the area.
9. This consent, or a copy of it, must be displayed at the trading location(s), during the course of the trading, so that it is clearly visible to the public.
10. The consent holder and any nominated assistant(s) must only trade from the stationary van, cart, barrow, other vehicle or portable stall listed on the consent and it must be maintained in a clean and safe working order and in compliance with any legislative requirements.
11. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle road legal. These documents will be produced by the consent holder to any Police Officer or Authorised Officer of Buckinghamshire Council upon request.
12. Any trailers used for the purposes of street trading shall be in a road worthy condition and removed from the highway when the consent is not in operation.

13. The consent holder and any nominated assistant(s) must ensure that their business is conducted in a way that does not:
  - (a) Cause nuisance or annoyance (whether to persons using the street or otherwise)
  - (b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
  - (c) Endanger the public, themselves or any assistant that they employ.
  - (d) Obstruct the emergency services.
14. The consent holder and any nominated assistant(s) shall not place any furniture to be used by the customers of the consent holder to sit, gather or loiter without permission of the Council.
15. The consent holder and any nominated assistant(s) must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attract pests.
16. No water or waste material, including used cooking oil, as a result of the street trading activity shall be disposed of/discharged on to the highway (including down drains) or any adjacent property.
17. The consent holder and any nominated assistant(s) must ensure that the refuse and waste containers they provide are not emptied into public bins.
18. The consent holder and any nominated assistant(s) must not cause, or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
19. Fire hydrants, manholes and other street furniture must not be obstructed.
20. All electrical cables must be safely covered if they run along the ground, or suspended properly with support, to minimise the risk of harm to the public.
21. The consent holder must ensure that they and any nominated assistants employed by them have adequate access to proper toilet facilities.
22. Where the consent authorises the sale of food the consent holder or any nominated assistant(s) must ensure that they hold a food hygiene rating of 3, unless otherwise permitted to trade by the Council pending an inspection.
23. If during the term of any consent any material change occurs in the trading arrangements (such as new staff or a trading vehicle) the consent holder must report such changes to the Council within 72 hours of that change and where necessary, apply for the relevant variation.
24. Buckinghamshire Council reserves the right to alter or amend these conditions at any time.

25. If the consent holder or any nominated assistant(s) are convicted of any criminal or foreign offence they must notify the [Licensing Service](#) in writing within 7 days from the date of conviction.
26. Any van, cart, barrow, other vehicle or portable stall shall be removed from the street trading location when no trading activity is permitted, save for 1 hour before trading is due to commence and 1 hour after trading has ceased.
27. The Council may permit a van, cart, barrow, other vehicle or portable stall to remain on the street at the council's discretion.
28. Advertisements or other notices shall not be placed in the immediate area of the van, vehicle, stall or unit without the written approval of the Council's Licensing Service.



## **APPENDIX 4 - CONDITIONS FOR MOBILE CONSENT (peripatetic traders)**

1. The consent is granted to the named person(s) on the front of the consent. Subletting or transfer of this consent is prohibited.
2. All nominated assistants that the consent holder wishes to employ must be approved by the licensing authority in writing before they begin working on the stationary van, cart, barrow or other vehicle or portable stall.
3. The consent holder and any nominated assistant(s) are only permitted to trade on the day(s) and between the times stated on the consent. No additional days or hours are permitted.
4. The consent holder and any nominated assistant(s) shall not sell, offer or expose for sale any goods or articles other than those stated on the consent.
5. A valid third party Public Liability Insurance certificate indemnifying the consent holder up to a minimum sum of £10 million shall be held by the consent holder at all times.
6. This consent permits the holder and any nominated assistant(s) to trade on any street or public place within the area covered by Buckinghamshire Council, subject to the condition that the consent holder shall not trade for more than 30 minutes from any single location in a 24 hour period, and each new trading location and must be at least 50 metres apart from the previous location on any one street in any 24 hour period.
7. The consent holder and any nominated assistant(s) shall not carry on business from any vehicle other than that stated on the consent without permission from the Council and where necessary apply for the relevant variation to their consent.
8. The consent, or copy of it, must be displayed prominently at the trading location(s), during the course of trading, so that it is clearly visible to the public
9. The vehicle shall be maintained in a clean and safe working order, in compliance with any legislative requirements.
10. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant valid documents i.e. insurance, tax and MOT. These documents will be produced by the consent holder to any Policy Officer or Authorised Officer of the Council upon request.
11. The consent holder and any nominated assistant(s) must ensure that their business is conducted in a way that does not:
  - (a) Cause a nuisance or annoyance (whether to persons using the street or otherwise)
  - (b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
  - (c) Endanger the public, themselves or any assistant they employ.

- (d) Obstruct the emergency services.
12. Advertisements, signs or notices shall not be placed on the van, vehicle, stall or unit or other structure or in the immediate vicinity of the trading location without the written approval of the council.
  13. Advertisements, signs or notices that may cause offence or distress to the public will not be permitted.
  14. The consent holder and any nominated assistant(s) shall not cause any obstruction to road users or cause obvious danger to any person using the street.
  15. The consent holder and any nominated assistant(s) shall not cause nuisance or annoyance to persons using the street or to the occupants of any properties in the vicinity.
  16. Ice cream traders shall comply with the requirements of the [Code of Practice on Noise from Ice-Cream Van Chimes Etc. 2013](#).
  17. The consent holder and any nominated assistant(s) shall not place any furniture to be used by customers of the consent holder to sit, gather or loiter without permission from the Council, such as a [Pavement Licence](#).
  18. The consent holder and any nominated assistant(s) must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient suitable containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attract pests.
  19. No water or waste material, including used cooking oil, as a result of the street trading activity shall be disposed of/discharged on to the highway (including down drains) or any adjacent property.
  20. The consent holder and any nominated assistant(s) must ensure that the refuse and waste containers they provide are not emptied into public bins.
  21. The consent holder must ensure that they and any nominated assistants employed by them have adequate access to proper toilet facilities.
  22. Where the consent authorises the sale of food the consent holder or any nominated assistant must ensure that they hold a food hygiene rating of 3, unless otherwise permitted to trade by the Council pending an inspection.
  23. If during the term of any consent any material change occurs in the trading arrangements (such as new staff or trading vehicle), the consent holder must report such change to the [Licensing Service](#) within 72 hours of that change and where necessary apply for the relevant variation to their consent.

24. The council reserves the right to alter or amend these conditions at any time.
25. If the consent holder and any nominated assistant(s) are convicted of any driving, criminal or foreign offence they must notify the [Licensing Service](#) in writing within 7 days from the date of conviction.
26. The consent holder and any nominated assistant(s) must not cause or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
27. Fire hydrants, manholes and other street furniture must not be obstructed.

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## Help shape the Street Trading Policy for Buckinghamshire

**Open date:** 3 August 2023

**Close date:** 1 October 2023

**Name:** Licensing Team

**Phone:** 01296 585605

**Email:** [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)

### Overview

**We want to hear your views to help us develop a Street Trading Policy for Buckinghamshire.**

Street trading is the sale or offering for sale of anything in a street.

A 'street' includes any road, footway, beach or other area to which the public have access without payment (including service stations).

It is not limited to the public highway – it can include the public realm and private but publicly accessible areas, such as shopping centre car parks and open spaces.

We want to develop one policy and fee structure for Buckinghamshire that makes sure:

- street trading is appropriately and consistently regulated
- transparent guidance is provided
- street trading supports other plans for to how public spaces look, feel and are used
- healthy lifestyle choices and environmentally friendly activities are promoted
- street trading supports the local economy

### Regulating street trading

Under street trading legislation, we can choose how to regulate street trading. Streets can be:

- prohibited streets – where no trading may take place
- licenced streets – where a licence is required to trade
- consent street – where a consent is required from us

We can also choose to:

- adopt different controls in different areas
- apply no controls in areas or for specific activities – e.g. where we already have a system of approval in place.

**We want to hear how and where you think street trading should be regulated, or not regulated, in Buckinghamshire.**

### **Activities not affected by street trading regulations**

There are certain activities that are not considered street trading under legislation:

- pedlar certificate holders (issued by the police)
- trading in an established market or fair
- trading in a trunk road picnic area
- newspaper vendors
- garage forecourts
- shopfronts
- a roundsman fulfilling orders, e.g. a milkman
- holders of highways licences, e.g. tables and chairs or pavement licences
- street collection permit holders

### **Fees for a street trading licence or consent**

Different fees can be charged depending on the:

- duration of the licence or consent
- streets in which the authorisation applies
- what the holder is authorised to sell

We cannot make a profit from regulating street trading. The fees must only cover administration costs.

Under legislation, we can recover the costs of collecting rubbish, cleaning streets and other services rendered to the licence holder. This could include enforcement costs against unlicensed traders.

To bring in these charges, we must consult with licence holders, publish a public notice and consider any responses. This would be part of adopting the new Street Trading Policy.

### **What it would mean if street trading was not regulated**

We can choose not to regulate street trading.

Without regulation, less controls will be in place to determine when and where trading takes place and what can be sold. This may increase the risk of:

- conflict with existing businesses
- public nuisance such as noise, smells and litter
- obstruction of the highway and other public areas
- the sale of inappropriate or socially undesirable articles

### **How to have your say**

You can tell us your views in one of the following ways:

- complete the online survey at [buckinghamshire.gov.uk/street-trading-survey](https://buckinghamshire.gov.uk/street-trading-survey)
- complete, and return, a printed version of the survey

If you have any questions about this activity, please email us at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk) or phone us on 01296 585605.

**Please tell us your views by midnight on Sunday 1 October 2023.**

### **What happens next**

We will review all the responses we receive to help us draft a Street Trading Policy for Buckinghamshire.

Once drafted, the policy will be publicly consulted on from December 2023 to January 2024.

## Privacy

We will use the information you provide here only for this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details. For more information about data and privacy, please see our [Privacy Policy](#).

If you have questions about data and privacy, please email us on [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk). Or write to our Data Protection Officer at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.

## Printed survey

### Regulating street trading

**1. Do agree or disagree that street trading should be regulated in Buckinghamshire?**

Please tick (✓) one option

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ I don't know

**2. Please tell us the reasons for your answer:**

Include what has worked well, or not so well, with street trading in your experience.

**If you 'disagree' or 'strongly disagree', go to question 20.**



## What should be regulated

### 3. Which of the following should be prohibited from being offered for sale under street trading regulations?

Please tick (✓) one for each option / statement

	Prohibited	Not prohibited	I don't know
Tobacco or tobacco products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-cigarettes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy drinks to children below 16 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plastic and helium balloons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sky lanterns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single-use plastics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goods / paraphernalia associated with illegal drug use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If there are other items you think should be prohibited, please tell us here:

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## Where street trading should be regulated

### 4. Where do you think street trading should be regulated or not regulated?

Please tick (✓) one for each option / statement

	Regulated	Not regulated	I don't know
All public roads and pavements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Free and publicly accessible land adjacent to the public highway e.g. retail parks, pub gardens, car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Buckinghamshire Council parks and open spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All freely and publicly accessible open spaces including privately owned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All freely and publicly accessible enclosed spaces including privately owned e.g. shopping centres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council controlled car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-council controlled car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lay-bys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at events organised by / on behalf of Town and Parish Councils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at events organised by / on behalf of Buckinghamshire Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at one-off non-council organised community events e.g. Christmas Fayre, street parties, summer festivals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading within the grounds of schools and colleges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading within the grounds of places of worship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading on domestic properties e.g. garage sales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at travelling / visiting funfairs and circuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Regulated	Not regulated	I don't know
Trading in council controlled parks and spaces if council has given consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile traders e.g. ice cream vans, coffee vans, mobile sandwich traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5. Are there any other areas that should be regulated?**

Please tell us the area(s) in Buckinghamshire that you think should be regulated for street trading and the reasons why:

**6. Are there any other areas that should not be regulated?**

Please tell us the area(s) in Buckinghamshire that you do not think should be regulated for street trading and the reasons why:

**7. If there are areas where you think street trading should be encouraged, please tell us the area(s) and reasons why:**

**8. How do you think community events should be regulated for street trading?**

Community events include those organised by / on behalf of Town and Parish Councils, Buckinghamshire Council and non-council organised events e.g. street parties, summer festivals.

Please tick (✓) one option

- ☐ They should not be regulated
- ☐ One trading authorisation for the whole event
- ☐ One trading authorisation for each trader
- ☐ I don't know
- ☐ Other (please give details below)

**When street trading should be regulated**

**9. Do you think street trading hours should be different depending on where trading is taking place?**

Please tick (✓) one option

- ☐ Yes
- ☐ No
- ☐ I don't know

**10.If 'Yes', please tell us how different trading hours, including suggested start and end times, should apply:**

Consider town centres, town areas (non-residential) and residential areas in your answer.

**11. Do you think that street trading should be prohibited outside schools and colleges during term time?**

Please tick (✓) one option

- ☐ Yes  
☐ No  
☐ I don't know

**Please tell us the reasons for your answer:**

**Proposals for when street trading should not be authorised**

We are proposing that street trading should not be authorised when:

- 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
- 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
- there is a substantial risk to public safety
- there is a substantial risk to public to order
- there is a substantial risk to public nuisance, particularly in residential areas
- the stall or vehicle is in poor condition
- there is evidence of an over-supply of the proposed articles for sale in the area
- the proposal demonstrates inadequate measures to promote the council's environmental aspirations
- the applicant, or assistant / employee, is not considered suitable

**12.If you disagree with any of the proposals, please tell us here:**

**13.If you have any other suggestions for when street trading should not be authorised, please tell us here:**

## **Fees for street trading**

**14.Which of the following, if any, do you think we should consider if we choose to apply varying fees for street trading?**

Please tick (✓) all that apply

- ☐ I do not agree with varying fees
- ☐ Reduced first year fee for business start ups
- ☐ Time of trading (i.e. day time or night time)
- ☐ Reduced fees for trading in Opportunity Bucks ward areas
- ☐ Increased fees for areas with higher footfall
- ☐ Mobile trader or fixed location
- ☐ Other (please give details below):

## **Licences and consents**

There are important differences between licenced streets and consent streets:

### **Licenced streets**

Licences are more suited to permanent traders trading from static fixed sites.

Whilst licences generally provide greater protection for the holder, licensed traders are under an obligation to trade from the site once licensed as far as is reasonable.

Traders may be refused, or have a licence revoked, on specific grounds such as:

- lack of space
- oversupply of the same goods in the local area
- the applicant is unsuitable (e.g. because of relevant criminal history)
- history of failing to pay required fees
- failing to trade for sufficient periods under the licence

Holders have the right to appeal any decision to refuse, revoke or vary the terms of a licence.

### **Consent streets**

Consents are more suited to traders operating from non-permanent fixed sites – for example trading from a vehicle or portable stall.

Holders have less protection in comparison to licence holders – but are generally not subject to the same expectation to trade.

Consents can be revoked at any time and holders have no statutory right of appeal if a consent is refused, revoked or is modified.

Conditions may be attached to both licences and consents. Councils tend to adopt standard conditions, modified as required to suit specific circumstances.

### **15. Do you think we should issue licences or consents when authorising street trading in regulated areas?**

Please tick (✓) one option

- ☐ Licences
- ☐ Consents
- ☐ A combination of licences and consents
- ☐ I don't know

**Please tell us the reasons for your answer:**

--

## Mobile traders

We do not currently have a definition of a mobile trader. To tell the difference between mobile traders and static traders, we are proposing the following definition:

A mobile trader is 'one who trades for no longer than 15 minutes in any location, must move at least 50m from last trading location and then cannot return to same location for 24 hours'.

**16. Do you think we should regulate mobile traders that only trade from a specific location for a short period of time before moving on (e.g. ice-cream and coffee vans)?**

Please tick (✓) one option

- ☐ Yes
- ☐ No
- ☐ I don't know

**17. Do you agree that mobile traders, trading from different locations for short periods of time, should be regulated?**

Please tick (✓) one option

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

## Application and appeal process

**18. Which of the following, if any, do you think applicants should be required to provide?**

Please tick (✓) all that apply

- ☐ Basic disclosure and barring service (DBS) check for themselves
- ☐ Basic disclosure and barring service (DBS) check for any assistant
- ☐ Photograph of themselves
- ☐ Photograph of any assistant
- ☐ Evidence of right to work for themselves

**More answer options on the next page**



- ☐ Evidence of right to work for any assistant
- ☐ Location plan
- ☐ Photograph of any stall/vehicle to be used
- ☐ Evidence of public liability insurance (minimum cover £5million)
- ☐ Relevant safety certificates
- ☐ Relevant food hygiene certificates
- ☐ Evidence of measures to promote the council's environmental aspirations
- ☐ Details of articles to be offered for sale
- ☐ Other (please give details below):

**19.If we implement 'consents' there is no statutory right of appeal. If an application for consent is refused, do you think applicants should be offered an opportunity to appeal the decision?**

Please tick (✓) one option

- ☐ Yes
- ☐ No
- ☐ I don't know

## About you

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

**20.Which of the following describe you?**

Please tick (✓) all that apply

- ☐ I represent or own a business in Buckinghamshire
- ☐ I represent a community or voluntary group in Buckinghamshire
- ☐ I am an elected representative in Buckinghamshire
- ☐ I represent a Parish / Town Council or Town Committee in Buckinghamshire
- ☐ I work for Buckinghamshire Council
- ☐ Other (please give details below):

**21.Are you responding as an individual or on behalf of an organisation or council service?**

Please tick (✓) one option

- ☐ As an individual (go to end of survey)
- ☐ On behalf of an organisation or council service

**On behalf of an organisation or council service**

**22.Please provide the following details:**

Name of organisation or council service:

Your job title:

**23.When would your organisation or service expect to be consulted on applications?**

Please tick (✓) one option

- ☐ Never
- ☐ All new applications only
- ☐ All new applications and renewals
- ☐ At Licensing Officer discretion
- ☐ Other (please give details below):

**End of the survey**

**Thank you for taking the time to complete this survey.**

Please return your completed survey by midnight on 1 October 2023. You can:

- email it to [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)
- post it to Street Trading Policy, Licensing Services, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

## Help shape the Street Trading Policy for Buckinghamshire: Summary report

This report was created on Thursday 08 February 2024 at 11:55 and includes 6 responses.

The activity ran from 03/08/2023 to 01/10/2023.

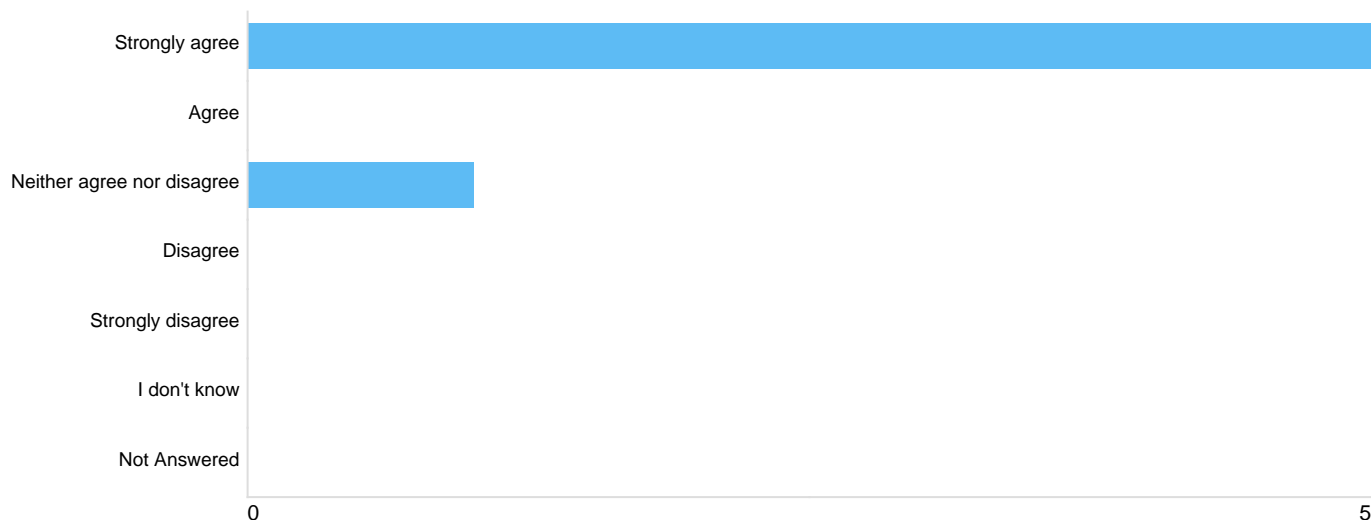
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## Do agree or disagree that street trading should be regulated in Buckinghamshire?

### Agree/disagree regulation



Option	Total	Percent
Strongly agree	5	83.33%
Agree	0	0.00%
Neither agree nor disagree	1	16.67%
Disagree	0	0.00%
Strongly disagree	0	0.00%
I don't know	0	0.00%
Not Answered	0	0.00%

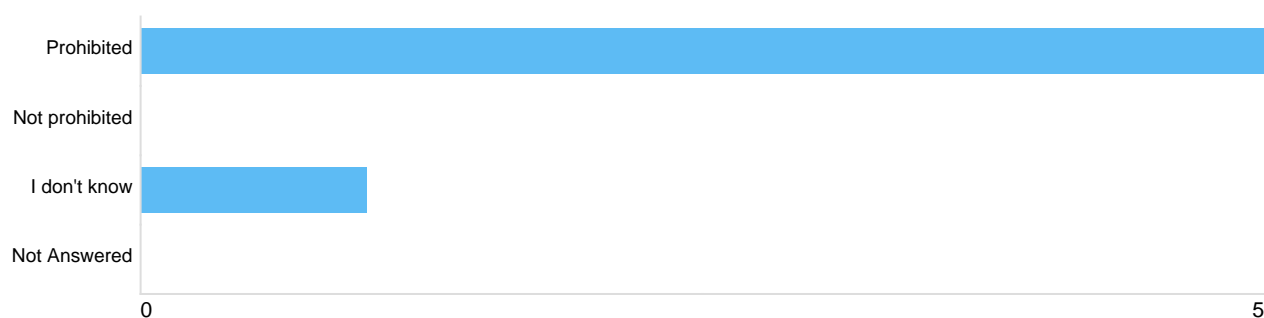
**Please tell us the reasons for your answer:**

***Reasons agree/disagree***

There were **6** responses to this part of the question.

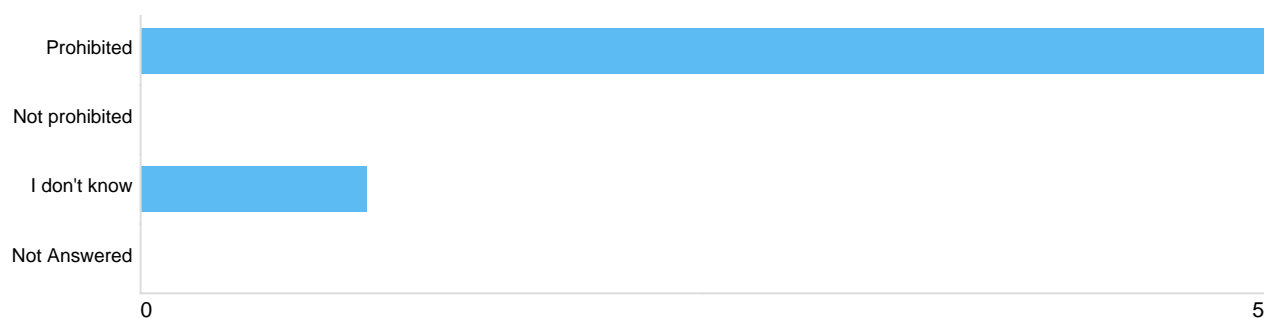
**Which of the following should be prohibited from being offered for sale under street trading regulations?**

***What should be regulated - Tobacco or tobacco products***



Option	Total	Percent
Prohibited	5	83.33%
Not prohibited	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

***What should be regulated - E-cigarettes***



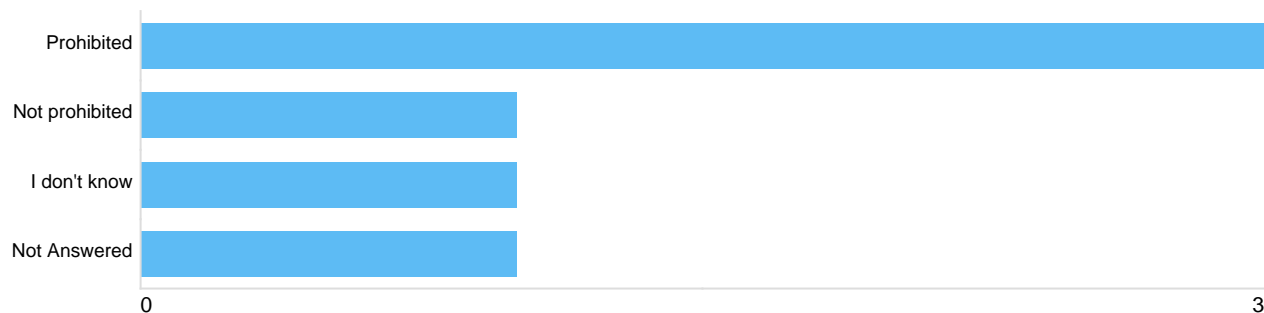
Option	Total	Percent
Prohibited	5	83.33%
Not prohibited	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

***What should be regulated - Energy drinks to children below 16 years old***



Option	Total	Percent
Prohibited	5	83.33%
Not prohibited	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

***What should be regulated - Plastic and helium balloons***



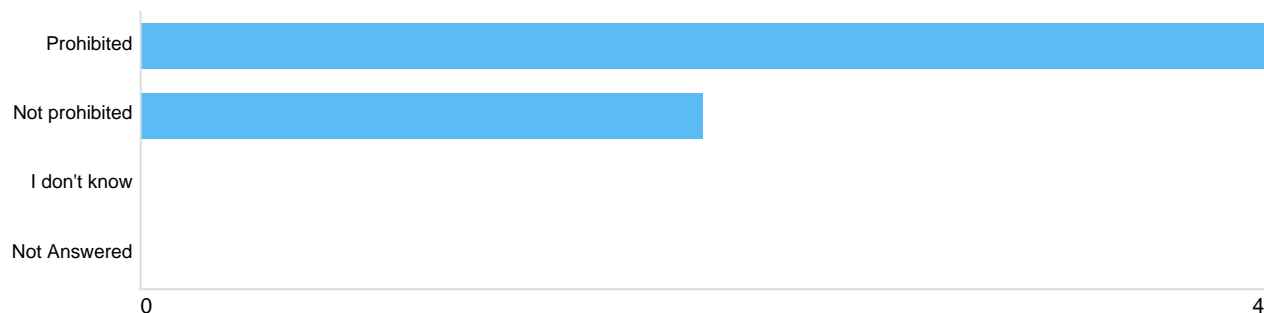
Option	Total	Percent
Prohibited	3	50.00%
Not prohibited	1	16.67%
I don't know	1	16.67%
Not Answered	1	16.67%

***What should be regulated - Sky lanterns***



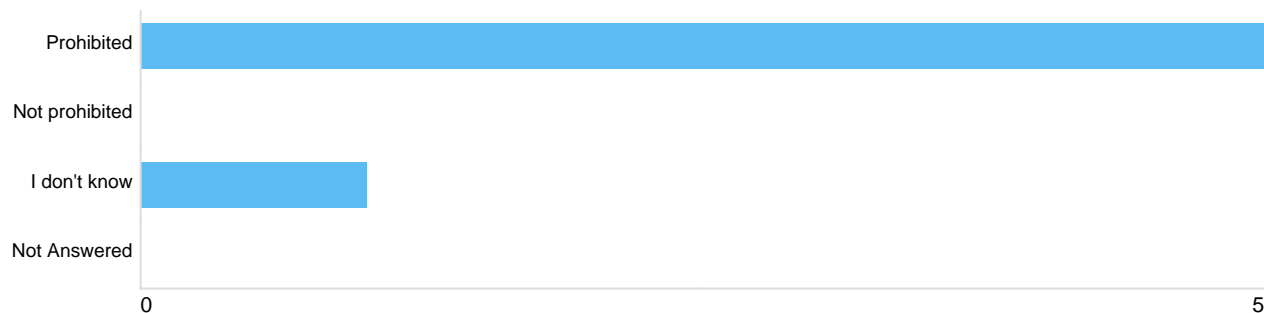
Option	Total	Percent
Prohibited	4	66.67%
Not prohibited	1	16.67%
I don't know	1	16.67%
Not Answered	0	0.00%

#### ***What should be regulated - Single-use plastics***



Option	Total	Percent
Prohibited	4	66.67%
Not prohibited	2	33.33%
I don't know	0	0.00%
Not Answered	0	0.00%

#### ***What should be regulated - Goods / paraphernalia associated with illegal drug use***



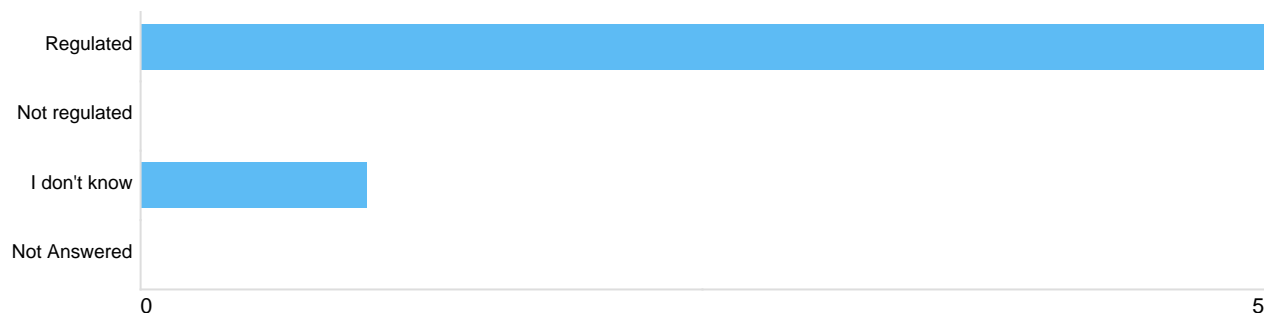
Option	Total	Percent
Prohibited	5	83.33%
Not prohibited	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

#### ***Other items prohibited***

There were 4 responses to this part of the question.

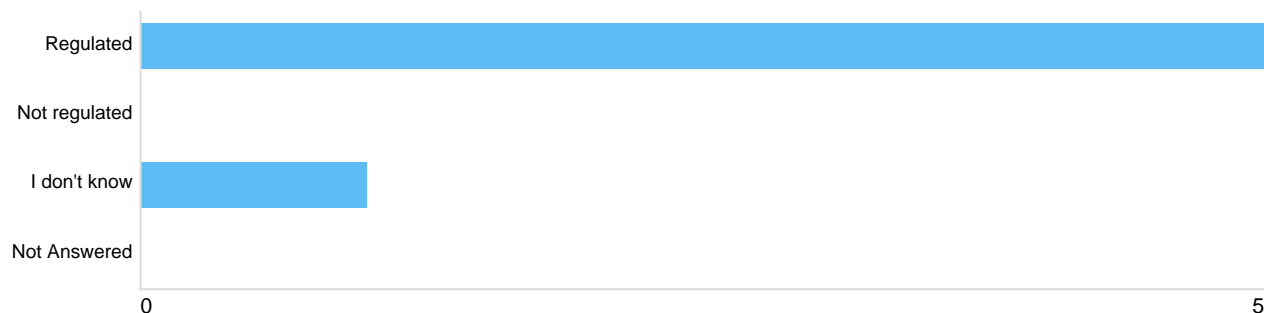
#### **Where do you think street trading should be regulated or not regulated?**

##### ***Where regulated - All public roads and pavements***



Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Free and publicly accessible land adjacent to the public highway e.g. retail parks, pub gardens, car parks**



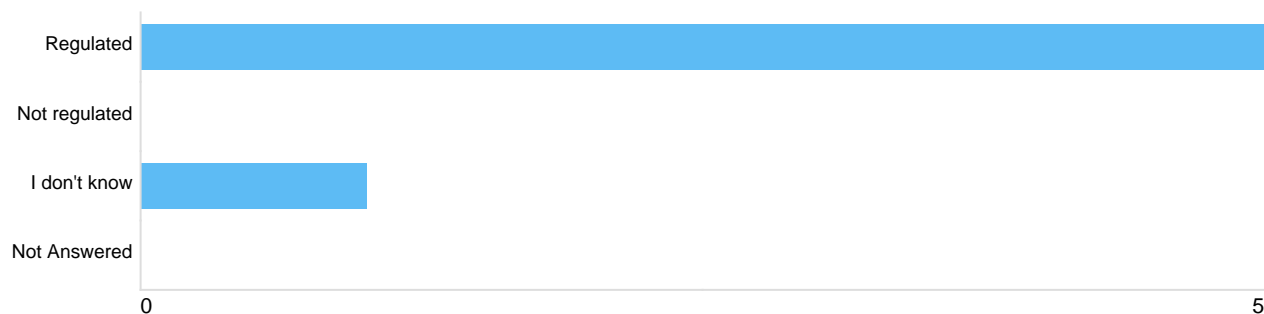
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Buckinghamshire Council parks and open spaces**



Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

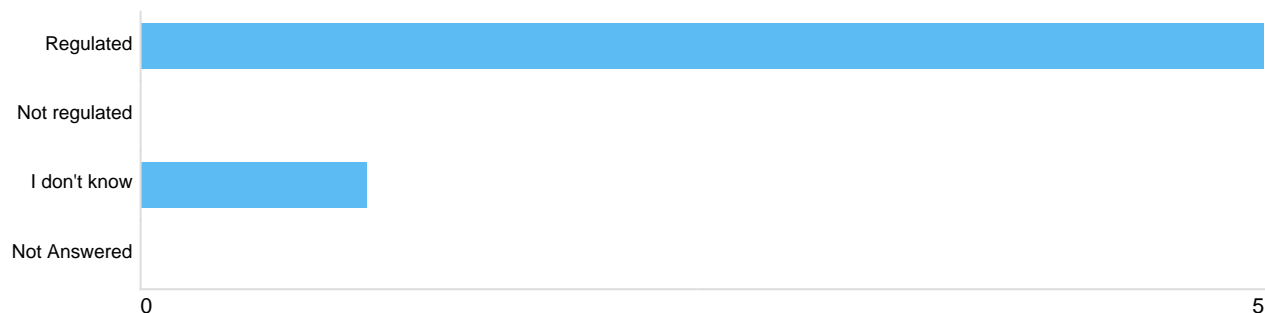
**Where regulated - All freely and publicly accessible open spaces including privately owned**





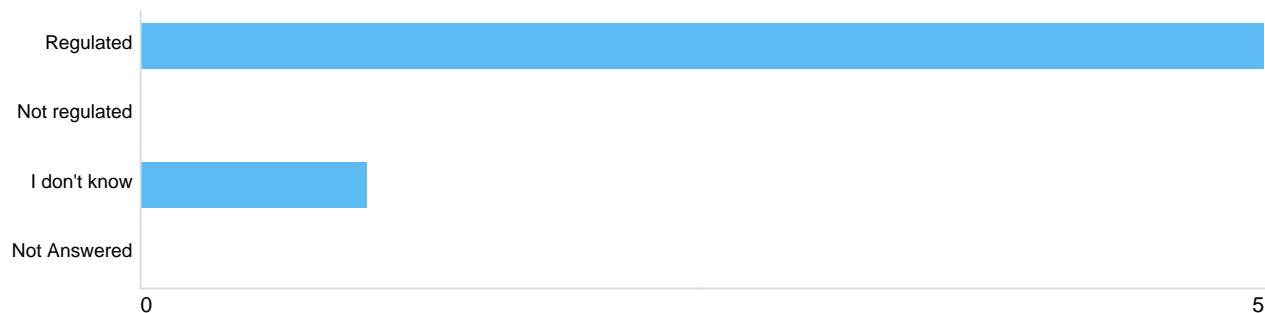
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - All freely and publicly accessible enclosed spaces including privately owned e.g. shopping centres**



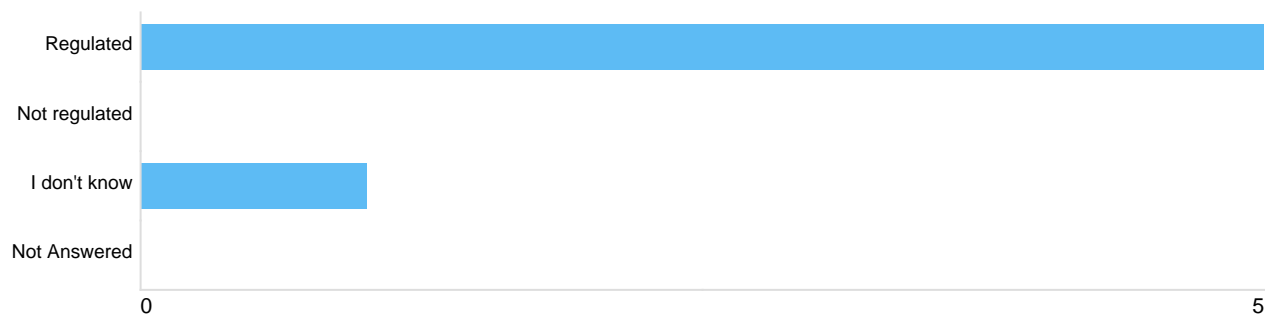
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Council controlled carparks**



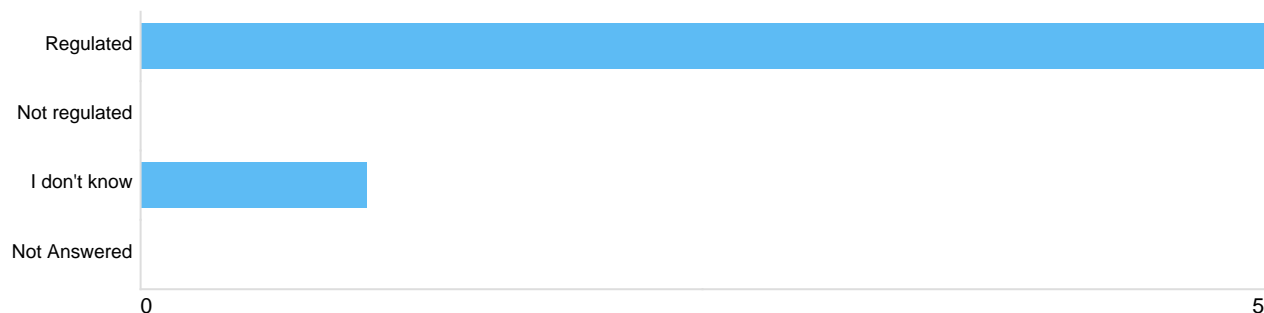
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Non-council controlled carparks**



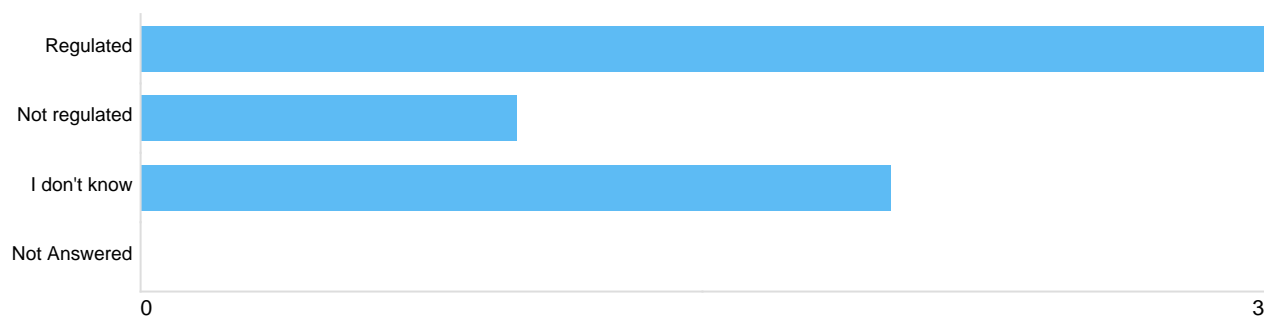
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

***Where regulated - Lay-bys***



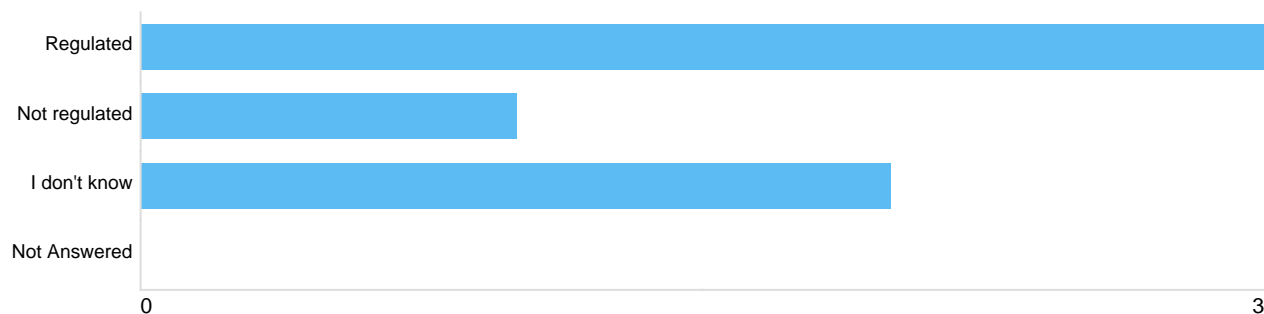
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

***Where regulated - Trading at events organised by / on behalf of Town and Parish Councils***



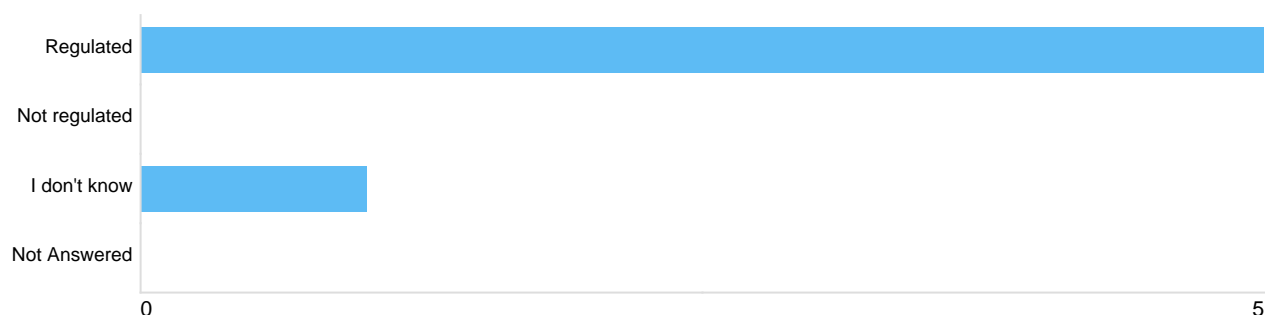
Option	Total	Percent
Regulated	3	50.00%
Not regulated	1	16.67%
I don't know	2	33.33%
Not Answered	0	0.00%

***Where regulated - Trading at events organised by / on behalf of Buckinghamshire Council***



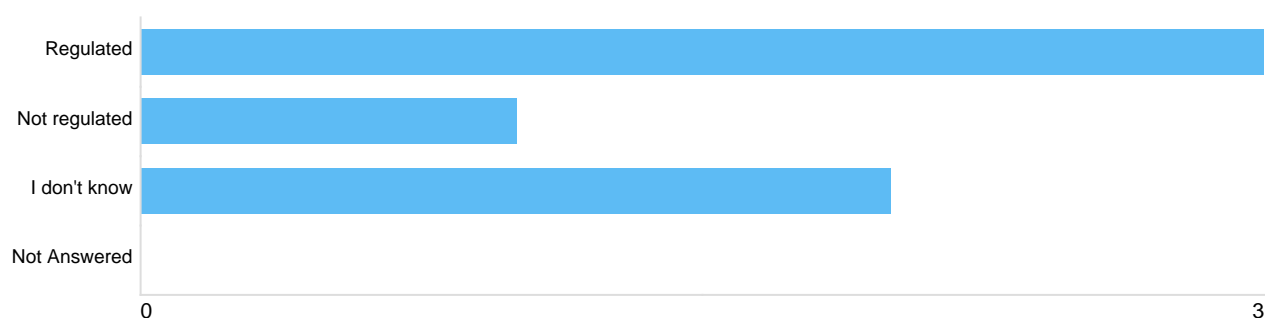
Option	Total	Percent
Regulated	3	50.00%
Not regulated	1	16.67%
I don't know	2	33.33%
Not Answered	0	0.00%

**Where regulated - Trading at one-off non-council organised community events e.g. Christmas Fayre, street parties, summer festivals**



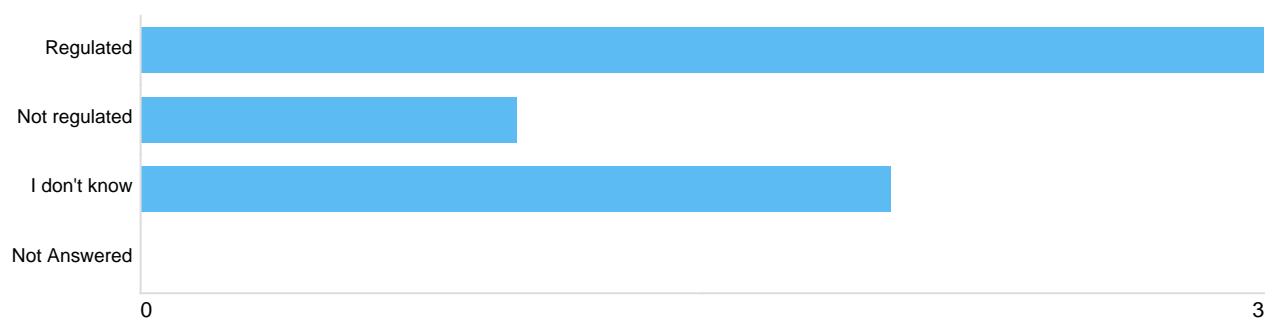
Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Trading within the grounds of schools and colleges**



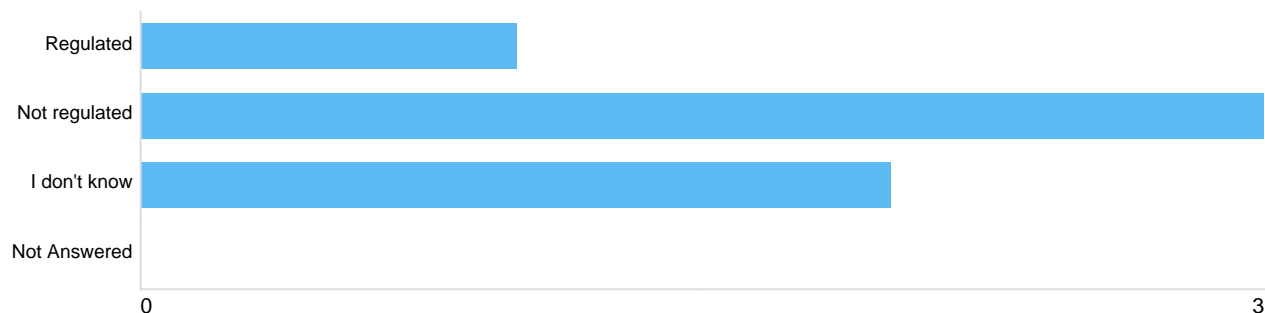
Option	Total	Percent
Regulated	3	50.00%
Not regulated	1	16.67%
I don't know	2	33.33%
Not Answered	0	0.00%

**Where regulated - Trading within the grounds of places of worship**



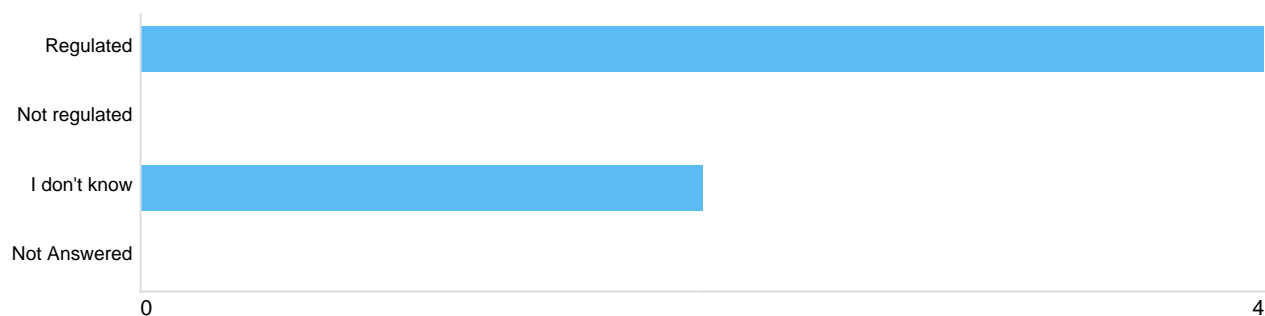
Option	Total	Percent
Regulated	3	50.00%
Not regulated	1	16.67%
I don't know	2	33.33%
Not Answered	0	0.00%

**Where regulated - Trading on domestic properties e.g. garage sales**



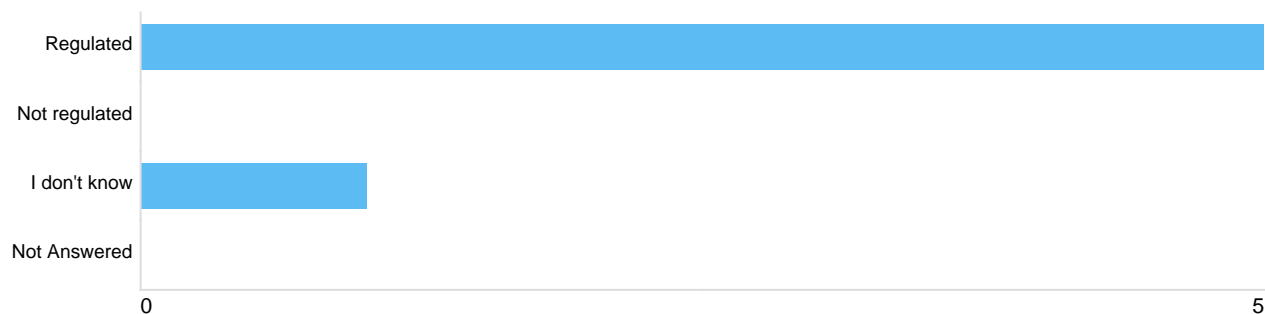
Option	Total	Percent
Regulated	1	16.67%
Not regulated	3	50.00%
I don't know	2	33.33%
Not Answered	0	0.00%

**Where regulated - Trading at travelling / visiting funfairs and circuses**



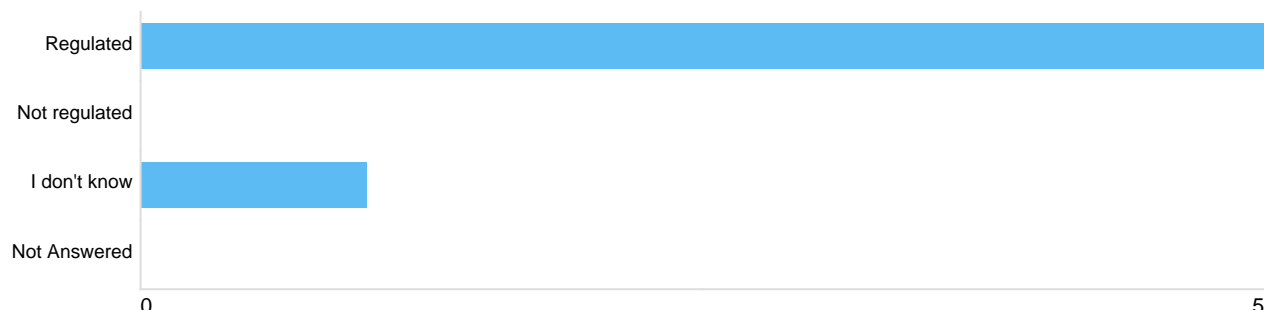
Option	Total	Percent
Regulated	4	66.67%
Not regulated	0	0.00%
I don't know	2	33.33%
Not Answered	0	0.00%

**Where regulated - Trading in council controlled parks and spaces if council has given consent**



Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Where regulated - Mobile traders e.g. ice cream vans, coffee vans, mobile sandwich traders**



Option	Total	Percent
Regulated	5	83.33%
Not regulated	0	0.00%
I don't know	1	16.67%
Not Answered	0	0.00%

**Are there any other areas that should be regulated?**

**Area(s) that should be regulated**

There were 3 responses to this part of the question.

**Are there any other areas that should not be regulated?**

**Area(s) not regulated**

There were 2 responses to this part of the question.

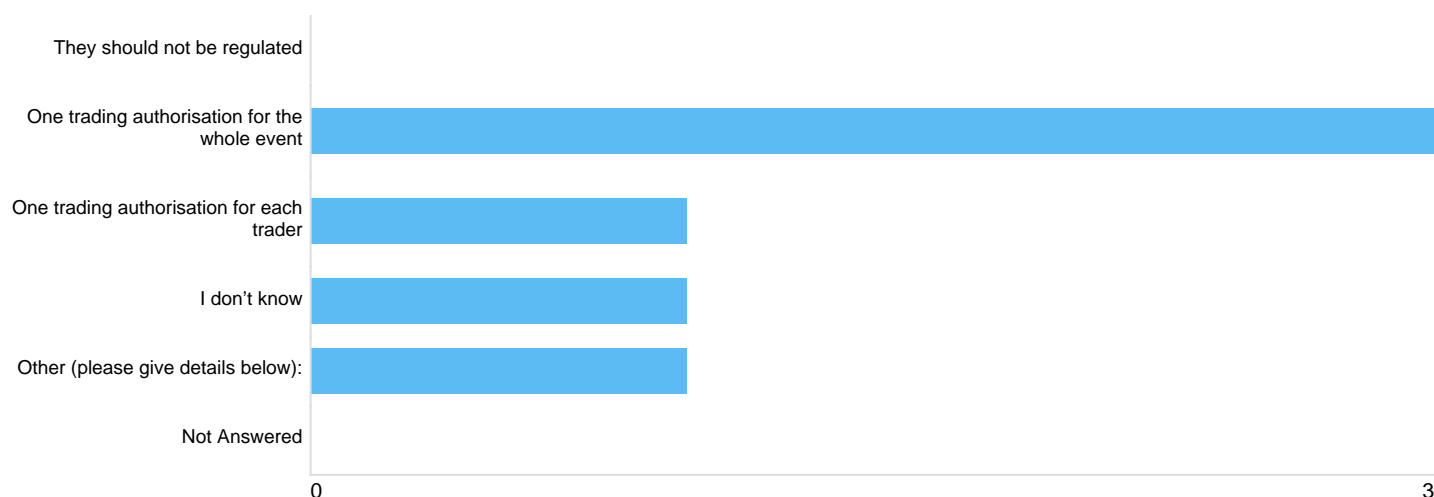
**If there are areas where you think street trading should be encouraged, please tell us the area(s) and reasons why:**

**Where to encourage**

There were 2 responses to this part of the question.

**How do you think community events should be regulated for street trading?**

**Community events**



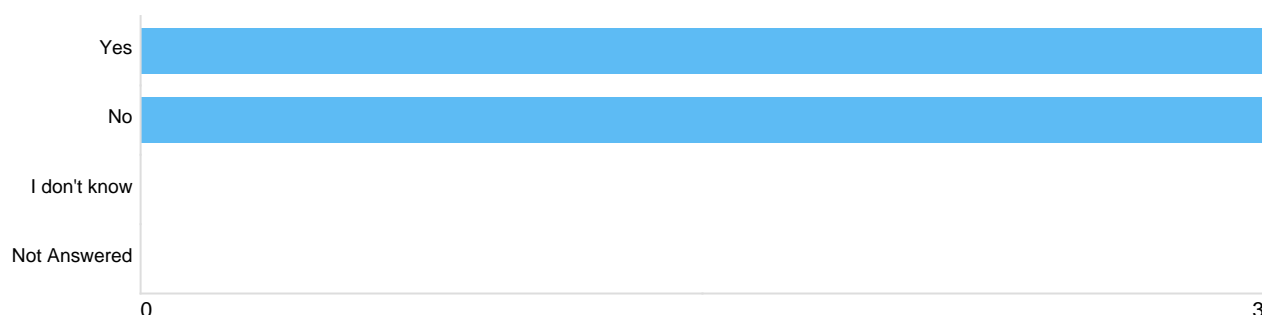
Option	Total	Percent
They should not be regulated	0	0.00%
One trading authorisation for the whole event	3	50.00%
One trading authorisation for each trader	1	16.67%
I don't know	1	16.67%
Other (please give details below):	1	16.67%
Not Answered	0	0.00%

#### ***Other - community events***

There was 1 response to this part of the question.

### **Do you think street trading hours should be different depending on where trading is taking place?**

#### ***Trading hours***



Option	Total	Percent
Yes	3	50.00%
No	3	50.00%
I don't know	0	0.00%
Not Answered	0	0.00%

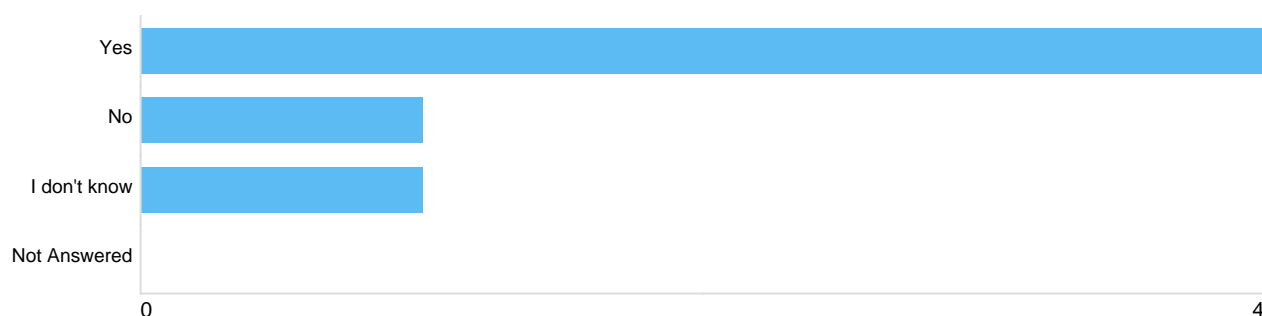
**If 'Yes', please tell us how different trading hours, including suggested start and end times, should apply:**

#### ***Suggested different hours***

There were 4 responses to this part of the question.

### **Do you think that street trading should be prohibited outside schools and colleges during term time?**

#### ***Outside schools***



Option	Total	Percent
Yes	4	66.67%
No	1	16.67%
I don't know	1	16.67%
Not Answered	0	0.00%

#### ***Reasons***

There were 4 responses to this part of the question.

If you disagree with any of the proposals, please tell us here:

Disagree

There were 2 responses to this part of the question.

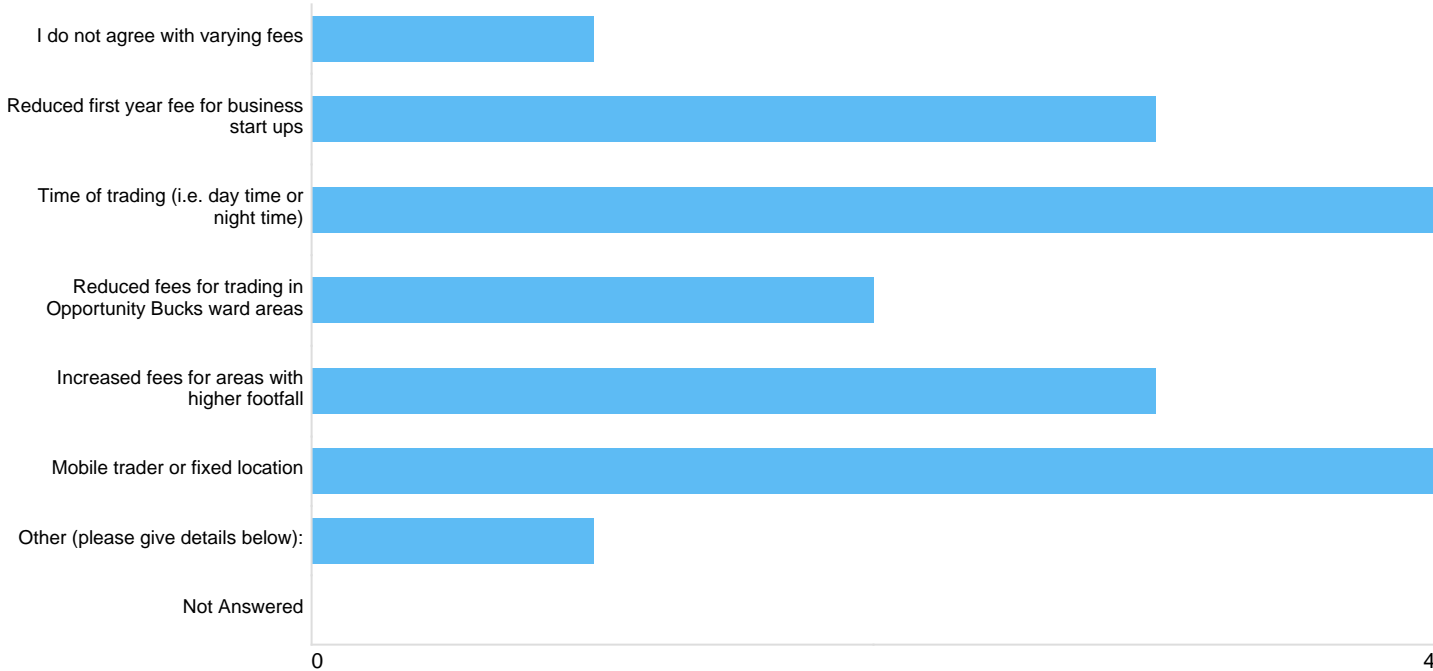
If you have any other suggestions for when street trading should not be authorised, please tell us here:

Other suggestions

There was 1 response to this part of the question.

Which of the following, if any, do you think we should consider if we choose to apply varying fees for street trading? (Select all that apply)

Varying fees



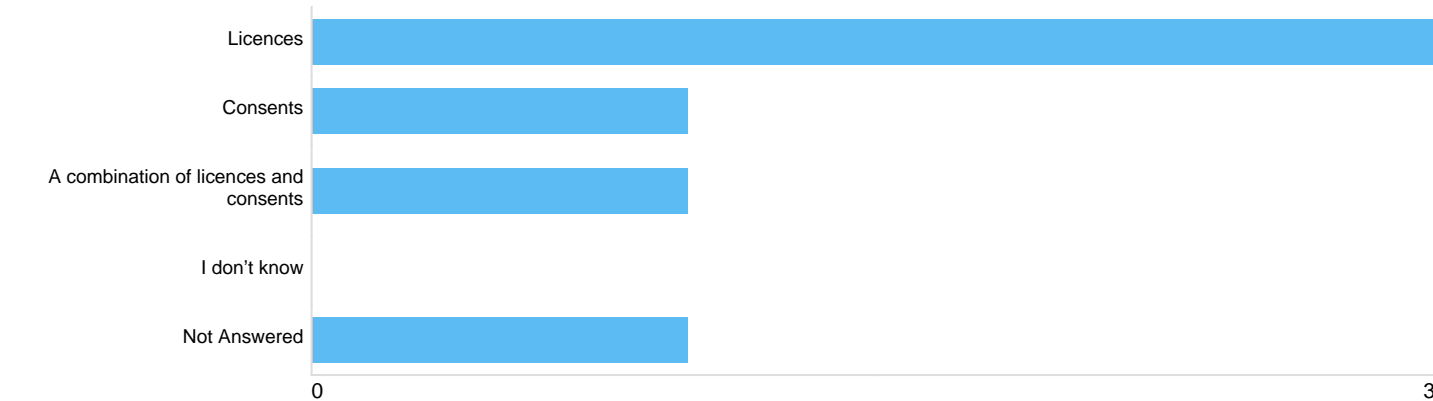
Option	Total	Percent
I do not agree with varying fees	1	16.67%
Reduced first year fee for business start ups	3	50.00%
Time of trading (i.e. day time or night time)	4	66.67%
Reduced fees for trading in Opportunity Bucks ward areas	2	33.33%
Increased fees for areas with higher footfall	3	50.00%
Mobile trader or fixed location	4	66.67%
Other (please give details below):	1	16.67%
Not Answered	0	0.00%

Other

There was 1 response to this part of the question.

Do you think we should issue licences or consents when authorising street trading in regulated areas?

Licences or consents



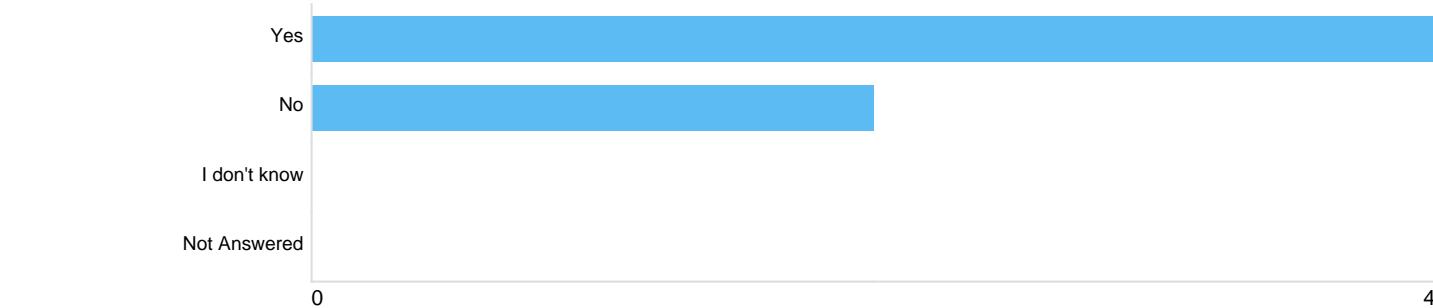
Option	Total	Percent
Licences	3	50.00%
Consents	1	16.67%
A combination of licences and consents	1	16.67%
I don't know	0	0.00%
Not Answered	1	16.67%

Reasons

There were 2 responses to this part of the question.

Do you think we should regulate mobile traders that only trade from a specific location for a short period of time before moving on (e.g. ice-cream and coffee vans)?

Specific location

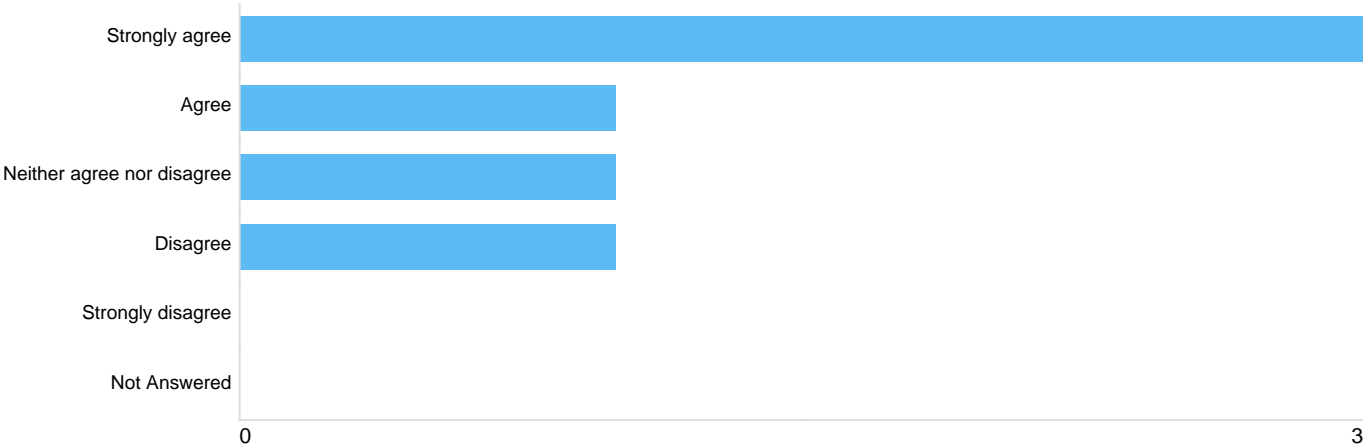




Option	Total	Percent
Yes	4	66.67%
No	2	33.33%
I don't know	0	0.00%
Not Answered	0	0.00%

Do you agree that mobile traders, trading from different locations for short periods of time, should be regulated?

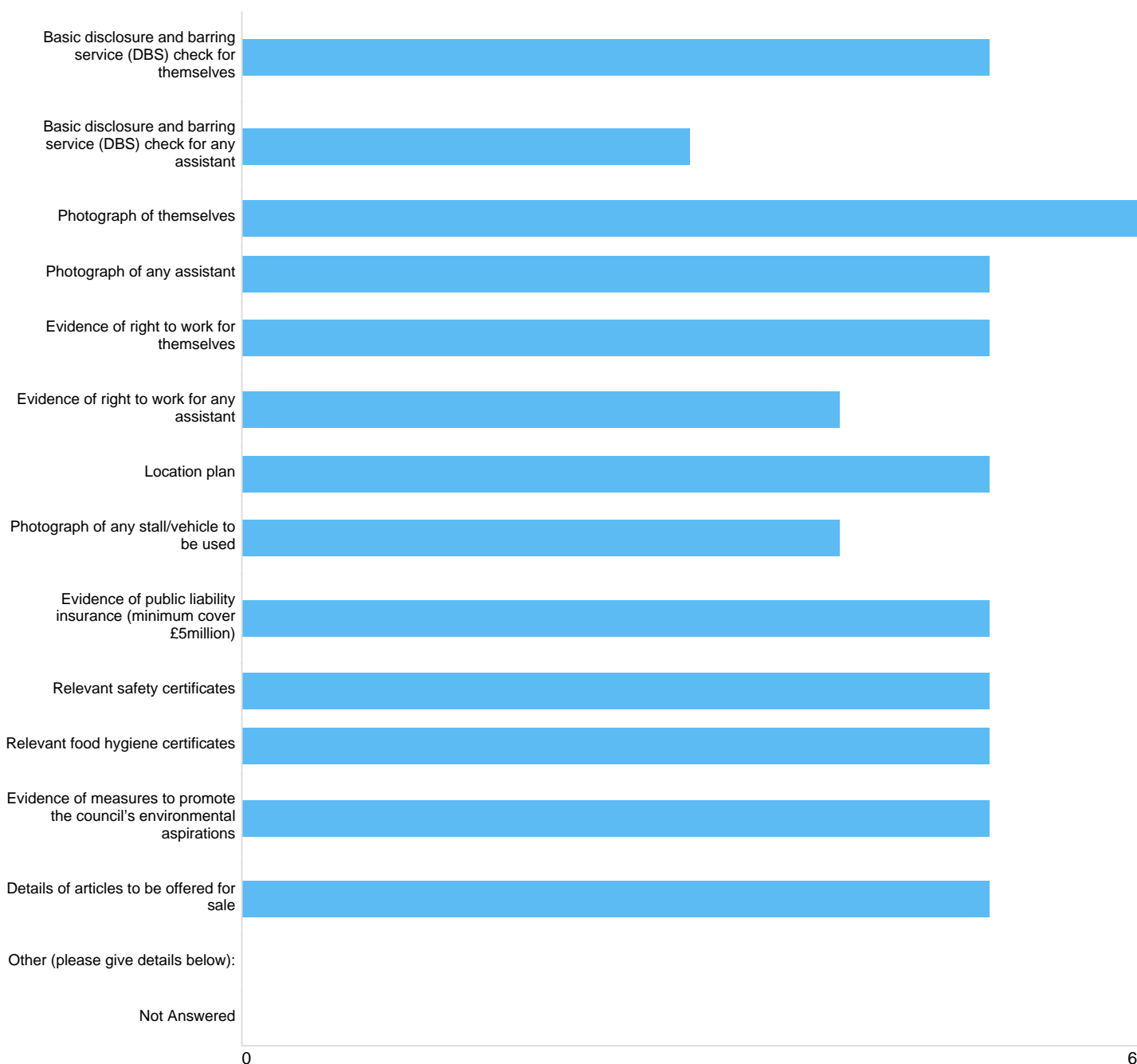
Mobile trader



Option	Total	Percent
Strongly agree	3	50.00%
Agree	1	16.67%
Neither agree nor disagree	1	16.67%
Disagree	1	16.67%
Strongly disagree	0	0.00%
Not Answered	0	0.00%

**Which of the following, if any, do you think applicants should be required to provide? (Select all that apply)**

**Provide**



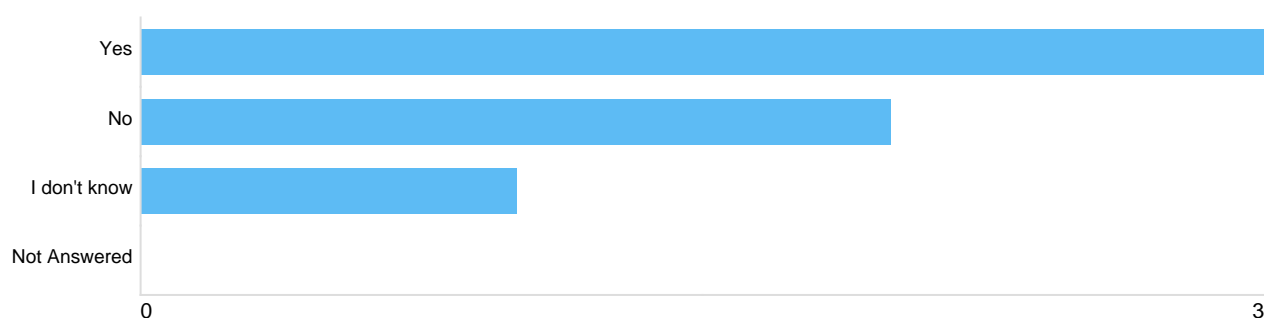
Option	Total	Percent
Basic disclosure and barring service (DBS) check for themselves	5	83.33%
Basic disclosure and barring service (DBS) check for any assistant	3	50.00%
Photograph of themselves	6	100.00%
Photograph of any assistant	5	83.33%
Evidence of right to work for themselves	5	83.33%
Evidence of right to work for any assistant	4	66.67%
Location plan	5	83.33%
Photograph of any stall/vehicle to be used	4	66.67%
Evidence of public liability insurance (minimum cover £5million)	5	83.33%
Relevant safety certificates	5	83.33%
Relevant food hygiene certificates	5	83.33%
Evidence of measures to promote the council's environmental aspirations	5	83.33%
Details of articles to be offered for sale	5	83.33%
Other (please give details below):	0	0.00%
Not Answered	0	0.00%

### Other

There were **0** responses to this part of the question.

**If we implement 'consents' there is no statutory right of appeal. If an application for consent is refused, do you think applicants should be offered an opportunity to appeal the decision?**

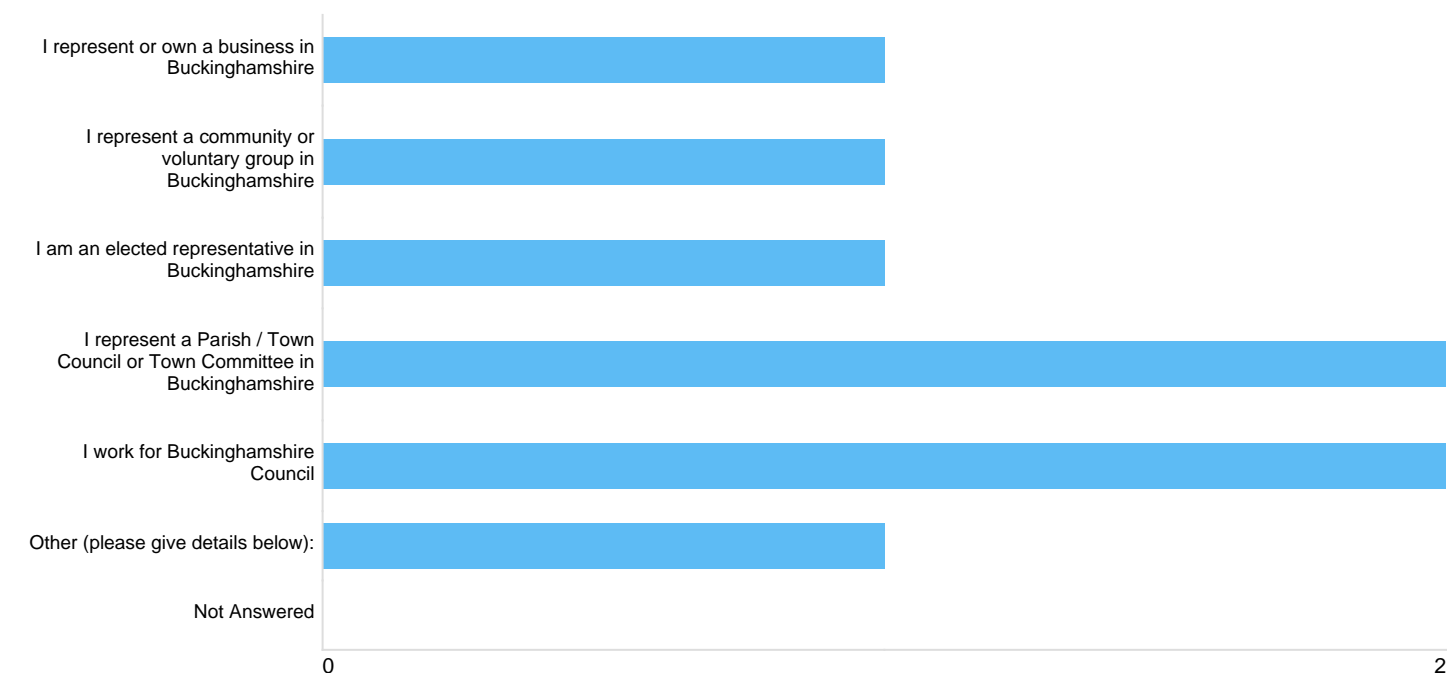
### Consent appeal



Option	Total	Percent
Yes	3	50.00%
No	2	33.33%
I don't know	1	16.67%
Not Answered	0	0.00%

### Which of the following describe you? (Select all that apply)

#### Capacity



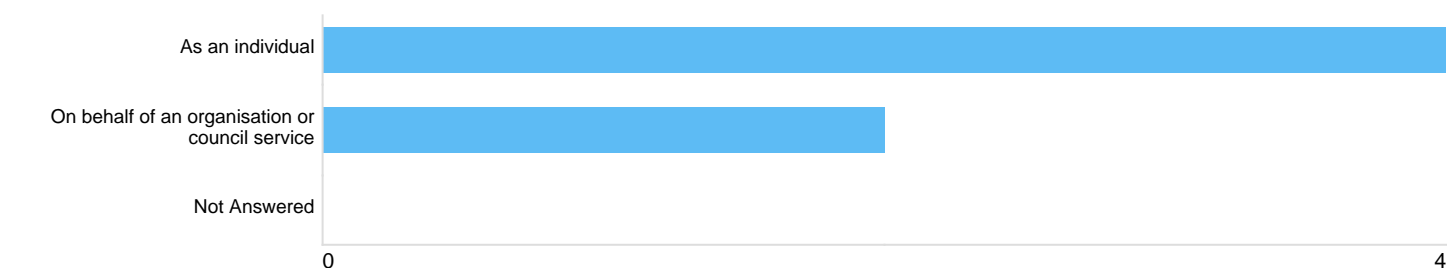
Option	Total	Percent
I represent or own a business in Buckinghamshire	1	16.67%
I represent a community or voluntary group in Buckinghamshire	1	16.67%
I am an elected representative in Buckinghamshire	1	16.67%
I represent a Parish / Town Council or Town Committee in Buckinghamshire	2	33.33%
I work for Buckinghamshire Council	2	33.33%
Other (please give details below):	1	16.67%
Not Answered	0	0.00%

#### Other

There was 1 response to this part of the question.

### Are you responding as an individual or on behalf of an organisation or council service?

#### Individual or organisation



Option	Total	Percent
As an individual	4	66.67%
On behalf of an organisation or council service	2	33.33%
Not Answered	0	0.00%

**Please provide the following details:**

***Name of organisation or council service:***

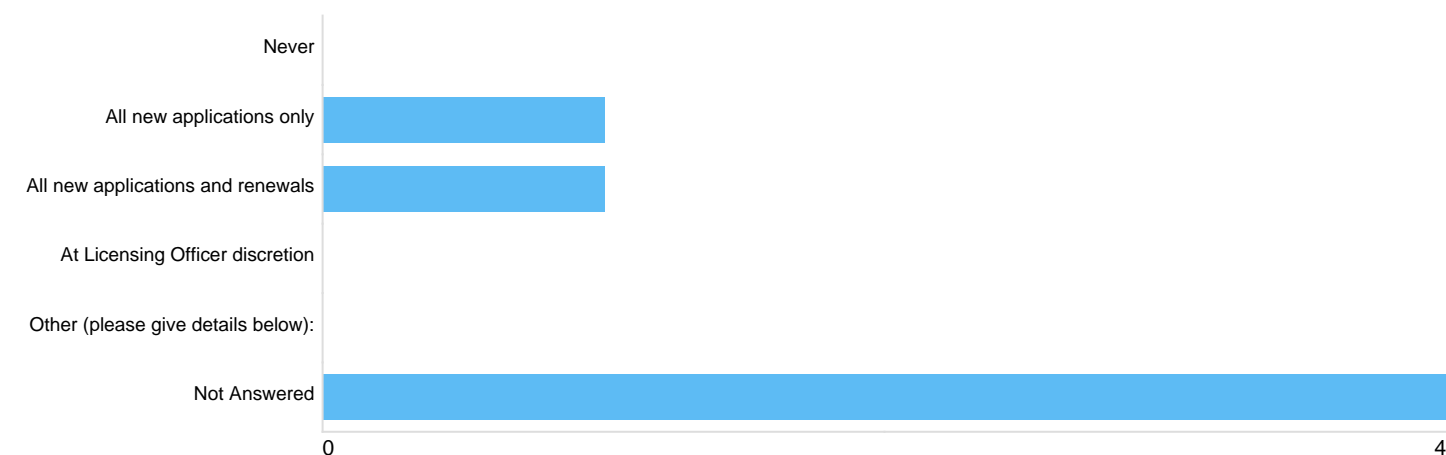
There were **2** responses to this part of the question.

***Your job title:***

There were **2** responses to this part of the question.

**When would your organisation or service expect to be consulted on applications?**

***When consulted***



Option	Total	Percent
Never	0	0.00%
All new applications only	1	16.67%
All new applications and renewals	1	16.67%
At Licensing Officer discretion	0	0.00%
Other (please give details below):	0	0.00%
Not Answered	4	66.67%

***Other***

There were **0** responses to this part of the question.

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## Report to Licensing (Regulatory) Committee

**Date:** 27<sup>th</sup> February 2024

**Title:** Taxi and Private Hire Licensing Budget Review and Fees and Charges

**Author(s):** Lindsey Vallis, Service Director – Transport & Regulatory Services

**Recommendation:**

That the proposed fees and charges set out at Appendix A are agreed prior to consultation and statutory advertising.

### 1. Background

- 1.1 Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.
- 1.2 In July 2021 taxi and private hire fees and charges were approved as part of the implementation of a new [Taxi and Private Hire Licensing Policy](#) for Buckinghamshire, which came into effect in September 2021. The Licensing Service also went through the Better Buckinghamshire programme in 2021 and new structures for a harmonised Licensing Service, organised by specialism rather than geographical location, came into effect from the 1st September 2021. This created a single taxi and private hire licensing service serving the whole of Buckinghamshire and operating under the new Policy.
- 1.3 Assurances were provided to the Licensing Committee that a full annual review of taxi licensing budgets and fees and charge would be carried out a year into implementation of the new Policy. This would enable the service to fully understand any surplus or deficit at that point and ensure that any adjustments required could be considered. This review was carried out between September and December 2022 and showed an adverse forecast position for the 2022/23 period of £100k. The main reasons for this were a reduction of application income into the service as a result of the longer term impacts of the Covid-19 pandemic and the alignment of legacy

council licensing arrangements, which meant that licence holders who may have previously required more than one licence to work across Buckinghamshire, now only required one.

- 1.4 A revised set of taxi and private hire licensing fees and charges were presented to the Committee in January 2023 which were set at such a level to return the service to a cost neutral position over the following three financial rolling years. These fees were approved for statutory advertisement and consultation purposes and were subsequently approved by the Committee in April 2023 for implementation.
- 1.5 Given the uncertainties at the time around the wider economy and the national trends on taxi and private hire driver and vehicle numbers following the impacts of the Covid-19 pandemic, it was proposed that the taxi and private hire licensing budget position be reported again to the Committee in Q4 of 2023/24. This would provide the opportunity to ensure that the budget position was as anticipated at the time that the fees and charges were set, and that the service had maintained a cost neutral position. It would also provide an opportunity to carry out the annual review of fees and charges for the following year (2024/25) in relation to any increase in RPI that may be required to recover related increased costs to the Council.
- 1.6 This report provides the Committee with the projected budget position for the 2023/24 financial period and proposes a 4% uplift is applied to fees and charges for the 2024/25 period to ensure that the service remains cost neutral to the Council.

## **2. Main content of report**

### **Fees and charges – legislative framework**

- 2.1 Taxi and private hire fees should be kept under annual review and a full review should be undertaken regularly and at least every 3 years to ensure that fees and charges are set at an appropriate level. Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.
- 2.2 The relevant legal provisions are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53(2) with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 2.3 Regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that where a charge is made for any such approval,



consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an executive of the authority. As a result, fee setting for taxi licensing is a non-executive function of the Council and decisions are taken by the Licensing Committee.

- 2.4 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.5 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. However, the judgement in the Court of Appeal case of R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019) determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 2.6 Licence fees cannot be used for enforcement activities against unlicensed activities and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds, and costs awarded following Court proceedings. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 2.7 The general methodology behind the review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case in relation to enforcement costs.
- 2.8 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.
- 2.9 The LGA guidance draws attention to two important judicial decisions in relation to fees. The first is R (Cummings) v Cardiff [2014] in which the Council conceded that the charges within a licensing regime for different categories of licence should be

accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.

- 2.10 The second is R (Hemming) v Westminster City Council [2017]. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle and might inform the Council's refund policy in respect to unsuccessful applications.
- 2.11 The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development, determination and production of licensing policies, web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.

#### **Annual review of fees and charges 2023/24**

- 2.12 An annual review of the cost of delivering taxi licensing services has recently been carried out. The Council's financial accounting period runs from April to March and therefore figures have been extrapolated to cover this period for ease of approach and future reviews. Managers within the service actively monitor and forecast budgets month to month and are therefore aware of, and actively manage, surplus and deficit budgets on an ongoing basis. However, meaningful longer-term conclusions on the overall budget position have to consider income and expenditure over a reasonable period of time alongside data available on future anticipated application numbers over the 1-year (vehicle), 3 year (driver) and 5 year (operator) application cycle.
- 2.13 New fees are proposed that reflect both the full staffing costs of running the service, as well as the support service costs, with likely pay award and inflationary uplifts. As required, this review has factored in recoverable costs incurred by the Council such as IT provision, administration, supplies and services etc. It does not include Freedom of Information requests, Data Protection Act requests or activity related to unlicensed drivers, operators or vehicles. A fee schedule of the proposed fees and charges is provided at Appendix A.
- 2.14 Where the fee pays for a service provided to the Council by a supplier, such as DVLA checks or a physical item such as a plate or bracket for a vehicle, this has been

factored into the fee. Supplier costs to the Council can vary subject to wider market pressures and contract costs and are generally increased annually to reflect this. This means that these costs to the Council will be considered annually and, where required, fees and charge updated to directly reflect these increased costs. Fees that are paid by the applicant directly to an external supplier for services required as part of the application or licensing process, such as safeguarding training medical examinations and testing for driving standards and English language, have not been included.

- 2.15 Annually the Department for Transport (DfT) publish taxi and private hire vehicle statistics for England. The 2023 statistics show that between 31<sup>st</sup> March 2022 and 1<sup>st</sup> April 2023 the total number of licensed vehicles and drivers in England both increased compared with the previous year but remain below pre-pandemic (2020) levels. Recovery rates for licensed vehicles have been greater than for drivers likely reflecting the shorter 1-year licence duration period. In England (outside of London) the number of licensed vehicles increased by 12% between 2022 and 2023 and the number of drivers by 8%. The Service actively considers this data when reviewing fees and charges.
- 2.16 In arriving at the proposed fee levels, Officers have also considered any changes to processes and changes of operational approach since the full budget review in 2022/23. This information has been considered against anticipated application volumes (new and renewal) for the 2023/24 period and for the 2024/25 period for each licence type. Future staffing costs and direct and indirect costs (as per the LGA guidance) have also considered in order to arrive at the proposed fees and charges. The methodology and approach used have had input and oversight from Finance Business Partner colleagues.
- 2.17 The high-level projected budget position for the financial period 2023/24 for the taxi and private hire licensing service is provided below:

	<b>Budget 2023-24 £</b>	<b>Forecast Budget 2023-24 £</b>	<b>Under/Overspend +/- £</b>
<b>Employee Costs</b>	968,221	975,694	7,473
<b>Running Expenses</b>	128,405	153,399	24,994
<b>Previous Year Deficit</b>	33,000	33,000	0
<b>Taxi Licensing Income</b>	-1,129,626	-1,178,546	-48,920
<b>Estimated Actual Total +/-</b>	<b>0</b>	<b>-16,453</b>	<b>-16,453</b>

- 2.18 Employee costs include salary, pension, national insurance & redundancy costs as well as agency staff and/or consultancy costs. Running expenses include recoverable support services and other costs such as training and professional subscriptions, IT provision, administration, supplies and services. This includes services and supplies for the licensed trade such as the provision of DVLA and HMRC checks and vehicle licence plates, door signs and driver badges.
- 2.19 Forecast application income into the service is projected to be slightly higher than budgeted and likely reflects the gentle recovery of the licensed trade post-pandemic as per 2.15. Running costs and staffing costs have increased in line with this and are offset by the additional income received.
- 2.20 The projected end of year position for 2023/24 indicates that the full review of fees and charges that was carried out between September and December 2022 was accurate. The resulting increases to fees and charges applied in April 2023 were appropriate and have achieved a balanced position. The Service has also been able to contribute the required percentage for this period to offset the £100k deficit at end of year in 2022/23. The forecast is that the outturn position will be £16k positive at end of year. This amount will be held in reserve funds and used to offset any additional spending pressures such as software/application changes and development and legal fees. Any remaining reserve funds will be reviewed as part of the annual fee review and considered fully within the rolling 3 year full review cycle so as to ensure the Council is maintaining a cost neutral position and not making a profit or surplus.
- 2.21 To maintain an assured cost neutral position for 2024/25 it is proposed that a 4% increase is applied to all taxi and private hire fees and charges. Whilst corporately, across the wider organisation, fees and charges are generally proposed to increase by 7% (where the Council is able to set them), services like taxi and private hire licensing, that operate on a full cost recovery basis, are able to apply a lower percentage increase where the data and financial forecasting indicates it is appropriate to do so. Corporate finance has provided indicative guidance to services that a 4% increase may be appropriate in this scenario, and this has been considered, alongside comprehensive data evaluation, when proposing the new fees and charges levels.
- 2.22 A benchmarking exercise was carried out of current fee levels charged by neighbouring local authority areas (12) and this is attached as Appendix B. A comparison of the proposed fees for 2024/25 against the current (or proposed) average fee charged across the neighbouring local authorities is attached as Appendix C. Fees charged by Transport for London (TfL) have been excluded from

the calculation of average fees charged because they are not comparable in terms of scale and operation, although TfL fees have been provided for information purposes.

- 2.23 Benchmarking shows that Milton Keynes Council, Dacorum Borough Council and Wokingham Borough Council have reviewed their fees and charges since we last benchmarked against them, with increases proposed for 2024/25. When benchmarking was previously carried out in December 2022 most authorities had reviewed and increased their fees since previous benchmarking in 2021. This is good practice but also likely to have been influenced by the introduction of the Statutory Standards in July 2020 and associated increased workload activity.
- 2.24 It is common for local authorities to exclude some pre-requisite qualifications and checks e.g., English language tests, knowledge test from a driver fee but the approach to this is not consistent and therefore direct comparisons are not always reliable. In comparison to the average driver fees charged by neighbouring local authorities, benchmarking indicates that while proposed driver fees will increase very slightly from current levels, they remain cheaper at first licence for both private hire, hackney carriage and dual licence applicants. The level of activity carried out within the Service for renewal applicants is comparative to that for new drivers and therefore the fee charged is consistent for both and proposed renewal fees are higher than the average fee across our neighbouring authorities but remain lower than some at an individual level. When the proposed fee is considered over the 3-year licence duration period, the annual cost for a driver licence would be £123.
- 2.25 Vehicle licensing and enforcement activity is the largest sector of work undertaken by the service and the Council has a robust enforcement plan in place which includes enforcement at large events throughout the district, monitoring school contract runs at start and end of the school day alongside the Client Transport Compliance team, joint operations with Thames Valley Police, plying for hire test purchase exercises, Equalities Act compliance monitoring and regular out of hours town centre and rank enforcement activity. The service also investigates and act on complaints related to licensed vehicles (as summarised in the regular enforcement reports provided to the Committee). The Taxi and Private Hire Licensing Policy introduced additional public safety requirements around vehicle licensing including DBS vetting of applicants, checking each application to ensure that the vehicle presented for licence is not a Category S vehicle (a vehicle that has previously suffered structural damage severe enough to have affected the structural integrity of the vehicle) as well as complexities relating to differing grandfather rights as a result of the previous 4 area policies in place and different requirements for age limits of vehicles.
- 2.26 In addition, vehicle testing arrangements have been repocured across the whole county area and a consistent and robust approach is taken with all vehicles that fail an MOT which aims to ensure a high standard of licensed vehicle for the travelling public. Vehicles that fail an MOT have their licences suspended in the majority of

cases, until the vehicle is roadworthy and compliant with Policy requirements at which point the licence is reinstated. Officers run training workshops for approved testing centres and routinely visit testing centres to ensure adherence to standards. In comparison to the average vehicle fees charged by neighbouring local authorities, the proposed fees are very marginally (2%) more expensive for new private hire licences but cheaper for private hire renewal and both new and renewal hackney carriage licences.

- 2.27 Since the introduction of the Taxi and Private Hire Licensing Policy the activity undertaken around operator licences has increased significantly. Operator applications are subject to high levels of scrutiny and vetting. This includes thorough DBS checks on applicants, including all company directors, scrutiny of staff working within the private hire company including DBS checks and employment policies to ensure suitability, review of lease arrangements for vehicles, and background checks with other local authorities and partners e.g. Police and fraud investigation teams. The service undertakes engagement and enforcement with operators to ensure that Policy requirements are understood and applied. This includes an initial inspection on first application followed by an annual review/visit. The service also investigates and act on intelligence and complaints related to licensed vehicles (as summarised in the regular enforcement reports provided to the Committee).
- 2.28 In comparison to the average operator fees charged by neighbouring local authorities, the proposed fees are cheaper for operators with one vehicle and 10-50 vehicles but more expensive for operators with less than 10 vehicles or more than 50 vehicles. Despite being more expensive than the average for some fees, operator fees remain lower than some of our neighbouring local authorities at a local level with Milton Keynes, Windsor & Maidenhead and Three Rivers charging consistently higher fees and central Bedfordshire and Slough charging at a higher rate for some fee bands. When the proposed fee is considered over the 5-year licence duration period, the annual cost for a new operator with one vehicle would be £119. For a new operator with less than 10 vehicles the annual cost would be £233 and for a new operator with 10-50 vehicles the annual cost would be £386.
- 2.29 Whilst the Service is always mindful of the impacts of an increase in fee to licensed holders, the legislative framework on cost recovery means that fees should increase if the service is to remain cost neutral to the Council. The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus or deficit. The increase of 4% to fees and charges is both reasonable and proportionate when considered against the wider economic context.

### **3. Next steps and review**

- 3.1 If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. Section 70 of the Act sets out statutory advertising requirements in relation to vehicle and operator licences which require that an advert must be published within a local newspaper and at least 28 days provided for comments to be made. It is proposed that this consultation period will begin during March 2024. The licensed taxi and private hire trade will be made aware of the consultation and how to feed in via email and SMS as well as through the quarterly [Taxi and Private Hire Newsletter](#).
- 3.2 Following the statutory consultation process, a further report will be presented to this committee at the next meeting on 16<sup>th</sup> April 2024, setting out the results of the consultation and any amendments made to the proposed fees as a result.
- 3.3 If approved, the final proposed fees will take effect across the whole Council area from 22<sup>nd</sup> April 2024.
- 3.4 Fees will be reviewed annually, and further reports will be provided to this committee following review.

### **4. Other options considered**

None. Taxi fees should be cost neutral, and a reasonable fee must be charged to cover the cost of the service. Legally the Council cannot make a profit from taxi licensing.

### **5. Legal and financial implications**

Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle. The Budget and forecast position for taxi and private hire licensing is provided above at 2.17. Given that taxi and private hire licensing is required to be cost neutral by law there are no impacts on the Councils medium term financial plan.

### **6. Corporate implications**

- 6.1 Protecting the vulnerable – The licensed trade provides an important service transporting members of the public, some of whom are vulnerable due to their age or for other reasons. Taxi fees should be set at a level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence, and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.

- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – the legislative framework is such that it is difficult for Councils to incentivise the use of environmentally friendly vehicles through reduced fee levels as the costs associated with processing and administering a vehicle licence are the same. In effect a reduced fee would mean that other vehicle licence holders were subsidising the use of these vehicles. The Policy instead incentivises the use of less polluting vehicles through the provision of extended vehicle age limits.
- 6.5 Sustainability – N/A
- 6.6 Equality – A full equalities impact assessment was carried out for the Taxi and Private Hire Licensing Policy in 2021. An EQIA screening assessment has been carried out to accompany this fee review.
- 6.7 Data – N/A
- 6.8 Value for money – while the paramount consideration is passenger safety, the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum and that savings are made where possible.

**Key documents:**

“Open for Business”, LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>



# Hackney carriage and private hire licence fees

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*(Chargeable from 22<sup>nd</sup> April 2024 – subject to approval)*

## Driver licence fees – hackney carriage, private hire and dual

Driver licences are usually granted for 3 years but may be granted for a shorter duration in certain circumstances. Application costs include safeguarding and disability awareness training.

Following the Enhanced DBS check Applicants are required to sign up to the DBS updater service and pay the DBS directly for this service. Applicants are required to pay suppliers directly for required tests and documents including cabology, enhanced Disclosure and Barring Service (DBS) check, knowledge tests, English language tests and medicals.

- New private hire driver licence - £368.00
- New hackney carriage driver licence - £368.00
- New dual private hire/hackney carriage driver licence - £368.00
- Renewal driver licence (all types) - £368.00
- Extension of licence (visa) - £80.00
- Replacement identity badge - £33.00
- Replacement paperwork - £18.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

## Vehicle licence fees – private hire

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New private hire vehicle licence - £286.00
- Renewal private hire vehicle licence - £249.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement plate, (holder, bracket, secure fixings) - £43.00 \*

- Replacement door stickers - £22.00 \*
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Vehicle licence fees – hackney carriage

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections

- New hackney carriage vehicle licence - £293.00
- Renewal hackney carriage vehicle licence - £253.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement plate, (holder, bracket, secure fixings) - £43.00\*
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Vehicle licence fees – executive

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New executive vehicle licence - £275.00
- Renewal executive vehicle licence - £237.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Operator licence fees

If you run a private hire firm, you need an operator licence. Operator licences are usually granted for 5 years. In exceptional circumstances the Council may grant a 1 year operator licence at its discretion, but this will not normally be the case.

### 5 year licence

- Owner operator licence (1 vehicle) - £593.00
- Operator licence (under 10 vehicles) - £1163.00
- Operator licence (under 50 vehicles) - £1928.00
- Operator licence (more than 50 vehicles) - £3031.00

### 1 year licence

- Owner operator licence (1 vehicle) - £474.00
- Operator licence (under 10 vehicles) - £630.00
- Operator licence (under 50 vehicles) - £709.00
- Operator licence (more than 50 vehicles) - £788.00

Operators who increase the number of vehicles during the course of a licence and exceed their existing fee bracket level will be required to pay the difference between the two fee brackets for the remainder of the existing licence period.

- Variation of licence - £114.00
- Replacement licence - £37.00
- Replacement paperwork - £22.00

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Appendix B - benchmarking with neighbouring authority fees										
	Existing Buckinghamshire	Proposed Buckinghamshire	West Northants		Milton Keynes from 01.04.24		Central Beds		Dacorum from 01.04.24	
<b>Drivers (3yr licence)</b>										
PH Driver - New	£ 354.00	£ 368	£ 315.00	-14%	338.80	-8%	£ 389.80	6%	£ 415.00	13%
PH Driver - Renew	£ 354.00	£ 368	£ 235.00	-36%	320.30	-13%	£ 262.00	-29%	£ 255.00	-31%
HC Driver - New	£ 354.00	£ 368	£ 315.00	-14%	338.80	-8%	£ 389.80	6%	£ 415.00	13%
HC Driver - Renew	£ 354.00	£ 368	£ 235.00	-36%	320.30	-13%	£ 262.00	-29%	£ 255.00	-31%
Dual - New	£ 354.00	£ 368	£ -		338.80	-8%	£ 389.80	6%	£ 360.00	-2%
Dual - Renewal	£ 354.00	£ 368	£ -		320.30	-13%	£ 262.00	-29%	£ 295.00	-20%
<b>Vehicles (1 yr licence)</b>										
PH Vehicle - New	£ 275.00	£ 286	£ 270.00	-6%	368	29%	£ 314.00	10%	£ 285.00	0%
PH Vehicle - Renew	£ 239.00	£ 249	£ 250.00	0%	362	45%	£ 214.30	-14%	£ 285.00	14%
HC - New	£ 282.00	£ 293	£ 292.00	0%	380	30%	£ 377.60	29%	£ 430.00	47%
HC - Renew	£ 243.00	£ 253	£ 270.00	7%	372.5	47%	£ 289.20	14%	£ 315.00	25%
	Excludes cost of vehicle inspection	Excludes cost of vehicle inspection	Excludes cost of vehicle inspection				Excludes cost of vehicle inspection		Excludes cost of vehicle inspection	
<b>Operators (5 year licence)</b>										
Operator 1 vehicle - New	£ 570.00	£ 593	£ 230.00	-61%	1199	102%	£ 1,050.00	77%	£ 515.00	-10%
Operator <10 - New	£ 1,118.00	£ 1,163	£ 430.00	-63%	1599	37%	£ 1,050.00	-10%	£ 865.00	-23%
Operator 10 - 50 - New	£ 1,854.00	£ 1,928	£ 1,230.00	-36%	3196.5	66%	£ 1,050.00	-46%	£ 865.00	-53%
Operator >50 - New	£ 2,914.00	£ 3,031	£ 1,230.00	-59%	4794	58%	£ 1,050.00	-65%	£ 865.00	-70%
Operator 1 vehicle - Renew	£ 570.00	£ 593	£ 230.00	-61%	1159	95%	£ 700.00	18%	£ 515.00	-10%
Operator <10 - Renew	£ 1,118.00	£ 1,163	£ 430.00	-63%	1559	34%	£ 700.00	-40%	£ 865.00	-23%
Operator 10 - 50 - Renew	£ 1,854.00	£ 1,928	£ 1,230.00	-36%	3155	64%	£ 700.00	-64%	£ 865.00	-53%
Operator >50 - Renew	£ 2,914.00	£ 3,031	£ 1,230.00	-59%	4754	57%	£ 700.00	-77%	£ 865.00	-70%
			plus basic DBS fee if non licensed driver							
<b>Owner drivers</b>										
PH owner driver - new	£ 629.00	£ 654	£ 585.00	-11%	706.8	8%	£ 703.80	8%	£ 700.00	11%
PH owner driver - renew	£ 593.00	£ 617	£ 485.00	-21%	682.3	11%	£ 476.30	-23%	£ 540.00	-9%
HC owner driver - new	£ 636.00	£ 661	£ 607.00	-8%	718.8	9%	£ 767.40	16%	£ 845.00	33%
HC owner driver - renew	£ 597.00	£ 621	£ 505.00	-19%	692.8	12%	£ 551.20	-11%	£ 570.00	-5%

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Appendix B - benchmarking with neighbouring authority fees												
	Existing Buckinghamshire	Proposed Buckinghamshire	Three Rivers		Slough		Windsor & Maidenhead		Wokingham from 01.04.24		South Oxford	
Drivers (3yr licence)												
PH Driver - New	£ 354.00	£ 368	£ 464.38	26%	£ 375.00	2%	344.00	-7%	£ 403.00	10%	£ 352.80	-4%
PH Driver - Renew	£ 354.00	£ 368	£ 426.93	16%	£ 330.00	-10%	344.00	-7%	£ 317.00	-14%	£ 352.80	-4%
HC Driver - New	£ 354.00	£ 368	£ 464.38	26%	£ 375.00	2%	344.00	-7%	£ 403.00	10%	£ 352.80	-4%
HC Driver - Renew	£ 354.00	£ 368	£ 426.93	16%	£ 330.00	-10%	344.00	-7%	£ 317.00	-14%	£ 352.80	-4%
Dual - New	£ 354.00	£ 368	£ 548.91	49%	£ 375.00	2%	480.00	30%	£ 403.00	10%	£ 352.80	-4%
Dual - Renewal	£ 354.00	£ 368	£ 535.00	45%	£ 330.00	-10%	480.00	30%	£ 317.00	-14%	£ 352.80	-4%
Vehicles (1 yr licence)												
PH Vehicle - New	£ 275.00	£ 286	£ 203.30	-29%	£ 300.00	5%	255.00	-11%	£ 339.00	19%	£ 242.55	-15%
PH Vehicle - Renew	£ 239.00	£ 249	£ 170.13	-32%	£ 250.00	0%	255.00	7%	£ 339.00	36%	£ 242.55	-3%
HC - New	£ 282.00	£ 293	£ 203.30	-31%	£ 300.00	2%	315.00	12%	£ 339.00	16%	£ 346.50	18%
HC - Renew	£ 243.00	£ 253	£ 170.13	-33%	£ 250.00	-1%	315.00	30%	£ 339.00	34%	£ 346.50	37%
	Excludes cost of vehicle inspection	Excludes cost of vehicle inspection										
Operators (5 year licence)												
Operator 1 vehicle - New	£ 570.00	£ 593	£ 1,073.21	81%	£ 452.00	-24%	£ 1,325.00	123%	£ 552.00	-7%	£ 174.30	-69%
Operator <10 - New	£ 1,118.00	£ 1,163	£ 1,918.51	65%	£ 1,188.00	2%	£ 2,200.00	89%	£ 1,327.00	14%	£ 462.00	-59%
Operator 10 - 50 - New	£ 1,854.00	£ 1,928	£ 2,001.97	4%	£ 4,323.00	124%	£ 7,100.00	268%	£ 2,189.00	14%	£ 636.00	-66%
Operator >50 - New	£ 2,914.00	£ 3,031	£ 2,001.97	-34%	£ 5,115.00	69%	£ 7,100.00	134%	£ 2,189.00	-28%	£ 636.00	-78%
Operator 1 vehicle - Renew	£ 570.00	£ 593	£ 1,073.21	81%	£ 452.00	-24%	£ 1,325.00	123%	£ 414.00	-30%	£ 174.30	-69%
Operator <10 - Renew	£ 1,118.00	£ 1,163	£ 1,918.51	65%	£ 1,188.00	2%	£ 2,200.00	89%	£ 1,189.00	2%	£ 462.00	-59%
Operator 10 - 50 - Renew	£ 1,854.00	£ 1,928	£ 2,001.97	4%	£ 4,323.00	124%	£ 7,100.00	268%	£ 2,051.00	6%	£ 636.00	-66%
Operator >50 - Renew	£ 2,914.00	£ 3,031	£ 2,001.97	-34%	£ 5,115.00	69%	£ 7,100.00	134%	£ 2,051.00	-32%	£ 636.00	-78%
Owner drivers												
PH owner driver - new	£ 629.00	£ 654	£ 667.68	2%	£ 675.00	3%	£ 399.00	-39%	£ 742.00	13%	£ 595.35	-5%
PH owner driver - renew	£ 593.00	£ 617	£ 597.06	-3%	£ 580.00	-6%	£ 355.00	-40%	£ 656.00	11%	£ 595.35	0%
HC owner driver - new	£ 636.00	£ 661	£ 667.68	1%	£ 675.00	2%	£ 459.00	-28%	£ 742.00	17%	£ 699.30	10%
HC owner driver - renew	£ 597.00	£ 621	£ 597.06	-4%	£ 580.00	-7%	£ 415.00	-30%	£ 656.00	10%	£ 699.30	17%

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Appendix B - benchmarking with neighbouring authority fees						
	Existing Buckinghamshire	Proposed Buckinghamshire	Vale of White Horse		Cherwell	
Drivers (3yr licence)						
PH Driver - New	£ 354.00	£ 368	£ 352.80	-4%	£ 414.00	13%
PH Driver - Renew	£ 354.00	£ 368	£ 352.80	-4%	£ 311.50	-15%
HC Driver - New	£ 354.00	£ 368	£ 352.80	-4%	£ 414.00	13%
HC Driver - Renew	£ 354.00	£ 368	£ 352.80	-4%	£ 311.50	-15%
Dual - New	£ 354.00	£ 368	£ 352.80	-4%	£ -	
Dual - Renewal	£ 354.00	£ 368	£ 352.80	-4%	£ -	
Vehicles (1 yr licence)						
PH Vehicle - New	£ 275.00	£ 286	£ 214.20	-25%	£ 297.50	4%
PH Vehicle - Renew	£ 239.00	£ 249	£ 214.20	-14%	£ 273.50	10%
HC - New	£ 282.00	£ 293	£ 358.05	22%	£ 326.00	11%
HC - Renew	£ 243.00	£ 253	£ 358.05	42%	£ 283.00	12%
	Excludes cost of vehicle inspection	Excludes cost of vehicle inspection				
Operators (5 year licence)						
Operator 1 vehicle - New	£ 570.00	£ 593	£ 500.85	-16%	£ 145.00	-76%
Operator <10 - New	£ 1,118.00	£ 1,163	£ 795.90	-32%	£ 375.00	-68%
Operator 10 - 50 - New	£ 1,854.00	£ 1,928	£ 992.25	-49%	£ 1,272.00	-34%
Operator >50 - New	£ 2,914.00	£ 3,031	£ 992.23	-67%	£ 1,295.00	-57%
Operator 1 vehicle - Renew	£ 570.00	£ 593	£ 500.85	-16%	£ 145.00	-76%
Operator <10 - Renew	£ 1,118.00	£ 1,163	£ 795.90	-32%	£ 375.00	-68%
Operator 10 - 50 - Renew	£ 1,854.00	£ 1,928	£ 992.25	-49%	£ 1,272.00	-34%
Operator >50 - Renew	£ 2,914.00	£ 3,031	£ 992.23	-67%	£ 1,295.00	-57%
Owner drivers						
PH owner driver - new	£ 629.00	£ 654	£ 567.00	-13%	£ 711.50	9%
PH owner driver - renew	£ 593.00	£ 617	£ 567.00	-8%	£ 585.00	-5%
HC owner driver - new	£ 636.00	£ 661	£ 710.85	7%	£ 740.00	12%
HC owner driver - renew	£ 597.00	£ 621	£ 710.85	14%	£ 594.50	-4%

TfL	
£ 418.00	14%
£ 382.00	4%
£ 900.00	145%
£ 300.00	-18%
£ -	
£ -	
£ 140.00	-51%
£ 140.00	-44%
£ 110.00	-62%
£ 110.00	-57%
£ 2,000.00	237%
£ 2,000.00	72%
£ 19,000.00	885%
£ 30,000.00	890%
£ 2,000.00	237%
£ 2,000.00	72%
£ 19,000.00	885%
£ 30,000.00	890%
£ 558.00	-15%
£ 522.00	-12%
£ 1,010.00	59%
£ 410.00	-31%

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**Appendix C - Comparison of proposed fees to current average fee charged by neighbouring authorities**

	Buckinghamshire current fees (2023/24)	Buckinghamshire proposed fee 2024/25 (+4%)	Average fee neighbouring authorities (exclu TfL)	Difference - proposed Buckinghamshire fee to average neighbouring fee
<b>Drivers (3yr licence)</b>				
PH Driver - New	£ 354	£ 368	£378	-£ 10
PH Driver - Renew	£ 354	£ 368	£323	£ 45
HC Driver - New	£ 354	£ 368	£378	-£ 10
HC Driver - Renew	£ 354	£ 368	£323	£ 45
Dual - New	£ 354	£ 368	£397	-£ 29
Dual - Renewal	£ 354	£ 368	£361	£ 7
<b>Vehicles (1 yr licence)</b>				
PH Vehicle - New	£ 275	£ 286	£281	£ 5
PH Vehicle - Renew	£ 239	£ 249	£259	-£ 10
HC - New	£ 282	£ 293	£330	-£ 37
HC - Renew	£ 243	£ 253	£297	-£ 44
<b>Operators (5 year licence)</b>				
Operator 1 vehicle - New	£ 570	£ 593	£651	-£ 58
Operator <10 - New	£ 1,118	£ 1,163	£1,114	£ 49
Operator 10 - 50 - New	£ 1,854	£ 1,928	£2,232	-£ 304
Operator >50 - New	£ 2,914	£ 3,031	£2,525	£ 506
Operator 1 vehicle - Renew	£ 570	£ 593	£607	-£ 14
Operator <10 - Renew	£ 1,118	£ 1,163	£1,070	£ 93
Operator 10 - 50 - Renew	£ 1,854	£ 1,928	£2,188	-£ 260
Operator >50 - Renew	£ 2,914	£ 3,031	£2,481	£ 550
<b>Owner drivers</b>				
PH owner driver - new	£ 629	£ 654	£ 642	£ 12
PH owner driver - renew	£ 593	£ 617	£ 561	£ 55
HC owner driver - new	£ 636	£ 661	£ 691	-£ 30
HC owner driver - renew	£ 597	£ 621	£ 599	£ 21

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