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Monday, 6 February 2023

To: The Members of the **Licensing Committee**  
(Councillors: Pat Tedder (Chairman), Valerie White (Vice Chairman), Dan Adams, Rodney Bates, Peter Barnett, Richard Brooks, Tim FitzGerald, Shaun Garrett, Gordon, David Lewis, Robin Perry, John Skipper and Graham Tapper)

**In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House on **Wednesday, 15 February 2023 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

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## AGENDA

|                                | <b>Pages</b> |
|--------------------------------|--------------|
| <b>1 Apologies for Absence</b> |              |
| <b>2 Minutes</b>               | <b>3 - 6</b> |

To confirm and sign the minutes of the meeting held on 19 October 2022.

### **3 Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.

|          |  |                |
|----------|--|----------------|
| <b>4</b> | <b>Private Hire Operators Licence Fee Review (post-consultation)</b> | <b>7 - 14</b>  |
| <b>5</b> | <b>Taxi Licensing Convictions Policy</b>                             | <b>15 - 30</b> |
| <b>6</b> | <b>Street Trading Report</b>   | <b>31 - 66</b> |
| <b>7</b> | <b>Verbal Annual Update on work of EH &amp; Licensing Service</b>    |                |
| <b>8</b> | <b>Licensing Act 2003 - Summary of Decisions</b>                     | <b>67 - 68</b> |
| <b>9</b> | <b>Draft 2023/24 Work Programme</b>                                  | <b>69 - 70</b> |

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House, Knoll Road,  
Camberley, GU15 3HD on 19 October  
2022**

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- + Cllr Pat Tedder (Chairman)
- Cllr Valerie White (Vice Chairman)

- |                       |                      |
|-----------------------|----------------------|
| + Cllr Dan Adams      | Cllr Mark Gordon     |
| - Cllr Rodney Bates   | + Cllr David Lewis   |
| + Cllr Peter Barnett  | + Cllr Robin Perry   |
| - Cllr Richard Brooks | - Cllr John Skipper  |
| + Cllr Tim FitzGerald | + Cllr Graham Tapper |
| + Cllr Shaun Garrett  |                      |

- + Present
- Apologies for absence presented

Officers Present: Nick Steevens, Paula Barnshaw, Frances Soper, Nathita Fleet

**10/L Minutes**

The minutes of the meeting held on 30<sup>th</sup> August 2022 were confirmed and signed by the Chairman.

**11/L Street Trading Policy**

The Committee considered a draft Street Trading policy. Street Trading in the Borough was regulated by the Council, and street trading consents had been issued to 14 temporary/permanent traders, with trading prevented on prohibited streets.

The Committee was advised that the Council currently had a Camberley Town Centre Street Trading Policy published in 2013, but this had since become outdated due to the public realm works that had taken place.

Approval was sought from the Committee to consult on the new Borough-wide draft policy. The report also sought approval for a new street trading resolution that would amend the current list of prohibited streets. The results of the consultation would be presented to the Committee on 16<sup>th</sup> February 2023 and the policy was intended to take effect on 1<sup>st</sup> April 2023.

New provisions in the policy related to having clearer criteria against which applications would be considered, new environmental and healthy eating criteria, wider consultation and an expanded list of consent conditions.

Following Member's discussion, several key points were raised and were as follows:

1. A number of streets, including existing shopping parades and arcades, were currently listed as prohibited streets, and this had been subject to change since the original resolution was put in place.
2. Big Issue vendors were not subject to street trading controls.
3. Ward Councillors had been asked to participate in the consultation.
4. Following consultation with Police, Highways, those streets designated as prohibited would not be open to consent requests.
5. The Borough's tackling obesity objectives had been taken into consideration when drafting the policy.

**RESOLVED that**

- (i) **the draft Street Trading Policy in Annex 1 of the report be approved for Consultation; and**
- (ii) **a new street designation resolution be sought that would list the prohibited streets, rescind the current list of consent streets and designate all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough.**

**12/L Review of Private Hire Operator Licencing Fees 2023-2024**

The Committee received a report on proposed revised Private Hire and Hackney carriage operator fees. Hackney Carriage and Private Hire fees had been reviewed in 2022 when it was found that 5 Year Private Hire operator fees could not be included in the review because further compliance and time recording checks had been required. This was in part due to the pandemic, wherein no audits were completed during 2020 and 2021. In July 2020, the Department for Transport had introduced the new Statutory Taxi and Private Hire Vehicle Standards, which required annual DBS and right-to-work checks on staff. A new Audit List was compiled for these checks.

The review proposed that the 1-year multiple-vehicle licence fee that had been reduced in 2022 from £215 to £140 had been increased to £220 to cover costs incurred by the Council. The fees for single vehicle operator licences for both 1 year and 5 years did not change as the existing fees covered the costs incurred by the Council.

The Council licenced 36 operators in total, 22 of which were single-vehicle operators. Proposed fees sought to encourage the uptake of 5-year licences, which provided a discount to operators over the 1-year licence for the same period. It also reduced the cost for the Council. Operators with 5-year licences had made a saving of £140 over 5 years. Multiple vehicle operators with a 5-year licence had made a saving of £235 over five years.

A number of points were raised, and were as follows:

1. The cost of licence fees had been raised due to the completion of audits and fees remained the same, subject to future audits.
2. A comparison between Surrey Heath and neighbouring Boroughs had been completed, but concluding based on licence fees was complicated because other LA's have varied levels for Private Hire Operator's with more than one vehicle and fees increase with the number of vehicles, therefore a direct comparison could not be made.

**RESOLVED that the proposed revised fees for private hire operators as set out at Annex A of this report be recommended for consideration by the Strategic Director of Environment and Community in consultation with the Strategic Director Finance and the Finance Portfolio Holder prior to public consultation.**

### **13/L Licencing Act 2003 - Summary of Decisions**

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons. A list of premises which had obtained new licenses was provided, which included existing and newly established businesses.

The Committee noted the report.

### **14/L Work Programme**

**RESOLVED to agree the Licensing Committee Work Programme for the remainder of the 2022/23 municipal year.**

Chairman

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**Surrey Heath Borough Council**  
**Licensing Committee**  
**Date of Meeting 15 February 2023**

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**Private Hire Operator Licensing Fees 2023-2024 Post Consultation**

|   |                |
|---|----------------|
| <b>Strategic Director/Head of Service</b> | Nick Steevens  |
| <b>Report Author:</b>                     | Paula Barnshaw |
| <b>Key Decision:</b>                      | No             |
| <b>Wards Affected:</b>                    | All            |

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**Summary and purpose**

The purpose of this report is to provide a summary of responses to the Licensing Committee for the public consultation of private hire operator licence fees, following the Licensing Committee's recommendation 19 October 2022.

Following the statutory 'notice period' we are now asking the Licensing Committee to recommend that the updated list of Fees and Charges be approved.

**Recommendation**

The Committee is advised to RESOLVE that:

- (i) The proposed Private Hire Operator fees as shown in Annex A, be recommended for approval by the strategic Director - Environment and Community, the Strategic Director of Finance and the Finance Portfolio holder.
- (ii) The proposed fees to come into effect from 1 April 2023.

**1. Background and Supporting Information**

- 1.1 Surrey Heath Borough Council through its Licensing team is responsible for licensing Taxi and Private Hire drivers, vehicles and operators.
- 1.2 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) S70(1) states 'district and borough councils may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part'.

- 1.3 Section 70 of the Act sets out the steps we are required to follow when reviewing and varying fees. These requirements have been taken into account as part of this work.
- 1.4 The Licensing Committee considered the proposed private hire operator revised fees 19 October 2022 and recommended that the changes agreed during the meeting were made to the Strategic Director - Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder and that the proposed revised fees are approved subject to the 28-day notice period.
- 1.5 Following consideration by the Strategic Director-Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder no further changes to the fees were made.
- 1.6 On 16 November 2022 a Notice was placed in the local press and shared on social media. The Notice period extended from 16 November 2022 to 14 December 2022. Annex B.
- 1.7 We received two responses as a result of the public consultation, both regarding private hire operator licence fees for 1 vehicle which was not the fees under consultation and therefore not relevant. A response to the enquiries was provided by the Senior Licensing Officer.
- 1.8 The current fee of £140 does not cover the cost of issuing and administering this licence. The proposed fee of £220 more accurately reflects the actual time and resources used to complete compliance audits for private hire operators of multiple vehicles.
- 1.9 For the reasons outlined above the proposed fee for a private hire operator more than 1 vehicle 1 year licence of £220 remains as recommended in Annex A.
- 1.10 The proposed fee for a 5-year private hire operator licence for more than one vehicle has decreased. The current fee did not offer any cost advantage to the operator and did not reflect the saving to the Council of issuing a 5 year as opposed to an annual licence. The proposed fee reduction may encourage uptake of the 5-year licence option, which currently is limited.

## **2. Reasons for Recommendation**

- 2.1 To enable the revised fees based on full cost recovery to be recommended for approval.

## **3. Proposal and Alternative Options**

- 3.1 That the proposed Private Hire Operator fees, Annex A, be recommended for approval.



3.2 It is proposed that if approved the revised fees would be introduced on the 1 April 2023.

3.3 Alternatively, if approval is withheld, we would continue to use the existing Private Hire Operator fees.

#### **4. Contribution to the Council's Five-Year Strategy**

4.1 Setting fees based on cost recovery supports the Council's 2022-2027 Five Year Strategy with regard to Economy and an Effective and responsive Council.

#### **5. Resource Implications**

5.1 There are no significant resource implications attached to this proposal.

5.2 The proposed revised fees, based on cost recovery, would generate an income in line with the current budget estimates for taxi licensing, 2023/24 assuming the existing level of activity. The demand for licences will vary over time.

5.3 It is intended that fee levels will be kept under review to ensure the council recovers the costs of administering licences.

#### **6. Section 151 Officer Comments:**

6.1 The Council should always seek to ensure that any discretionary fees for services provided should cover the costs of providing that service, so as to avoid any subsidy from the general fund account.

#### **7. Legal and Governance Issues**

7.1 The Act allows district and borough councils to recover the costs of issuing and administering licences for the Taxi and Private Hire trade.

#### **8. Monitoring Officer Comments:**

8.1 The Constitution part 3, responsibilities for functions, section B, scheme of delegation of functions to officers - The Chief Executive, Strategic Directors or Heads of Service are authorised to set annual discretionary fees and charges after consultation with the Leader or relevant Portfolio Holder and Strategic Director of Finance & Customer Services, as set out in Financial Regulations.

#### **9. Other Considerations and Impacts**

##### **Environment and Climate Change**

9.1 No direct impact.

## **Equalities and Human Rights**

- 9.2 No direct impact.

## **Risk Management**

- 9.3 The Act sets out the legal process we are required to follow when varying Taxi and Private Hire licence fees, we have followed this process closely to minimise any risks to the Council.

## **Community Engagement**

- 9.4 The community, including the Taxi and Private Hire trade, have been given the opportunity to comment on the proposed changes to the Taxi and Private Hire licensing fees and charges.

## **Annexes**

Annex A: Proposed Private Hire Operator Licensing Fees

Annex B: Notice placed in local paper and on social media

## **Background Papers**

Local Government Association- Open for business- LGA guidance on locally set licence fees (2017)

Surrey Heath - Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026

## Annex A

### Proposed Private Hire Operator Licensing Fees

| Licence Description   | Proposed Licence Fee |
|---|----------------------|
| Private Hire Operator Licence – more than 1 vehicle (1 Year)  | £220                 |
| Private Hire Operator Licence – more than 1 vehicle (5 years) | £865                 |

## Annex B

# Public Notice

## Private Hire Operator Licensing fees

### 2023/2024

Notice is hereby given that Surrey Heath Borough Council intends to vary the Private Hire Operator licence fees below in accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

|   | <b>Existing Fees</b> | <b>Proposed Fees</b> |
|---|----------------------|----------------------|
| Private Hire Operators 1 Year licence more than 1 vehicle | £140                 | £220                 |
| Private Hire Operators 5 Year licence more than 1 vehicle | £1075                | £865                 |

You can comment on these changes in writing by:

- Emailing [licensing@surreyheath.gov.uk](mailto:licensing@surreyheath.gov.uk) using the subject line 'Proposed private hire operator licence fee changes'
- Post to Licensing, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, GU15 3HD

Comments must be received by midnight 14 December 2022.

If we receive no objections within the 28 day notice period the new fee will apply from 1 April 2023.

Any objections will be given due consideration by the Council and the proposed fees with or without modification will apply from 1 April 2023.

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**Surrey Heath Borough Council**  
**Licensing Committee**  
**Date of Meeting 15 February 2023**

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**Review of Taxi and Private Hire Assessment of Previous Convictions**

|   |                |
|---|----------------|
| <b>Strategic Director/Head of Service</b> | Nick Steevens  |
| <b>Report Author:</b>                     | Paula Barnshaw |
| <b>Key Decision:</b>                      | No             |
| <b>Wards Affected:</b>                    | All            |

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**Summary and purpose**

Surrey Heath Borough Council adopted the Hackney Carriage (Taxi) & Private Hire Licensing Policy (the Policy) on 02 August 2021.

Part of this policy is the relevance of convictions and other related information which is included as an annex to the Policy. This assessment of previous convictions was consistent with the Surrey wide relevance of convictions policy developed by officers from across the 11 Surrey boroughs and districts.

The Department for Transport (DfT) published Statutory Taxi and Private Hire Vehicle Standards (DfT Standards) July 2020, under s.177(1) of the Policing and Crime Act 2017.

A number of local Surrey authorities have since updated their guidelines independently and it is now thought appropriate to update the Surrey Heath Borough Council guidelines to reflect the latest Standards.

The new statutory guidance specifically requires all licensing authorities which exercise taxi and private hire licensing functions, to introduce new and/or strengthen existing policies to protect from harm, children and vulnerable individuals over 18 years of age. The Government expects all these DfT recommendations to be implemented unless there are compelling local reasons for not doing so.

The national framework aims to introduce greater consistency to help ensure that licensing authorities would use the same approach to determine whether an individual would be issued with a licence, and if a period of refusal applied, the same length of refusal would apply across licensing authorities. The DfT Standards have been incorporated into the new Taxi and Private Hire Assessment of Convictions shown at Annex A.

## **Recommendation**

The Committee is asked to RESOLVE that

- (i) The Taxi and Private Hire Assessment of Previous Convictions Annex A be approved.

### **1. Background and Supporting Information**

- 1.1 On 14 March 2018 this Committee resolved to adopt the Surrey wide relevance of convictions and other related information policy.
- 1.2 In determining taxi and private hire applications principal legislation is the Town and Police Clauses Act 1847, the Policing and Crime Act 2017, Local Government (Miscellaneous Provisions) Act 1976 (1976 Act) and the DfT's Statutory Taxi and Private Hire Vehicle Standards July 2020.
- 1.3 There are 5 types of licence; hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver; private hire operator.
- 1.4 There is no statutory criteria for vehicle licences, subsequently, the licensing authority has an absolute discretion.
- 1.5 Drivers and operators cannot be granted a licence unless the licensing authority is satisfied that they are a 'fit and proper person' to hold that licence. (1976 Act, s51 and s59 in respect of drivers and s55 in respect of operators.)
- 1.6 Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire driver's licence.
- 1.7 The licensing authority is not required to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected.
- 1.8 Applicants are entitled to a fair and impartial consideration of their application. In considering an individual's criminal record, the licensing authority shall consider each case on its merits.
- 1.9 In order to achieve national consistency, and to prevent 'licence shopping' where a driver is found to be unsuitable in one district, but is granted a licence in another, the DfT have recommended how local authorities should assess previous convictions, this can be found at Annex B.

### **2. Proposal and Alternative Options**

- 2.1 It is proposed the Committee approve the Taxi and Private Hire Assessment of Previous Convictions Annex A, (the additions to the current policy are shown in red) which implements the DfT standards.



- 2.2 The Licensing Authority, must have a clear policy for the consideration of criminal records, and a consistent nationally adopted policy will mitigate the risk of successful legal challenge to decisions.
- 2.3 This will include, for example, which offences would prevent an applicant from being licensed regardless of the period elapsed in all but truly exceptional circumstances.
- 2.4 In the case of lesser offences, this policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.
- 2.5 The assessment periods shall be taken as the minimum starting point when considering if a licence should be granted or renewed in all cases.
- 2.6 The aim is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.
- 2.7 The alternative option is to continue using the existing policy, reasons for not adopting the recommendations must be compelling as indicated by the DfT Statutory Taxi and Private Hire Vehicle Standards July 2020.

### **3. Contribution to the Council's Five Year Strategy**

- 3.1 Ensuring Hackney Carriage, Private Hire Drivers and Private Hire Operators are fit and proper persons to hold a licence, contributes to the Councils Health and Quality of Life aim to ensure the borough is a safe place to live and work.

### **4. Resource Implications**

- 4.1 None.

### **5. Section 151 Officer Comments:**

- 5.1 There are no additional budgetary implications of this report.

### **6. Legal and Governance Issues**

- 6.1 The Council is responsible for issuing taxi and private hire licences under 1976 Act and is expected to implement the DfT standards. Legal services have been consulted on the report.

### **7. Monitoring Officer Comments:**

- 7.1 Approval of the Taxi and Private Hire Assessment of Previous Convictions is delegated to the Licensing Committee.

## **8. Other Considerations and Impacts**

### **Environment and Climate Change**

8.1 No direct impact.

### **Equalities and Human Rights**

8.2 The updated Assessment of Previous Convictions ensure passenger safety is paramount in licensing decisions whilst ensuring applicants receive a fair and impartial consideration of their application.

### **Risk Management**

8.3 There are no associated risks which have been identified with this item.

### **Community Engagement**

8.4 None.

## **Annexes**

Annex A – Draft Taxi and Private Hire Assessment of Convictions

Annex B – DfT Assessment of Previous Convictions

## **Background Papers**

Department for Transport's Statutory Taxi and Private Hire Vehicle Standards July 2020

# Taxi and Private Hire Licensing Assessment of Previous Convictions

DRAFT

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## **1. Introduction**

- 1.1. The purpose of this document is to provide guidance on the criteria to be taken into account by the licensing authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage driver and/or private hire vehicle driver or private hire vehicle operator licence.
- 1.2. The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
  - That a person is fit and proper
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safeguarding of children and young persons
- 1.3. This guidance is relevant to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
  - Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Officers of the Council
  - Members of the Licensing Committee
  - Magistrates hearing appeals against local authority decisions.
- 1.4. Where officers have delegated powers to grant licences, they will utilise these guidelines when making decisions to grant a licence. Whilst officers will have regard to the guidelines, each case will be considered on its individual merits and, where the circumstances demand, the officer may depart from the guidelines.
- 1.5. There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances.
- 1.6. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but will be expected to:
  - a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 1.7. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the convictions [Nottingham City Council v. Mohammed Farooq (1998)].
- 1.8. In this document the word 'conviction' is defined as including convictions, cautions, warnings, reprimands and other relevant information.
- 1.9. The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

## **2. Powers**

- 2.1. Sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the

applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or if he/she has since the grant of the licence been convicted of an immigration offence or been required to pay an immigration penalty, or for any other reasonable cause.

### **3. Appeals**

- 3.1. Any applicant refused a driver's licence or operator's licence on the grounds that the licensing authority is not satisfied he or she is a fit and proper person to hold such a licence has right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77(1)].
- 3.2. Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

### **4. Consideration of disclosed criminal history**

- 4.1. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage drivers' licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is long history of offending or a recent pattern of repeat offending.
- 4.2. Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a fit and proper person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:
  - How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant
- 4.3. Existing holders of a drivers' licence are required to notify the licensing authority in writing within 5 days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Existing holders of a drivers licence must inform the licensing authority in writing within 3 workings days of their arrest for any matter (whether subsequently charged or not).

- 4.4. Applicants can discuss what effect a caution/conviction may have on any application by contacting the Licensing Officer for advice.
- 4.5. In this guidance 'from date sentence has ended' is taken to be the date which is reached once the whole period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant. The term 'since completion of sentence' is to be construed in a similar way.
- 4.6. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material required by the application for a licence (Local Government (Miscellaneous Provisions) Act 1976, s57). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **5. Crimes resulting in death**

- 5.1. Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or intended to cause the death or serious injury of another person they will not be licensed.

## **6. Exploitation**

- 6.1. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, however, this is not an exhaustive list.

## **7. Offences involving violence against the person**

- 7.1. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 7.2. A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

## **8. Other serious offences**

- 8.1. A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and/or licence period following conviction for one of the serious offences shown below:
  - Arson
  - Riot
  - Violent disorder
  - Affray
  - Any offence (including attempted or conspiracy to commit offences) similar to those above.

- 8.2. Consideration may only be given to the granting/issuing of a licence if at least 7 years have passed since the completion of any sentence and/or licence period following conviction for an offence shown below:
- Obstruction
  - Criminal damage
  - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 8.3. A licence will not normally be granted if an applicant has more than one conviction for one of the serious offences above.

## **9. Possession of a weapon**

- 9.1. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 9.2. A licence will not normally be granted if an applicant has more than one conviction for an offence involving possession of a weapon.

## **10. Sexual offences**

- 10.1. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- 10.2. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

## **11. Dishonesty**

- 11.1. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, including:
- Theft
  - Burglary
  - Fraud
  - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
  - Handling or receiving stolen goods
  - Forgery
  - Conspiracy to defraud
  - False representation
  - Obtaining money or property by deception
  - Other deception
  - Taking a vehicle without consent
  - Fare overcharging
  - Failing to declare convictions etc. on application
  - Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority



- Or similar offences (including attempted or conspiracy to commit) or offences which replace the above offences.
- 11.2. Failure of the licence holder to disclose an arrest that the licensing authority is subsequently advised of, may be viewed as behaviour that questions the honesty and therefore suitability of the licence holder, regardless of the outcome of the initial allegation.
  - 11.3. A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
  - 11.4. A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
  - 11.5. Applicants or existing licence holders that are found to have intentionally misled the licensing authority, or lied as part of the application process, will normally be refused or revoked.

## **12. Discrimination**

- 12.1. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **13. Drugs**

- 13.1. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not normally be granted.
- 13.2. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.
- 13.3. A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offences and the quantity/type of drugs involved.

## **14. Drink driving/driving under the influence of drugs**

- 14.1. A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.
- 14.2. At least 7 years, after the restoration of the DVLA driving licence following a drink driving conviction should elapse before an application will be granted.
- 14.3. If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

## **15. Motoring convictions**

- 15.1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 15.2. At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.
- 15.3. Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.
- 15.4. Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.
- 15.5. In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.
- 15.6. In these guidelines, the term 'disqualification' refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **16. Using a hand-held device whilst driving**

- 16.1. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **17. Non-conviction information**

- 17.1. The licensing authority will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take following the receipt of information, the credibility of both the witness/complainant and the licence holder will be taken into account.

- 17.2. A licence will not normally be granted until at least 1 year has lapsed since a Criminal Behaviour Order.
- 17.3. If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration may be given to refusing the application or revoking an existing licence.
- 17.4. In assessing the action to take, public safety will be the paramount concern, decisions will be taken on balance of probability.

## **18. Licensing offences**

- 18.1. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 18.2. A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **19. Insurance offences**

- 19.1. A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance or allowing a person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 19.2. An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have the operator's licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

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## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

**Surrey Heath Borough Council**  
**Licensing Committee**  
**15<sup>th</sup> February 2023**

---

**Street Trading**

|   |   |
|---|---|
| <b>Strategic Director/Head of Service</b> | Nick Steevens – Strategic Director of Environment and Community |
| <b>Report Author:</b>                     | Frances Soper– Environmental Health & Licensing Manager         |
| <b>Key Decision:</b>                      | No  |
| <b>Wards Affected:</b>                    | All   |

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**Summary and purpose**

Following a review of street trading arrangements in the Borough, this Committee approved a new borough-wide draft Street Trading Policy for public consultation, at its 19<sup>th</sup> October 2022 meeting and resolved that a new street designation resolution be sought that listed the prohibited streets, rescinded the current list of consent streets and designated all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough. The results of the public consultation has been taken into consideration and reflected in the revised draft policy at Annex 1.

**Recommendation**

The Committee/Council is advised to RESOLVE that

- i) the revised draft Street Trading policy at Annex 1 is approved to take effect from 1st April 2023, and
- ii) the revised street designation resolution contained in the public notice shown at Annex 2 is approved to take effect from 1<sup>st</sup> April 2023 and the approval is publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.

**1 Background and Supporting Information**

- 1.1 The Council regulates street trading in the borough under the Local Government (Miscellaneous Provisions) Act 1982 ('the Act'), with the objective of preventing nuisance and disorder from street trading activities. The Council currently issues street trading consents to approximately 14 permanent/

temporary traders, allowing the sale of a range of goods from vehicles/stalls on consent streets in the Borough and prevents trading from specified prohibited streets.

- 1.2 A 'prohibited street' is a street where no street trading may take place. A 'consent street' is a street in which street trading can only take place if the consent of the local authority has first been obtained and is any street not a prohibited street.
- 1.3 Following a review of street trading arrangements in the Borough, this Committee approved a new borough-wide draft Street Trading Policy for public consultation, at its last meeting on 19 October 2022 and resolved that a new street designation resolution be sought that listed the prohibited streets, rescinded the current list of consent streets and designated all existing streets that are not prohibited streets as consent streets and any new streets thereafter, to ensure that the Council retains control over street trading in the borough.

## **2 Consultation on the draft policy**

- 2.1 Formal consultation on the draft Policy started on the 14<sup>th</sup> November 2022 and lasted for 4 weeks. As part of the consultation, the groups and persons listed in Annex 3 were contacted directly and the consultation was also publicised via the Council's website and social media. All Members were made aware of the consultation via Member's Briefing (22<sup>nd</sup> November 2022).
- 2.2 The consultation period ended on the 14<sup>th</sup> December 2022 and 4 responses were received.
  - Surrey Police asked that highway safety issues were more specifically referenced in relation to ensuring that any trader advertising did not cause obstruction or danger to road users and that any illuminated signage that could be confused with traffic lights/other authorised signals or result in glare, dazzle or distraction of road users be prohibited.
  - Collectively Camberley sort clarification on a number of points relating to consultation with local businesses when applications are received, the arrangements for street trading on special event days/Farmer's Markets in the town centre and the possibility of alternative trading sites in the town centre to those identified in the draft policy.
  - One local business raised the need for effective enforcement of the street trading controls and
  - One existing street trader expressed the view that street traders 'are a great asset to the town and provide a great service to the community'.
- 2.3 Replies were provided to the respondents clarifying the issues raised in their representations and where appropriate minor changes made to the draft policy and these are shown in red.(see Annex 1). Comments from Investment & Development on the draft policy received prior to the commencement of the consultation period have also been included with regard to keeping the designated town centre locations under review and considering applications



for other sites in the town centre as appropriate. Investment & Development have also been added to the list of consultees on applications.

- 2.4 The Policy will be kept under review and updated to reflect any material changes that may occur. Minor changes will be agreed by the Strategic Director-Environment and Community in consultation with the Chair of the Licensing Committee. Where amendments are considered significant, they will be brought to the Licensing Committee.

### **3 Street Designation Resolution**

- 3.1 As required under 'the Act', the Council published notice of their intention to pass a new street designation resolution in a local newspaper circulating in the area on 21<sup>st</sup> December 2022. The resolution included the updated list of prohibited streets following feedback from the Committee at the last meeting, rescinded the current list of consent streets and designated all existing streets that were not prohibited streets as consent streets and any new streets thereafter (see Annex 2). A copy of the intention notice was also sent to the Chief of Police for the area and the Highway Authority and as required under 'the Act', the necessary consent of the Highway Authority has been obtained. The notice stated that any representations must be made in writing to the Council within a period of not less than 28 days. The notice was also publicised via the Council's website and social media. No representations were received by the 23<sup>rd</sup> January 2023 deadline.
- 3.2 If the Committee approves the resolution the Council must then issue a public notice to that effect which is published for two consecutive weeks in a local newspaper.
- 3.3 It is then the intention that the new designation of streets shall take effect from 1 April 2023. The prohibited list will be kept under review and a new resolution sought to amend in future as necessary.

### **4 Reasons for Recommendation**

- 4.1 To seek the introduction of an up-to-date borough-wide draft Street Trading Policy which meets the street trading needs of businesses/residents/visitors to the Borough, whilst ensuring public safety and preventing any possible associated crime, disorder or nuisance.
- 4.2 To retain control over street trading in the Borough by designating all streets that are not prohibited streets as consent streets for street trading.

### **5 Proposal and Alternative Options**

- 5.1 It is proposed that:
- i) the revised draft Street Trading policy at Annex 1 is approved, to take effect from 1<sup>st</sup> April 2023, and the revised street designation resolution

contained in the public notice shown at Annex 2 is approved to take effect from 1<sup>st</sup> April 2023 and the approval is publicised by means of a further public notice for 2 consecutive weeks in a local newspaper.

- 5.2 Alternative options would be to retain the current policy and street designation resolution.

## **6 Contribution to the Council's Five-Year Strategy**

- 6.1 Street Trading in the Borough contributes to the Council's priorities with regard to Economy, Environment, Health and Well Being and Effective and Responsive Council

## **7 Resource Implications**

- 7.1 Local authorities are able to charge a fee for the issue of a street trading consent and these are set a level to ensure full cost recovery.

## **8 Section 151 Officer Comments:**

- 8.1 Any financial implications of this report can be contained within existing budget allocations.

## **9 Legal and Governance Issues**

- 9.1 The Council is responsible for the issuing of street trading consents under the Local Government (Miscellaneous Provisions) Act 1982. Legal Services have been consulted on the report.

## **10 Monitoring Officer Comments:**

- 10.1 Progressing and approving a new street trading policy is delegated to the Licensing Committee.

## **11 Other Considerations and Impacts**

### **Environment and Climate Change**

- 11.1 Environmental considerations have been taken into account when drafting the policy with regard to consent determination criteria concerning waste minimisation/ management and power supply. The Climate Change Officer has been consulted and is supportive of the draft policy.

### **Equalities and Human Rights**

- 11.2 No direct impacts.

## **Risk Management**

11.3 No direct impacts.

## **Community Engagement**

11.4 Engagement with key stakeholders took place in the drafting of the new policy and a wider consultation exercise on the draft policy has taken place. The required public notices have been placed/will be placed in a local newspaper with regard to the new street designation resolution.

## **Annexes**

Annex 1 Draft Surrey Heath BC Street Trading Policy

Annex 2 Street Designation Resolution

Annex 3 List of Consultees

## **Background Papers**

None

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# SURREY HEATH BOROUGH COUNCIL STREET TRADING POLICY



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## I Purpose of the Policy

This document sets out the Surrey Heath Borough Council Policy on Street Trading, (‘the ‘Policy’) and takes effect 1 April 2023. The Policy details the arrangements for the management of street trading in Surrey Heath and enables the Council to regulate the location and number of street traders operating in the Borough.

The Council recognises the importance of mobile street trading businesses to the local economy and the character of the area and will endeavour to ensure that the activities do not cause nuisance or disturbance to the people in the area. The framework and its associated conditions aim to ensure local businesses and communities are not adversely affected by street trading and to prevent the obstruction of the streets and minimise any risk to the public or harm to the environment caused by street trading activities.

The Policy will be referred to when determining applications for Street Trading Consent and applicants are encouraged to consider the Policy as part of the application process.

Surrey Heath will endeavour to work with other agencies and stakeholders to ensure their views are considered as part of any street trading application.

Each application for grant or renewal of a street trading consent will be considered on its individual merits, and the Council may impose such conditions as deemed appropriate including to prevent obstruction of the street or danger to persons using it or prevent nuisance or annoyance (whether to persons using the street or otherwise).



## 2 Consultation on the Policy

The Council has consulted the following and taken into account their relevant views:

- Surrey Police – Road Safety and Traffic Management
- Surrey County Council Highways
- Surrey Fire and Rescue Service
- Licensing Committee
- Surrey Heath BC Members
- Parish Councils
- Villages Working Group
- Business Improvement District - Collectively Camberley
- Management of The Atrium and The Square
- Local Business Groups
- Local businesses via the Council's electronic newsletter
- Local Resident Groups
- All current street traders operating in the Borough
- Relevant Services within the Council including Environmental Health and Licensing, Investment and Development, Corporate Enforcement, Recreation and Leisure and Planning.
- The general public by use of the Council's consultation webpage and social media.

## 3 Review of the Policy

The Policy will be kept under review and updated to reflect any material changes that may occur. Minor changes will be agreed by the Strategic Director Environment and Community in consultation with the Chair of the Licensing Committee. Where amendments are considered significant, they will be brought to the Licensing Committee.





## 4 Legislation and Street Trading in Surrey Heath

### 4.1 Legal Framework

The Council in 1992 resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Act the Council can manage street trading by designating streets as ‘consent streets’ or ‘prohibited streets’.

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a **number of exceptions** such as:

1. Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871.
2. Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
3. Trading as a news vendor.
4. Trading at or adjoining a shop premises as part of the business of the shop.
5. Offering or selling things as a roundsman.

Schedule 4 defines a street as ‘any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.’ The Council resolution also includes areas for a distance of up to 50 meters from the centre of the street as being within scope for street trading controls.

#### 4.1.1 Consent Street

A **consent street** is a street in which street trading can only take place if the consent of the local authority has first been obtained and is any street in the Borough that is not designated a prohibited street. All forecourts, footways and other areas adjacent to Consent Streets that are open as a matter of fact to the



public without payment , for a distance of 50 meters from the centre of these streets are also designated as consent streets.

#### 4.1.2 Prohibited Street

A **prohibited street** is a street where no street trading may take place at all. However all forecourts, car parks and other areas adjacent to Prohibited Streets that are open as a matter of fact to the public without payment, for a distance of 50 meters from the centre of these streets that are not public highway are designated as Consent Streets. This enables street trading to take place with the consent of the Council in those areas adjacent to prohibited streets, where street trading could enhance an area and can take place without detrimental effect.

Roads in Surrey Heath which have been designated as prohibited streets are listed in Annex I. This list will be kept under review and the necessary resolution sought to amend as necessary. Nothing within this Policy will allow street trading to occur on prohibited streets.

#### 4.1.3 Town Centre Locations

Locations within the defined Camberley town centre area where street trading has been deemed to be suitable following consultation with Collectively Camberley, subject to obtaining the necessary street trading consent, are detailed in Annex II and Annex III. **These locations will be kept under review by the Council and be updated as necessary. Applications for other sites in the town centre will be considered on their merits.**

## 4.2 Types of Street Trading Consent

The types of street trading consent available are as follows:

- I. Permanent Trading
  - a. 4 days or more for 12 month period :



- i. Takeaway Food (food prepared/served onsite ready for immediate consumption)
  - ii. Ice Cream vehicles/unit
  - iii. Fruit and Veg
  - iv. Other Traders
- b. 1 day per week for 12 month period (any category of trader)
- c. Camberley Town Centre for 12 month period - markets/events 37 days a year (to include 25 markets and 12 events)

## 2. Ad hoc Trading

- a. Daily
- b. Weekly
- c. Monthly
- d. Market/special event one day - up to 20 stalls/ 20 stalls and over

Permanent consents are normally issued for a period of one year, but applications for less than a year or for a specified trial period may be granted depending on individual circumstances e.g. to determine the trading viability of a site or where potential concerns have been raised by a consultee. Fees will be pro-rated accordingly.

### 4.3 Markets/ Special Events

For markets/special events held on the highway for a limited time, the Council will accept one application (and associated fee) from the person organising the event, however details of the street trading that will be taking place will be required on application. **Traders granted town centre consents will be made aware of any special street trading arrangements in place with regard to Business Improvement District town centre events and they will be provided with relevant contact details, so they can discuss any trading opportunities that may be available to them at those events.**



The requirement for street trading consent and the associated fees for stalls at charitable or small community events may be reduced, at discretion of the Strategic Director Environment and Community. Street trading is considered to be for charity benefit if the profits from individual stalls are donated to a registered charity and proof can be evidenced on request. Examples of such events are Street Parties, Festival and Sports Days, Community Fun/Activity Days, Charity Events, Parades. Any traders attending for solely commercial gain would be subject to street trading controls.

#### 4.4 Other relevant regulatory requirements

Pavement Licences - the licensing of the placement of tables and chairs on pavements is administered by the Council under the Business and Planning Act 2020. See [Pavement Licences](#).

Late Night Refreshment - traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will require the relevant licence under the Licensing Act 2003. See [Late Night Refreshment Licence](#)

Planning permission may be required depending on the location and number of days that trading takes place. See [Development Planning Advice](#).

## 5 Street Trading Consent Applications

### 5.1 New Applications

Applications for a new street trading consent must be submitted where possible to the Council online and the following must be included:

- A completed/ signed application form and the relevant fee.
- A passport style photo of the applicant where a sole trader.
- A map showing the precise location of the proposed site.
- Electronic colour image of the unit that will be used for the street trading activity.
- Dimensions of the unit in metres (length, height, width).
- A certificate of Public Liability Insurance for a minimum value of £5 million.



- If handling open food, a copy of the current Level 2 Award in Food Safety in Catering certificate for all food handlers working on the unit should be provided if available.
- Proof of a valid Waste Transfer Contract in place for commercial waste where applicable.
- Current valid gas safety certificate for the unit if applicable.

The Council cannot issue a consent if the applicant is under 17 years of age.

### 5.1.1 Consultees

Before a Street Trading Consent is granted or refused the Council will consult the following on the application:

- Surrey County Council (SCC) Highways
- Surrey Police – Road Safety and Traffic Management
- Surrey Fire and Rescue
- Ward Councillors
- Parish Council
- Planning
- Environmental Health and Licensing
- Investment and Development
- Business Improvement District - Collectively Camberley (town centre applications)

A public notice will be displayed by the Council close to where the street trading is proposed and/or the Council may consult local businesses/residents in the area where relevant in writing. All applications received will be publicised on the Council's website.

Any written representations received within the 21-day consultation period will be considered when determining the application and where objections are received the applicant will be given the opportunity to make any relevant submissions regarding the objection.



## 5.1.2 Determination of applications

The Strategic Director Environment and Community has delegated authority to determine street trading consent applications and the criteria listed below and any consultee representations will be taken into consideration. Each application will be assessed on its merits and individual circumstances.

In considering applications for the grant or renewal of a consent the following criteria will be considered:

- **Public Safety**  
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include obstruction/trip hazard, fire hazard, gas & electrical safety and risks that may occur when a trader is accessing/exiting the site.
  
- **Highway Safety**  
Whether the street trading activity represents, or is likely to represent a risk to road safety as follows:
  - ◆ there is interference with sight lines for any road users (vehicles and pedestrians) from the trader's location or from customers visiting/leaving the site
  - ◆ there is a conflict with Traffic Orders such as waiting restrictions
  - ◆ the trader obstructs the safe passage of users of the footway or carriageway.
  - ◆ there are inadequate public parking available to allow traders and customers to park without obstructing local business and residents access.

The location and operating times will be such that the highway can be maintained in accordance with the SCC requirements and that there are no dangers to those



who have a right to use the highway and present no obstruction for emergency access. The trader must relinquish the right to trade when required by SCC or other relevant body or organisation in order to allow maintenance or repair to occur.

- **Public Order**  
Whether the street trading activity represents, or is likely to represent, a risk to public order. Traders will need to conduct themselves in a professional manner and to take reasonable measures to deter disorder associated with the trading activity.
- **The Avoidance of Public Nuisance**  
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or disturbance to the public from noise, waste, litter and/or odour particularly in residential areas.
- **Appearance of the Unit**  
The unit must be of smart appearance and not detract from the appearance of the surrounding area. It must meet the criteria in the standard consent conditions and be maintained in a good condition. Photographs, including dimensions, must be provided with all new applications and requests for approval of any changes to, or replacement of, a vehicle or unit.
- **Needs of the Area**  
The demand for the articles for sale and proximity of the proposed site in relation to traders selling similar goods.
- **Food Safety**  
Food trader applicants must be able to demonstrate a good understanding of food safety. They must be registered as a food business with the relevant local authority. As a minimum, open food handlers should hold a current Level 2 Award in Food Safety in Catering or equivalent from an accredited



training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 3 (Satisfactory) will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant with the highest Food Hygiene Rating Scheme award is likely to be selected.

- **Healthy Eating Choices.**

Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – healthy eating scheme. The scheme aims to encourage food businesses to provide healthier options to customers, through the use of healthier catering practices, increasing fruit, vegetables, and starchy carbohydrates, and decreasing fat, especially saturated fat, sugar and salt. It also recognises provision of healthy options for children and rewards staff training and promotion and marketing of healthier options.

Where more than one trader is seeking to operate from the same location and all other criteria has been met- the applicant that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. See the [Eat Out Eat Well website](#) (external website).

To restrict the availability of potentially unhealthy food choices to under 18s, traders applying to supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 within 400m of the boundary of a school or college is unlikely to be approved.

- **Environmental Impacts**

The impact of the proposed operation on the environment will be considered and the carbon footprint of the proposed activity with regard to power supply, supply chain, waste minimisation and waste disposal will be taken into consideration.





Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant that can demonstrate the lowest environmental impact is likely to be selected.

### 5.1.3 Conditions

The Council applies standard conditions to Street Trading Consents and these are attached to this Policy as Annex IV. The standard conditions are not exhaustive and other conditions may be added to individual consents where appropriate. Additional conditions applicable to Special Events may also be added where appropriate.

Street trading can only be carried out from the unit authorised on the consent. Any changes to or replacement of the unit must be approved by the Council by means of variation request for which a variation fee payable.

Applicants are advised to read carefully the conditions for consent as the Council may revoke, vary or refuse to renew this licence if the conditions are breached. Any contravention of the conditions specified may result in prosecution.

## 5.2 Renewal Applications

Street Trading Consents are renewed annually and a renewal application should be made to the Council at least 6 weeks before the renewal date by submitting an online application accompanied by the appropriate fee. If a renewal application is not made before the expiry of the current licence a full new application will have to be made. The effect of this will be that a trader will not be permitted to trade until the new consent is granted.

Consultation as for new applications, will be carried out for renewal applications and any representations received within 21 days taken into account in the decision to renew the consent.



Where a renewal application has been made and there have been no justifiable complaints or enforcement issues and all fees have been paid on time, the consent is likely to be renewed. There is no automatic right to renewal. If there have been significant complaints, enforcement has been necessary or there are fees have not been paid on time, then the application may be refused.

### 5.3 Transfer Applications

A street trading consent cannot be transferred or sold to another person, however the consent may be transferred to a member of the consent holder's immediate family, (spouse, adult child, parent sibling) in the event of the consent holder's death or incapacity on payment of a variation fee.

The subletting of a pitch is prohibited. Where sub-letting is identified, the consent will be withdrawn from the holder. No right to claim a refund for the period remaining on the consent will be accepted.

### 5.4 Application Refusal/Consent Revocation

There is no right of appeal against refusal to grant, renew or revoke a consent, but reasons will be given for the decision in writing.

The Council's complaints procedure is available to the unsuccessful applicant if they are unhappy with how their application has been determined – see [complaints and compliments](#).

## 6 Fees

Fees will be set and reviewed annually. Details of the current fees can be found on the Council's website.



Applications for annual consents must be accompanied by the correct fee. The fee consists of two parts. Part 1 a non-refundable application fee and Part 2 the issuing fee for the licence. The application fee must be paid before the application is considered. If the application is successful, the issue fee (Part 2) will be required to be paid before the consent is issued.

A fee is payable if the consent holder wishes to vary the consent or its conditions or requires a replacement copy of the consent and conditions.

Consents run from 1<sup>st</sup> April to 31<sup>st</sup> March. For applications received part way through the year the fee will be pro-rated based on the number of months the consent will be valid. Fees for consents for a trial period will be pro-rated accordingly.

Where trading ceases during the term of the consent, refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.

## 7 Enforcement

The Council will carry out periodic inspections of street trading activity to check compliance with consent conditions and to identify any unauthorised trading. Any complaints received regarding street trading in the Borough will be investigated.

Where activities are conducted without the benefit of a consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate in accordance with the Council's Enforcement Policy.

Failure to comply with one or more consent conditions may lead to revocation or non-renewal of the consent. Where revocation occurs in such circumstances no refund will be payable.



## Annex I – List of Prohibited Streets (April 2023)

Pursuant to the Local Government (Miscellaneous Provisions) Act 1982, the Council designates as prohibited streets, those streets listed below, including all, roads, footways, and areas open as a matter of fact to the public without payment within a distance of 50 metres from the centre of those streets *which are part of the public highway*.

| Street Name                               | Ward(s)  |
|---|--|
| A322                                      | Bagshot, Lightwater, West End, Bisley                      |
| Albert Road                               | Town   |
| Bagshot Road (A319)                       | Chobham, West End  |
| Beaumaris Parade                          | Frimley Green  |
| Blackwater Valley Road (A331)             | St Michaels, Watchetts, Frimley                            |
| Cedar Lane – including unsurfaced section | Frimley  |
| Charles Street                            | St Michaels  |
| Chertsey Road (A319)                      | Chobham  |
| Church Hill                               | St Pauls   |
| Church Road                               | Frimley  |
| Coleford Bridge Road                      | Mytchett & Deepcut   |
| Crawley Hill                              | St Pauls   |
| Crawley Ridge                             | St Pauls   |
| Cross Lane                                | Frimley Green  |
| Cumberland Road                           | Heatherside  |
| Deepcut Bridge Road                       | Mytchett & Deepcut   |
| Edgemoor Road                             | Heatherside  |
| Frimley By-pass (A325)                    | Frimley  |
| Frimley Road                              | St Michaels, Frimley, Watchetts                            |
| Frimley Green Road                        | Frimley, Frimley Green                                     |
| Gosden Road                               | West End   |
| Grand Avenue                              | St Michaels  |
| Grove Cross Road                          | Frimley  |
| Hamesmoor Road                            | Mytchett & Deepcut   |
| Heathcote Road                            | Town   |
| High Street                               | West End   |
| Knoll Road                                | Town   |
| London Road (A30)                         | St Michaels, Town, Old Dean, St Pauls, Bagshot, Windlesham |
| Lower Charles Street                      | St Michaels  |

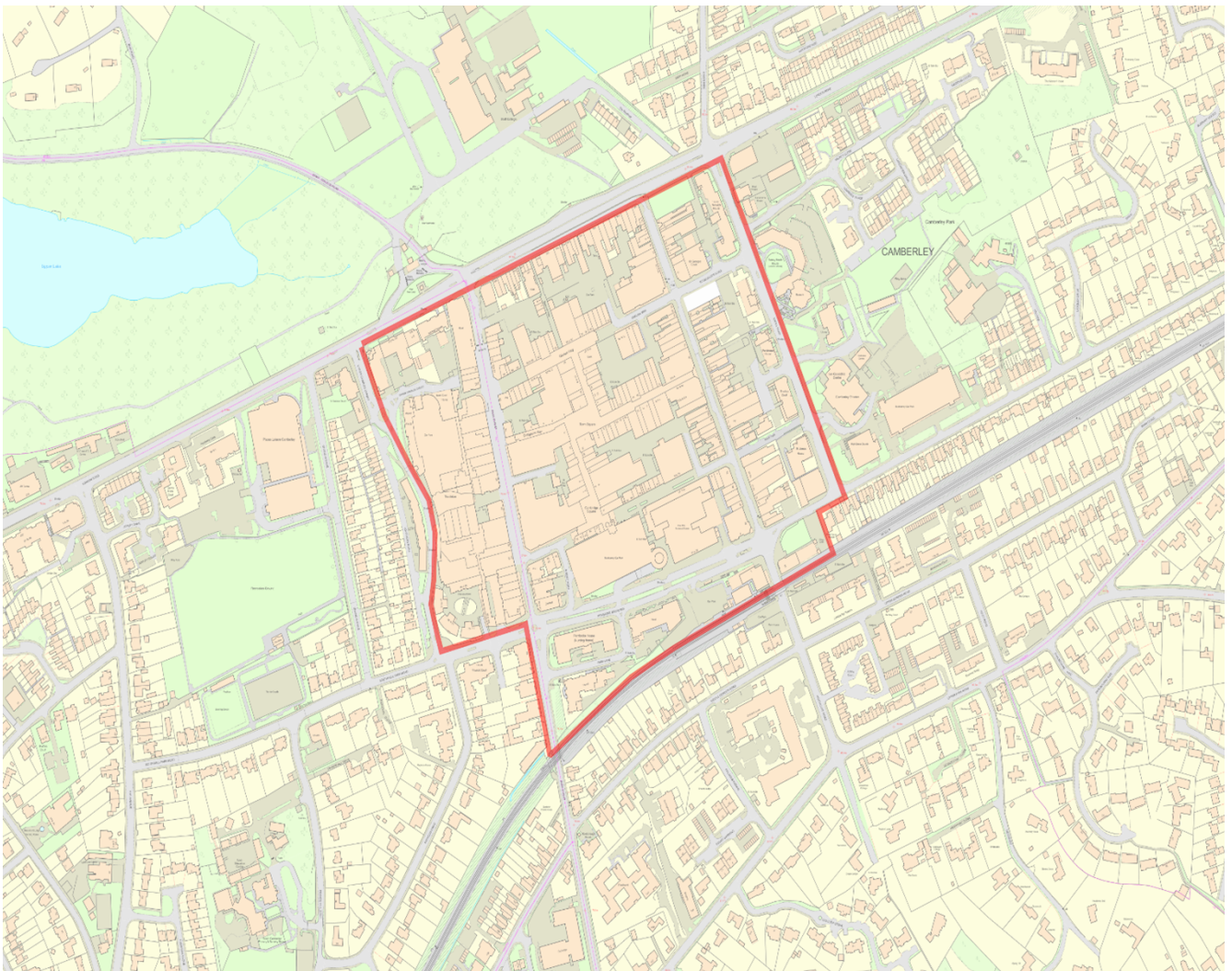


|   |                                   |
|---|-----------------------------------|
| Lyon Way  | Frimley                           |
| Martindale Avenue   | Heatherside                       |
| Maultway North  | Old Dean                          |
| Mytchett Road   | Mytchett & Deepcut                |
| Obelisk Way   | Town                              |
| Park Road   | Town, Watchetts                   |
| Park Street (to the south of Pembroke Broadway only)  | St Michaels, Town, Watchetts      |
| Pembroke Broadway   | Town                              |
| Portesbery Road (between its junctions with Knoll Road and the High Street)   | Town                              |
| Portsmouth Road (A325)  | St Pauls, Frimley, Parkside       |
| Princess Way (from the west of the Mall Shopping Centre to its junction with Park Street, but excluding the 6M of pavement outside the entrance doors to the Mall.) | Town                              |
| The Green   | Frimley Green                     |
| The Maultway  | St Pauls, Heatherside             |
| The Parade – Frimley High Street  | Frimley                           |
| Red Road (B311)   | Lightwater, Heatherside           |
| St Georges Road   | Town                              |
| Southern Road   | St Michaels                       |
| Southwell Park Road between Park Street and Grand Avenue  | St Michaels                       |
| Sturt Road  | Frimley Green, Mytchett & Deepcut |
| Swift Lane  | Bagshot                           |
| Updown Hill (B386)  | Windlesham                        |
| Upper Charles Street  | St Michaels                       |
| Upper Park Road   | Town, St Pauls                    |
| Wharf Road  | Frimley Green                     |



## Annex II Camberley Town Centre Area

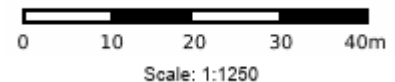
Area within the red box is the defined Camberley Town Centre area for street trading purposes. This covers the area between the A30 to the north, Knoll Road to the east, the railway line to the south and Park Street/Charles Street to the west.



0 20 40 60 80m  
Scale: 1:5000

## Annex III Sites within the Camberley Town Centre where Street Trading is deemed suitable

Six suitable sites are shown on the map by red dots and labelled from site 1 to 6.



### Site Descriptions

- Site 1: Princess Way – adjacent to the entrance to The Square
- Site 2: Park Street – on the corner with Princess Way
- Site 3: Park Street – outside No.45-54
- Site 4: Sparvell Way – adjacent to the entrance to The Square
- Site 5: Knoll Walk
- Site 6: Knoll Walk



## Annex IV - General Conditions for Annual Street Trading Consents

This list is not exhaustive and other conditions may be added to the Street Trading Consent ('the consent') having regard to the particular circumstances

1. A copy of the consent bearing the name of the holder shall be displayed conspicuously on the unit/vehicle so that members of the public can clearly see it during hours of business. The original consent must be produced on demand to a Council Officer or Police Officer.
2. The consent holder should be the principal operator and have day to day control of the unit /vehicle and conduct their business in a professional manner and in a way that minimises risks to others. Any employee who operates the unit/vehicle other than the consent holder must be aware of the street trading conditions issued as part of the consent and ensure that they are complied with. Failure to do so may lead to the consent being revoked.
3. A consent cannot be transferred or sold to another person, unless that person is a member of the holder's immediate family in the event of the holder's death or incapacity on payment of a variation fee. The subletting of a pitch is prohibited.
4. The holder may terminate the consent by written notice to the Council. The Council will retain the Part 1 application fee administrative costs. Refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.
5. No street trading shall take place except between the dates and times specified on the consent.
6. The consent relates only to the location specified on the consent and the holder shall ensure that the unit/vehicle is positioned only in the allocated space for which the consent is issued. All goods shall be displayed on the unit/vehicle and no freestanding racks or displays are permitted.
7. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
8. The consent relates only to the unit/vehicle specified on the consent. Any significant changes to or replacement of the unit/vehicle must be approved by the Council and may incur a variation fee.
9. The consent holder's unit/vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance.





10. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate, (if applicable).
11. If a trailer (and not a motorised vehicle), is parked on the highway, it must be road worthy and be in a suitable condition to be moved at any time.
12. The unit/vehicles must not obstruct the safe passage of users of the footway/carriage way, including sightlines and vehicle movements must be carried out legally and not present a risk to people and structures.
13. Any advertising must not cause obstruction or danger to road users and illuminated signage that could be confused with traffic lights/other authorised signals or result in glare, dazzle or distraction of road users is prohibited.
14. If a consent holder or operator/assistant is requested to move the unit/vehicle by an authorised Council Officer or Police Officer, they shall immediately comply with the request.
15. Consent holders shall have and maintain an insurance policy to the satisfaction of the Council and proof of cover must be produced on request.
16. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974, the Food Safety Act 1990 and all subsequent regulations including the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Food and Safety Team.
17. All food businesses must be registered as a food business with the local authority where the unit/stall is kept overnight and be able to demonstrate registration, e.g. by written confirmation from the relevant local authority if outside Surrey Heath or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
18. Traders handling open high-risk food must have adequate hand washing facilities that include a supply of running water.
19. All handlers of open high risk should hold a current Level 2 Award in Food Safety in Catering accredited by a recognised training body or equivalent.
20. All food businesses must achieve and maintain at least a Food Hygiene Rating of '3 – Generally Satisfactory'. The Rating must be displayed prominently on the stall/vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council.



21. Where participation in the Eat Out Eat Well- healthy eating scheme, formed part of the application submission, then the operator must ensure it continues to satisfy the requirements of the scheme for the duration for the consent has been issued.
22. The consent holder must take reasonable precautions to prevent the risk of fire.
23. Reasonable steps must be taken to ensure gas safety where gas appliances are in use. Appliances must be maintained and serviced as per manufacturer's instructions and appliances and systems must be checked for safety by a competent Gas Safe engineer qualified to inspect catering LPG appliances at least annually. Any faults or concerns must be appropriately investigated and made safe by a competent Gas Safe engineer before use.
24. All hot food vans/trailers are required to carry an appropriate first aid kit for the activities that are to be undertaken and have the means to contact the emergency services if necessary.
25. The consent holder shall not be the cause of any nuisance or disturbance to any other user of the highway, the occupier of any land or building or the Council. Consent holders shall have special regard to, and must take action to prevent, excessive noise and odour. Generators in particular need to be properly sited, sound proofed and ventilated so as not to cause disturbance and traders must not use loudspeakers/play loud music.
26. The Environmental Protection Act 1990 places a duty of care on businesses 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. No water or waste material shall be discharged on to the highway or any adjacent property. Proof of waste transfers certificates must be made available to an authorised officer on request, and without undue delay.
27. The consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use, and litter picking any litter from the site, associated with the business activity.
28. The street surface must be left in a clean condition after trading and the trader will be liable for any permanent damage/discoloration of the surface.
29. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials, with the items being recycled rather than entering mixed waste.

## **Additional Conditions Applicable to Special Events/Markets**

1. All stalls to be issued with a number that must be displayed on the stall.



2. The consent holder should keep records of each stall holder present on the market, to include the stall holder's pitch number, name and company name, their address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to the Council.



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## Annex 2

# Public Notice

## Street Trading Resolution

Notice is hereby given that Surrey Heath Borough Council intends to amend the current street trading resolution under Para 2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 at its meeting on 15<sup>th</sup> February 2023.

The terms of the amended draft resolution are as follows:

That the current list of consent streets be rescinded and all streets in Surrey Heath Borough be designated as consent streets and any new streets thereafter, (including all roads, footways and areas open as a matter of fact to the public without payment within a distance of 50 metres from the centre of those streets), save the following which are to be designated as prohibited streets under the above legislation:

### Street Name and Ward(s)

A322: Bagshot, Lightwater, West End, Bisley

Albert Road: Town

Bagshot Road (A319): Chobham, West End

Beaumaris Parade: Frimley Green

Blackwater Valley Road (A331): St Michaels, Watchetts, Frimley

Cedar Lane including unsurfaced section: Frimley

Charles Street: St Michaels

Chertsey Road (A319): Chobham

Church Hill: St Pauls

Church Road: Frimley

Coleford Bridge Road: Mytchett & Deepcut

Crawley Hill: St Pauls

Crawley Ridge: St Pauls

Cross Lane: Frimley Green

Cumberland Road: Heatherside

Deepcut Bridge Road: Mytchett & Deepcut

Edgemoor Road: Heatherside

Frimley By-pass (A325): Frimley

Frimley Road: St Michaels, Frimley, Watchetts  
Frimley Green Road: Frimley, Frimley Green  
Gosden Road: West End  
Grand Avenue: St Michaels  
Grove Cross Road: Frimley  
Hamesmoor Road: Mytchett & Deepcut  
Heathcote Road: Town  
High Street: West End  
Knoll Road: Town  
London Road (A30): St Michaels, Town, Old Dean, St Pauls, Bagshot, Windlesham  
Lower Charles Street: St Michaels  
Lyon Way: Frimley  
Martindale Avenue: Heatherside  
Maultway North: Old Dean  
Mytchett Road: Mytchett & Deepcut  
Obelisk Way: Town  
Park Road: Town, Watchetts  
Park Street (to the south of Pembroke Broadway only): St Michaels, Town, Watchetts  
Pembroke Broadway: Town  
Portesbery Road (between its junctions with Knoll Road and the High Street): Town  
Portsmouth Road (A325): St Pauls, Frimley, Parkside  
Princess Way (from the west of the Mall Shopping Centre to its junction with Park Street, but excluding the 6M of pavement outside the entrance doors to the Mall.): Town  
The Green: Frimley Green  
The Maultway: St Pauls, Heatherside  
The Parade, Frimley High Street: Frimley  
Red Road (B311): Lightwater, Heatherside  
St Georges Road: Town  
Southern Road: St Michaels  
Southwell Park Road between Park Street and Grand Avenue: St Michaels  
Sturt Road: Frimley Green, Mytchett & Deepcut

Swift Lane: Bagshot

Updown Hill (B386): Windlesham

Upper Charles Street: St Michaels

Upper Park Road: Town, St Pauls

Wharf Road: Frimley Green

(Please note all forecourts, car parks and other areas adjacent to prohibited streets that are open as a matter of fact to the public without payment, for a distance of 50 meters from the centre of these streets that are not public highway are designated as consent streets.)

Once made the resolution will allow the Council to control street trading in these streets using the powers set out in the legislation.

Representations relating to the proposed resolution may be made in writing no later than 23<sup>rd</sup> January 2023 by:

- Emailing [streettrading.consultation@surreyheath.gov.uk](mailto:streettrading.consultation@surreyheath.gov.uk)
- Post to Environmental Health, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, GU15 3HD

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### **Annex 3 List of consultees on draft Street Trading Policy**

- Surrey Police – Road Safety and Traffic Management
- Surrey County Council Highways
- Surrey Fire and Rescue Service
- Licensing Committee
- Environment & Community and Economic Portfolio Holders
- Surrey Heath BC Members
- Parish Councils – Bisley, Chobham, Lightwater, West End, Windlesham
- Town Centre Working Group
- Villages Working Group
- Property and Governance Group
- Collectively Camberley
- Surrey Markets
- Local Business Groups
- Local businesses via the Council's electronic newsletter
- All current street traders operating in the Borough
- The Atrium
- The Square
- Local Resident Groups
- Relevant Services within the Council including Environmental Health and Licensing, Legal, Investment and Development, Parking, Corporate Enforcement, Recreation & Leisure, Planning, Climate Change Officer, Project Officer Healthy Weight
- The general public by use of the Councils consultation webpage and social media.

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## Licensing Act 2003 - Summary of Decisions

Ward(s) affected: All

### Purpose

To report decisions that have been taken in respect of licence applications that have been dealt with under powers delegated to the Strategic Director – Environment and Community and to the Senior Licensing Officer.

### Background

1. Details of decisions taken under delegated powers in relation to applications, representation etc., have to be reported to the Licensing Committee in accordance with the provisions of the Licensing Act 2003.

### Current Position

2. In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the Senior Licensing Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.
3. If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements.
4. When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
5. A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

### Recommendation

6. The committee is advised to note this report.

Background Papers      None

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Head of Service            Nick Steevens – Strategic Director - Environment and Community

Annex A

**Summary of Decision made under the Licensing Act 2003**

**01/09/2022 – 31/01/2023**

|                                    |    |
|------------------------------------|----|
| New Personal Licence               | 10 |
| Variation to a Personal Licence    | 9  |
| Temporary Event Notice             | 67 |
| New Premises Licence               | 1  |
| Variation to a Premises Licence    | 29 |
| Premises Licence Transfer          | 9  |
| New Club Premises Certificate      | 0  |
| Transfer Club Premises Certificate | 0  |

New premises

Five Guys, The Atrium, Camberley

**Licensing Committee  
2023/2024 Draft Work Programme**

| <b>Date</b>             |    | <b>Topic</b>  |
|-------------------------|----|---|
| <b>14 June<br/>2023</b> | 1. | <b>Food Safety and Health &amp; Safety Service Plan</b>   |
|                         | 2. | <b>Pavement Licensing</b>   |
|                         | 3. |   |
|                         | 4. |   |
|                         | 5. | <b>Summary of Decisions</b><br>To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers |

| <b>Date</b>                    |    | <b>Topic</b>  |
|--------------------------------|----|---|
| <b>11<br/>October<br/>2023</b> | 1. |   |
|                                | 2. |   |
|                                | 3. | <b>Summary of Decisions</b><br>To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers |

| <b>Date</b>                    |    | <b>Topic</b>  |
|--------------------------------|----|---|
| <b>7<br/>February<br/>2024</b> | 1. |   |
|                                | 2. |   |
|                                | 3. | <b>Licensing and Environmental Health Teams Annual Verbal Update</b>  |
|                                | 4. | <b>Summary of Decisions</b><br>To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers |

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