

TABLE OF AMENDMENTS MADE TO SWALE BC STREET TRADING POLICY 2021 – 2024

Policy Section No. and Title	Policy Paragraph and Existing Wording	Amended Wording	Reasons for Amendment
5. Application Procedure	5.1 Only persons aged seventeen or over may apply for consent. However, a person under eighteen may be employed as an assistant.	Amended to: 5.1 Only persons aged eighteen or over may apply for consent. However, a person under eighteen may be employed as an assistant.	Only a person over the age of eighteen is able to apply for a Disclosure and Barring Service Check (DBS)
	5.2 New application for sole traders and multiple trader event organisers will be determined following a 28 consecutive day consultation period	Removal of this requirement for multiple trader event organisers Amended to: 5.2 New application for sole traders will be determined following a 28 consecutive day consultation period	Event organisers engage with the Safety Advisory Group which consists of many of the same agencies that are consulted for Street Trading Consents and it is therefore unnecessary duplication to consult again
	5.3.3 An application for a one-off consent must be submitted at least 8 weeks before the intended trading and will be determined following a 28 consecutive day consultation period	Replaced with: 5.3.3 Applications for one-off consents should be submitted no later than 7 days before the event.	Applications for one-off consents should be 'light-touch' and this requirement is too onerous on applicants as it stands. It is not deemed necessary to consult on individual one-off consents as the event organisers work with the Safety Advisory Group as previously stated
	5.5 Renewal applications – for sole traders and event organisers	Amended to: 5.5 Renewal applications for sole traders	Event organisers do not renew applications they apply for a new one-off consent

	<p>5.5.2 A renewal application will be determined following a 28 consecutive day consultation period</p> <p>And;</p> <p>5.5.3 At renewal, the Council will consult to determine if there are any concerns regarding the street trader or if there have been any complaints</p>	<p>Removed and replaced with:</p> <p>5.5.2 At renewal, the Council will only consult if there are any concerns regarding the street trader or if there have been any complaints.</p>	<p>It is considered unnecessary to consult upon renewal as the original application has been fully consulted upon and this is unnecessary bureaucracy</p>
	<p>7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the General Licensing Sub-Committee....</p>	<p>Amended to:</p> <p>7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the Licensing Sub-Committee....</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>
	<p>7.7 A Licensing Officer will be responsible for preparing a report for the General Licensing Committee (who can then delegate this to a Sub-Committee)</p>	<p>Amended to:</p> <p>7.7 A Licensing Officer will be responsible for preparing a report for the Licensing Sub-Committee</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>
	<p>7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Resilience and Licensing Manager, who will reconsider the case based on any new evidence given.</p>	<p>Amended to:</p> <p>7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Community Safety Manager, who will reconsider the case based on any new evidence given.</p>	<p>For clarity – the licensing team now sits within the Community Safety Unit and reports to the Community Safety Manager</p>
	<p>7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the General Licensing Sub-Committee applicants will be advised the only right of appeal against the Council’s decision is by way of Judicial Review..</p>	<p>Amended to:</p> <p>7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the Licensing Sub-Committee applicants will be advised the only right of appeal against the Council’s decision is by way of Judicial Review..</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>

	<p>10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Resilience and Licensing manager, supported by Licensing Officers.</p>	<p>10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Community Manager, supported by Licensing Officers.</p>	<p>For clarity – the licensing team now sits within the Community Safety Unit and reports to the Community Safety Manager</p>
	<p>11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as ‘chuggers’). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However, Swale Borough Council does have an expectation that all proposed collectors of this type will contact the Regeneration Officer (Town Centres) to liaise over the location, days and times that this type of activity will take place.....</p>	<p>Amended to: 11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as ‘chuggers’). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However, Swale Borough Council does have an expectation that all proposed collectors of this type will contact the relevant market manager or the licensing team to liaise over the location, days and times that this type of activity will take place.....</p>	<p>For clarity – the post of Regeneration Officer (Town Centres) no longer exists</p>
	<p>11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the Regeneration Officer (Town Centre) to check suitable locations so as not to</p>	<p>Amended to: 11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the relevant market manager or licensing</p>	<p>For clarity – the post of Regeneration Officer (Town Centres) no longer exists</p>

	interfere with any events or markets that may be taking place.	team to check suitable locations so as not to interfere with any events or markets that may be taking place.	
	<p>Appendix 1 – Documents to provide on application</p> <p><u>One-off consents</u></p> <ul style="list-style-type: none"> • A location plan showing the exact position of any cart, van, barrow etc • Where considered necessary, applicants must submit a Standard Disclosure and Barring Service criminal records check. This can be obtained as shown below: Email: customerservices@dbs.gsi.gov.uk Phone: 03000 200 190 Address: PO Box 165. Liverpool L69 3JD The original certificate must accompany the application form and must be submitted within one month of issue. The requirement for a DBS does not apply or event organisers. • One passport size colour photograph of the applicant. If 	<p>Amended as shown below</p> <ul style="list-style-type: none"> • Remove the requirement for a location plan for one-off consent • Removed • Removed as unnecessary 	<p>Event organisers often have to change the location of stalls multiple times so this removes unnecessary bureaucracy</p> <p>Reasons for doing so are described at paragraph 3.7 of the report to Licensing Committee dated 15th February 2023</p> <p>Photos are required to make ID badges. This is not considered necessary for one-off consents and</p>

	<p>there are assistants, then they too must supply a photograph of themselves</p> <p><u>New applications and Renewal applications</u></p> <ul style="list-style-type: none">• Multiple traders and event organisers do not need to provide photographs of the individual pitches but must provide a numbered site plan of pitches together with a list giving the name of each individual trader and the nature of their business that from time to time trade from those pitches. This list should be kept updated and amendments submitted to the licensing team throughout the lifetime of the consent	<ul style="list-style-type: none">• Removed as unnecessary	<p>would increase the overall cost to an applicant for a one-off consent if required</p> <p>This is included as a requirement for one-off consents and this is unnecessary duplication</p>
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