



Walsall Council

LICENSING AND SAFETY COMMITTEE

10TH SEPTEMBER 2008

REPORT OF HEAD OF PUBLIC PROTECTION

STREET TRADING REVIEW – STAGE 2

1.0 PURPOSE OF REPORT

- 1.1 To provide members of the Licensing and Safety Committee with the findings of the second stage of the Street Trading Review with a view to putting proposals before Council that will:
- a) provide, through licensing provisions, a policy for street activity that seeks to enhance the character and vibrancy of Walsall generally and in particular Walsall's district centres
 - b) enable elected members, local Neighbourhood Partnerships, residents, and traders, to have responsibility for and a voice in how they want their highways and street scene to be used, through the limited powers delegated under licensing legislation and the framework for the future outlined in this document
 - d) Rationalise into one place the various conditions, policies and legal guidance so that Walsall Council has a framework for such activity that can evolve as the changing face of the Borough emerges. Also, to approve a policy statement and procedure that can be used in the future to ensure that the wishes of the stakeholders including residents, are placed as paramount
- 1.2 The first stage of the Review was reported to Licensing and Safety Committee on 19th March 2008 when it was resolved:
- a) that the following be approved in principle:
 - i. the revision of licenced streets within the borough be re-designated as consent or prohibited streets as detailed at Appendix 1 of the report;
 - ii. the establishment of a two tier consent system as outlined in the report;

- iii. the revised list of locations as designated sites for street trading or other activities as detailed in the list and plans attached at Appendix 2 of the report
 - iv. the process for attracting expressions of interest for children's amusement rides;
 - v. the criteria for licensed advertisements on the highway.
 - b) that the implementation timetable, detailed in paragraph 10 on page 10 of the report, be approved subject to the report being submitted to Development Control Committee on 22nd April, 2008;
 - c) that the report be submitted for consideration by all Local Neighbourhood Partnerships;
 - d) that the Trading Standards Manager be delegated authority to approve the appearance of street trading vehicles/units and, in the event of or disagreement on the suitability of a particular unit, the matter be referred to the Licensing and Safety Committee for consideration.
- 1.3 During the course of the debate it was requested that consideration be given to the possibility of "succession in title" to allow family members of existing licensed traders to continue to trade in the event of the licensed trader retiring.
- 1.4 A copy of the full resolution is attached as **Appendix 1**
- 1.5 The legislation makes no provision for "succession in title". This issue was referred to Counsel for independent opinion and is addressed under paragraph 5.6 (below). Proposals to allow succession in title by introducing a policy to allow transfer of street trading permits were considered by Policy and Resources (Customer & Licensing) Sub-Committee on 9th June 1999 and 12th November 2001. On both occasions the Sub-Committee resolved not to introduce such a policy and continue with the system of considering each application on its own merits.
- 1.6 The report of 19th March 2008 was submitted to Development Control Committee on 22nd April 2008. Members resolved that the report be noted and that members direct any detailed issues to the Trading Standards Manager. A copy of the resolution is attached as **Appendix 2**. During the course of that meeting it was requested specifically that Willenhall Traders Association be included in any further consultation.

2.0 RECOMMENDATIONS

2.1 Licensing & Safety Committee is asked to consider the report and, if thought fit,

- a) recommend for approval by Council the Statement of Street Trading Policy detailed at **Appendix 3**.
- b) recommend for approval by Council that the Statement of Street Trading Policy be reviewed on a regular basis at intervals not exceeding two years.
- c) Recommend the following proposals for approval by Council in pursuance of the powers conferred upon it by virtue of Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982,
 - i) The Council hereby re-designates all streets currently designated as licensed for the purposes of street trading as consent streets, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements (a list of all streets currently designated as licensed streets is attached as **Appendix 4**);
 - ii) The Council hereby designates the whole of Walsall Town Centre as prohibited for the purpose of street trading except for certain sites listed within **Appendix 5** and detailed in the plans 20 to 44A (excluding 23, 25 and 32) of the attached **Appendix 6** which sites be designated consent streets (street being defined as part of a street) for the purposes of street trading, such designations coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements (this proposal; being subject to the temporary relocation of Walsall Market;
 - iii) The Council hereby designates the streets listed at **Appendix 7** as prohibited for the purpose of street trading except for certain sites identified at plans 1 to 5, 8 to 16 and 18, of the attached Appendix 6, which sites be designated consent streets (street being defined as part of a street) for the purposes of street trading, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements;

- iv) The Council hereby re-designates Skip Lane, Pheasey, Walsall between its junction with Sutton Road and Barr Lakes Lane from a consent street to a prohibited street for the purpose of street trading, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisement (a map of the location is attached as **Appendix 8**);
- v) The Council hereby designates the sites identified at plans 6, 7 and 17 of the attached **Appendix 6** as designated sites within a consent street.

2.2 Licensing & Safety Committee is asked to consider the report and, if thought fit, recommend for approval by Council:

- a) that in re-designating the streets from licence to consent, for existing licence holders, the licensing service will not propose any changes to the permit held during its lifetime (including renewals) without the agreement of the permit holder. There are only five current license holders and these are detailed below:-

NAME	LOCATION
F. Smith	Walsall Town Centre
C. Baxter	Walsall Town Centre
B. Singh	Walsall Town Centre
W. Tweddle	Walsall Town Centre
P. Smith	Ryecroft Cemetery & Bloxwich Cemetery

- b) that the perimeter of all designated street trading sites be permanently indicated at their location by such means to be identified;
- c) that the list of designated sites for street trading in the Districts be reviewed on a regular basis at intervals not exceeding two years and in the case of Walsall Town Centre on the permanent siting of Walsall market and thereafter at intervals not exceeding two years;
- d) the establishment of a two tier consent system as detailed at paragraph 9.3 below;
- e) the establishment of designated sites for other street activity as detailed at paragraphs 9.4 c and 9.5 below;
- f) the fees outlined at **Appendix 9**;
- g) the process for attracting expressions of interest for children's amusement rides as detailed at paragraph 9.7 below;

- h) the criteria for shop displays as detailed at **Appendix 10**;
- i) the criteria for licensed advertisements on the highway as detailed at **Appendix 12**;

2.3 Licensing and Safety Committee is asked to consider the report and, if thought fit recommend the following delegations for approval by Council:

- a) Licensing & Safety Committee be delegated the authority to
 - i) determine applications when representation are received and not subsequently withdrawn;
 - ii) to suspend or revoke a consent for street trading or other street activity;
 - iii) to add, remove or amend conditions attached to street trading and other street activity consents;
 - iv) to set annual fees for street trading and other street activity consents;
- b) Officers be delegated the authority to:
 - i) amend the application process as may be set out from time to time in the Council's Street Trading Policy;
 - ii) issue a consents if an application is properly made out and no representations are received from consultees, or representations have been received but subsequently withdrawn;
 - iii) suspend a consent for breach of conditions;
- c) In accordance with the resolution of Licensing & Safety Committee on 19th March 2008, the Trading Standards Manager be delegated the authority to devise specifications for vehicles/units but in the event of disagreement on the suitability of a particular unit, the matter be referred to the Licensing and Safety Committee for consideration.

3.0 FINANCIAL IMPLICATIONS

3.1 Financial implications and suggestions are laid out in **Appendix 9**. The first section suggests ways of calculating income from designated sites in the town and district centres for street trading. The second section deals with commercial displays and the third

section suggests fees associated with licensed shop pavement displays and advertisements.

4.0 POLICY IMPLICATIONS

- 4.1 Accords with council strategic policy to encourage growth and development of the retail, service and leisure sectors both to strengthen and diversify the Borough's economy and to meet the needs and aspirations of all sections of the community.
- 4.2 Accords with council strategic policy to sustain and enhance the vitality and viability of the Town, District and Local Centres, and to assist these centres to meet the needs of residents, workers and visitors.
- 4.3 Accords with council strategic policy to maintain and enhance our established town, district and local centres as the main focus for shopping, services, leisure and most aspects of community life.
- 4.4 Accords with council policy to protect residents against crime and disorder.
- 4.5 Amends Council policy on licence, and consent streets.
- 4.6 Introduces a street trading Statement of Policy and Conditions. Currently Walsall has no defined policy and conditions have been introduced on a piecemeal basis over a period of time. This report aims to rationalise these into one defined statement of policy and provide a framework for future improvement.
- 4.7 Introduces new Council policy on licensing of pavement shop displays and advertisements.
- 4.8 Introduces designated sites in district centres for the first time and proposes recommendations for new procedure and guidelines for the types of activity permitted on the street.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services have been consulted before recommending any changes to Licensing and Safety Committee.
- 5.2 The Local Government (Miscellaneous Provisions) Act 1982 enables a District Council to control street trading by resolution to "designate any street in their district as a prohibited, licensed street or a consent street".
- 5.3 Section 47 specifies several steps to designate or re-designate a street as prohibited, licensed or consent:
 - Publish a prescribed notice of intention to pass a resolution designating a particular street in a local

newspaper for two weeks.

- Serve a copy on the chief officer of police and any responsible highway authority, or, where relevant the British Railway Board and some other statutory bodies.
- At least 28 days must elapse before the resolution can be passed confirming the proposed designation.

5.4 Section 137 of the Highways Act of 1980 creates an offence of wilfully obstructing free passage along a highway. Under section 149 of the Act it is an offence to place any 'thing' on the highway so as to cause nuisance or danger. Section 130 of The Act imposes a duty on the Highway Authority, to protect the highway from unauthorised obstruction.

5.5 By virtue of Section 115 (e) Walsall Council as a Highway Authority may issue a licence for goods to be displayed on the public highway.

5.6 **Succession in Title.** On consideration of the first stage report on 19th March 2008, Licensing and Safety Committee requested that consideration be given to the possibility of succession in title to allow family members of existing licensed traders to continue to trade in the event of the licensed trader retiring.

Proposals to allow succession in title, by introducing a policy to allow transfer of street trading permits, were considered by Policy and Resources (Customer & Licensing) Sub-Committee on 9th June 1999 and 12th November 2001. On both occasions the Sub-Committee resolved not to introduce such a policy and continue with the system of considering each application on its own merits.

We are advised that there is no statutory authority to transfer a street trading permit (licence or consent) since such permits are personal to the holder, it would be inappropriate for such permits to be transferable.

We are also advised that there is no statutory provision for succession and that a street trading permit can be no more form part of the holder's estate than can a driving licence.

The legislation provides that a person under the age of 17 cannot hold a street trading permit which, together with the provision empowering the Council to require submission of photographs of the applicant, suggest that application is limited to individuals and not open to companies. Also, the personal nature of street trading permits has the following consequences:

- They are not available to partnerships or unincorporated associations which, in law, are not recognised as persons;

- They cannot be sublet or franchised.

Also by allowing succession to a license holder they could potentially hold legal rights over parts of the highway indefinitely.

5.7 As part of the consultation process representations were received from Mr Frank Smith, a long standing street trading licence holder for sites located in Walsall Town Centre. Mr Smith made the following points:

- That there had been insufficient consultation with licence holders and there had been none with him personally. Mr Smith would have also welcomed a site visit with licensing officers. Following this suggestion discussions and a site visit took place on 31st July 2008. Mr Smith's comments were noted and are detailed together with any action taken at **Appendix 20**.
- Mr Smith supported the proposals in principle, to control the appearance of units but requested that he be consulted further in the drawing up of any written guidelines.
- Mr Smith agreed with the proposal to take into account commercial considerations in determining fees.
- Mr Smith strongly opposed the proposal to replace licences with consents and claimed that such a proposal, if implemented, would contravene Article 6 of the Human Rights Act 1998.

A copy of Mr Smith's letter is attached as **Appendix 14**.

We are advised that the re-designation of streets from licensed to consent does not of itself infringe Article 6 Human Rights Act since, although the right of appeal to the Magistrates is not available for consents, there is recourse to independent legal determination through Judicial Review.

Also the Council cannot ignore the interests of existing traders in adopting a consent scheme and any scheme that was intended to or had the consequence of depriving existing traders of their livelihood would raise Human Rights issues.

The intention of the recommendation therefore is to enable progress whilst providing a degree of protection for existing traders. It is proposed that for existing licence holders that their licenses are converted into street trading consents. It is envisaged however that consents issued to **existing** licence holders will be renewed on similar terms and conditions as their existing licences and in the absence of some exceptional circumstances and/or a change of policy by either the Council or the Licensing Committee that this will remain the case. For the

avoidance of doubt this does not in any way bind the Council in perpetuity to the existing scheme.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 6.1 As part of the consultation process various groups representing disabled people were contacted for their views. We received very positive comments from the Royal National Institute for the Blind with respect to our proposals considering the obvious hazards that pavement obstructions such as “A” boards and shop displays present to people with restricted vision.
- 6.2 Any applications received will be treated in accordance with Walsall Council's Equal Opportunities policy and where applicable representative disability groups will be part of the new consultation regime.
- 6.3 The Street Trading Review is the subject of an Equality Impact Assessment.

7.0 WARDS AFFECTED

- 7.1 All.

8.0 CONSULTEES

- 8.1 Extensive consultation was undertaken in the first phase of the review to obtain general views from across the Borough as to what people from different backgrounds thought the street trading scene should be like. The results showed a level of interest and support for increasing the variety of permitted street activities in the District Centres as well as Walsall Town Centre.
- 8.2 Extensive consultation has also been undertaken in this second phase to obtain comment on the proposals formulated from the first stage consultation and approved by the Licensing and Safety Committee on 19th March 2008.
- 8.3 Licensing and Safety Committee resolved that the report be submitted for consideration by Development Control Committee on 22nd April, 2008. Development Control Committee resolved that the report be noted and that members direct any detailed issues to the Trading Standards Manager. A copy of the resolution is attached as **Appendix 2**.
- 8.4 Committee approval was conditional on the report being submitted for consideration by all Local Neighbourhood Partnerships. Consequently a report was submitted for consideration by the Local Neighbourhood Partnerships at their cycle of meetings in June, July and August 2008. A copy of the generic report is attached as **Appendix 15**.

Officers from the Licensing unit attended the meetings to answer any questions and to take away any initial comments. Contact details were left so that any further comments could be forwarded directly to the licensing unit.

- 8.5 The general public and local traders have been consulted by notices displayed in the vicinity of all proposed designated sites, at libraries, other civic establishments and on the Council's website. The notices were displayed on or about 23rd May. A copy of a notice displayed at proposed designated sites is attached as **Appendix 16**. A copy of a notice displayed at civic establishments is attached as **Appendix 17**.
- 8.6 Other identifiable stakeholders were consulted by direct contact. A copy of the letter with attachment is attached as **Appendix 18**.
- 8.7 A list of consultees is attached as **Appendix 19**. A summary of the representations together with our response and subsequent action is attached as **Appendix 20**.
- 8.8 For information, the results of the consultation at Stage I are attached as **Appendix 21**. It was these comments that provided the content for the Stage I report to Licensing and Safety Committee on 19th March 2008.

9.0 BACKGROUND

- 9.1 The Highways and Transportation Committee (20 December 2000) received a report regarding Street Activities and Events Programme for Town and District Centres. This implemented several sites on the highway for a variety of activities and introduced commercial promotions for the first time within the town centre but did not consider the district centres. A further review was considered by the Policy and Resources (Licensing) Sub Committee on 17th September 2001 which again exclusively dealt with the location of street trading sites in Walsall Town Centre ignoring any potential for our several district centres. This report aims to rectify that position.
- 9.2 Since then there have been many changes to the street scene and it is appropriate to conduct this review. The current review has concentrated on the following areas:
- Consent, Licensed and Prohibited Streets
 - Designated areas of the highway for street trading, exhibitions, displays, commercial activities
 - Pavement shop displays and advertisements
 - Children's amusement rides
 - Other related matters

9.3 Consent, Licensed and Prohibited Streets

The council has the power to regulate trading activities in the street through **consent**, **licence** or **prohibition** and a pattern of the different types of designations has been established as depicted in the local maps that will be made available at the meeting. These have been presented to the Local Neighbourhood Partnerships. A different approach was taken for Walsall town centre which was designated as 'prohibited' for the purpose of street trading except for certain locations which were designated licensed streets (street being defined as any part of a street). Many local authorities have applied a simpler model of just consent and prohibited streets.

The main difference between licence and consent is the level of control that the council may exert. A summary of the differences is tabled below:

Licence		Consent	
1.	District council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act.		District council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
2.	District council may only revoke or refuse to renew a licence on the statutory grounds.		No statutory limitation on a district council's power to revoke or refuse to renew a street trading consent.
3.	Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Act.		There is no similar right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
4.	A district council may recover for a licence-holder such reasonable charges as they may determine for the collection of refuse and the cleansing of streets etc.		A district council may not charge the holder of a street trading consent for the collection of refuse and cleansing of streets etc.
5.	Where a licence is surrendered or revoked, the council has discretion to remit or refund any fee paid for it.		Where consent is surrendered or revoked, a council is under a duty to remit or refund the whole or part of any fee paid for the consent.

The statutory grounds for refusal of an application for a licence, or the revocation of, or refusal to renew an existing licence are limited and diminish the ability of the Council to be progressive in setting the street scene. The statutory grounds are limited to such matters as: the fitness of the applicant, availability of space in the street, the existence of sufficient trades of that type. Therefore, streets designated as “licensed” give special privilege to street traders at the expense of the community. The re-designation of licensed streets to consent streets would allow for new initiatives to be trialled and then amended or withdrawn in the light of experience.

Currently, some streets are designated as a licence street for some of their length whilst the rest is not. There are some licensed streets in high density residential areas, for instance Park Hall, where there appears to be little call for street trading. The logic of some of these proposals is unclear and at best appear to be arbitrary in nature. Maps showing the current street designations for the borough of Walsall will be made available at the meeting.

It is also proposed that the designation of licence streets be changed to consent to increase control over street trading activity. It is proposed to introduce two types of consent:

- Mobile and
 - Fixed location
- a) **Mobile consent** – would apply for mobile street traders who, by law, can move from place to place temporarily selling their wares, a typical example being ice cream vans. The mobile street trading consent allows trading from an approved vehicle under certain restrictions regarding where the vehicle can stop and trade. (A mobile trader may apply for and operate from a fixed location subject to conditions that relate to such locations).
- b) **Fixed consent** – would be available for traders at the designated sites in Walsall town centre and the district centres and also at any location in a consent street subject to an application process, consultation and the imposition of any conditions that may be imposed and any regulations that may be drawn up regarding the general suitability of locations, vehicles/units and trade lines.

Currently, in considering applications for street trading consent only the relevant enforcement agencies are consulted. It is proposed that consultation be extended to other stakeholders including Local Neighbourhood Partnerships residents and traders in line with the model introduced by the Licensing Act 2003. This model has already been implemented for alcohol licenses and late

night entertainment by Walsall Council and this report intends to build on its success.

9.4 **Designated areas of the highway for street trading, exhibitions, displays, commercial activities.**

The review has identified new locations which might be used for street trading, exhibitions, displays and commercial activities. In accordance with The Highways Act of 1980, to designate these spaces as providing an amenity to the public, plans have been produced to define the exact location. A Schedule has been prepared clearly identifying the site to avoid any confusion as to the precise location thereby avoiding any possible obstruction of the highway.

An investigation into the land status has been carried out at all locations to ensure that the land forms part of the adopted highway.

a) **Proposed District Centre Sites. Plan Numbers 1 to 19 inclusive.**

Plans numbered 1 to 19 (**Appendix 6**) relate to proposed sites within the District Centres which could be designated for the purpose of Street Trading, Exhibition, Display or Commercial Promotion.

If designated, this allows the site to be multi purpose and therefore fully utilised according to requirements. Their purpose therefore could be considered by the Local Neighbourhood Partnerships, the members of which have an in-depth knowledge of their area prompting best allocation of the sites involved.

Within the second phase consultation the Local Neighbourhood Partnership for Pelsall and Rushall resolved that the designated site for Pelsall was unsuitable and that there was no suitable alternative. **Therefore it is proposed that this designated site be removed.**

Also within the second phase consultation with the Local Neighbourhood Partnership for Blakenhall it was suggested that sites other than the one proposed would be more beneficial. The same point was raised by the Local Neighbourhood Partnership for Darlaston.

The re-designation of sites requires detailed consideration preferably with the benefit of experience and further consultation. **Therefore it is proposed that the designation of locations be reviewed regularly at**

intervals not exceeding two years.

b) **Walsall Town Centre Street Trading Sites.
Plan Numbers 20 to 44A inclusive excepting 23, 25 and 32.**

Plans numbered 20 to 44 (**Appendix 6**), with the exception of 23, 25 and 32 relate to areas of highway within Walsall Town Centre for the sole purpose of Street Trading. Any Traffic restrictions, or areas of inferior construction are reflected in the plans attached. Additionally, any existing sites proposed to be retained or retained with slight adjustment are shown with information relating to their status.

Prior to the second phase consultation notification was received that Walsall market was being temporarily relocated and therefore it was publicised that the implementation of any proposals from the Street Trading Review that related to Walsall Town Centre were subject to this temporary relocation. Meetings were held with current street trading licence holders and interim arrangements agreed.

Within the second phase consultation a number of issues were raised by the Regeneration Service of Walsall Council:

Plan 24 – The proposed location is not ideal as it will interfere with the rising bollard system in place. An equivalent location behind the bollards in St Paul's Square would be acceptable. **It is proposed that this representation be approved. (See plan 24A of Appendix 6)**

Plan 27 – The former public toilets have now been sold opening up the opportunity for the old Transport Offices to be brought back into use. Care should be taken to ensure that the proposed location does not interfere with any entrances or block windows. It is suggested that this concern would be addressed by the proposed review of designated sites after the temporary relocation of the market. Alternatively the issue would be addressed at the consultation stage of a specific application.

Plan 28 and Plan 30 – The relocation of the college and the construction of Tesco's will reduce the footfall in this area and will also potentially change the street layout. It is likely that these will become redundant when construction begins in summer 2009. The major footfall from students will change dramatically at this point. **It is suggested that this issue would be addressed at a proposed review**

of designated sites.

Plan 43 – No objection in principle but bollards currently block access. The type of vendor should be carefully considered in this location given the prominence of the site near to the listed St Paul's church and the main Post Office. **It is suggested that this concern would be addressed at the consultation stage of a specific application.**

Plan 44 – The proposed location will not be possible as it sits on top of a culvert. The culvert has weight restrictions in place and a recent report has identified weaknesses and therefore any new loading should be avoided. An alternative location could be found beside the civic centre link bridge on Darwall Street. **See plan 44a of Appendix 6.** The new location may require some ground works to enable access but it could work well. **It is proposed that this representation be approved.**

Within the second phase consultation a number of issues were raised by Mr Frank Smith, a current licence holder for locations sited in Walsall Town Centre:

Plan 38 – the site is located too close to an existing planter and therefore requires a minor adjustment to the plan. This site will be affected by the temporary relocation of Walsall Market and therefore **it is proposed that this is a matter than can be addressed at the planned review of sites on the permanent relocation of Walsall Market.**

Plan 35 – the site is located adjacent to the steps leading to Marks & Spencer and raised Health and Safety issues. A preferred location would be adjacent to British Home Stores. **It is proposed that the representation be approved and that the designated site be relocated in accordance with plan 35A of Appendix 6.**

Plan 37- the site requires relocating in line with Park Street Arcade in front of the telephone box. The existing site is adjacent to an open fronted shop which may suffer nuisance from odours. **It is proposed that this representation be approved and that the designated site be relocated in accordance with plan 37A of Appendix 6**

The re-designation of sites requires detailed consideration preferably with the benefit of experience and further consultation. **Therefore it is proposed that the designation of locations be reviewed on the relocation of Walsall Market and thereafter regularly**

at intervals not exceeding two years.

c) **Walsall Town Centre Sites for Exhibition / Display Commercial, Promotion. Plan Numbers 23, 25 and 32 of Appendix 6**

There are currently two sites designated in Walsall Town Centre for the purpose of Exhibition / Display and Commercial Promotion in Park Street, and St Paul's Square. Gallery Square was also designated (as at the time there was a specific area dedicated to be adopted pending completion). **This has not been the case and therefore it is recommended that the site should be revoked.**

Additionally, Civic Square is currently designated for Exhibition / Display as agreed by Council in 2001, where Exhibition / display includes a number of activities such as Performance, Street Entertainment, and Public Information.

Observation's have been made since 2001 regarding matters relating to obstruction of fire access at these locations, and enforcement of the Highways Act 1980 has been difficult mainly due to the vast size of the site's which encompassed the whole extents of each area. All sites have been well attended by a number of organisations including Council Departments. Experience has shown that these areas are of great benefit to the residents of Walsall, however to reduce the size of the sites would be beneficial. **Plans 23, 25 and 32 of Appendix 6 therefore show the revised size of these sites to replace the agreed larger sites which accordingly should be revoked.**

9.5 **Designated areas of the highway for Festivals and Events.**

a) **Walsall Town Centre Plan's 45 and 46 of Appendix 6.**

At various times of the year Walsall Council and its Partners organise festivals and events. There is a Premises Licence in existence appertaining to the whole of the town centre which is a legal requirement for certain activities. However, it is also a requirement in accordance with The Highways Act 1980 that the highway has to be designated for the purpose.

Plans 45 and 46 (Appendix 6) show areas of Highway within the town centre proposed to be designated in order that **Festivals and Events may be carried out by Walsall**

Council and its Partnerships at various locations within the Town Centre.

b) **District Centre's Plans 47, 48 and 49 of Appendix 6 Willenhall, Darlaston and Brownhills.**

There are currently no designated sites within these District Centres for Festivals and Events. Walsall Council and its Partnerships cannot carry out any festivals or events on the highway at these locations. Plans 47 – Willenhall, 48 – Darlaston and 49 Brownhills (**Appendix 6**) show areas within these Town Centres proposed to be designated in order that Festivals and Events can be organised. **All proposals for festivals and events should be submitted and considered by the Safety Advisory Group.**

9.6 **Pavement Shop Displays and Advertisements (Illustrated at Appendices 11 and 13)**

A pattern of extended shop displays and pavement advertisements is evident throughout the borough. Many are a nuisance, creating a hazard for people with disabilities and carers with pushchairs or buggies and detract from the street scene. Presently, all shop displays and pavement advertisements are unauthorised obstructions on the highway. The proprietor is committing an offence which is punishable in the Magistrates Court. Enforcement by the Council involves a legal procedure leading eventually to prosecution, and in the event of a secured conviction the fine can be up to £5000 to the continuing offender. However, the Council may not be successful in securing a conviction at locations such as pedestrianised areas, or in situations where the obstruction leaves 1.8 metres of footway for free passage.

Historically, a policy, which was approved by the Highways Committee in 1991, allowed a tolerance towards shops displaying their goods on the highway at some locations, however this was clearly not a licence or an authorisation. In 2004 consultation with our legal department revealed this policy was not considered fully compliant with the Council's duty as imposed by The Highways Act.

Consequently, at the Council meeting of 8th November 2004 the policy was reconsidered and approval was given to enforce an interim policy before reporting back to Council with a permanent policy. The interim policy carries a zero tolerance - that is, tolerating no obstructions on the highway. Despite this, however, there have been various views expressed that extended shop display and pavement advertisements provide a more interesting and vibrant street environment. In order that we achieve our aims in line with the Council's Vision 2008 whilst working within the Enforcement Concordat, and also in accordance with the

Highways Act, we should consider the option of authorising selected shop displays and pavement advertisements. **It is being proposed that the council approve designated shop displays and pavement advertisements on the public highway within the Borough, whilst also allowing the impact of such features to be regulated and their effects on the public to be minimised.**

Proprietors who infringe any conditions of their licence would have their licence revoked, the display or advertisement would return to 'unauthorised' status and enforcement would then be pursued in accordance with the Highways Act. Additionally, any display or advertisement for which either a licence had been refused, or no application submitted, would remain an unauthorised obstruction and therefore enforcement procedures would apply. **The proposed regulations for trade displays are attached as Appendix 10 and pavement advertisements as Appendix 12.**

Within the second phase consultation the Society for the Blind accepted that improvements need to be made to the Walsall area but requested that they be notified of any changes in fixtures before erected so that the information can be circulated to clients in advance of changes to their local environment. **It is suggested that these concerns could be addressed by including consultation with the Society for the Blind in the application process.**

Through consultation with Local Neighbourhood Partnerships the possibility of other representative groups for the disabled was recognised and **therefore it is proposed to include such groups as consultees in the application process for street activity consents.**

Also within the second phase consultation it was highlighted that the proposed indemnity insurance for A Boards was £10,000,000 whereas for Shop Displays it was £5,000,000. The indemnity insurance for pavement café licences is set at £5,000,000. **It proposed that indemnity insurance for all street activity permissions be set at £5,000,000 for the sake of consistency since the differential appears arbitrary.**

9.7 Childrens' Amusement Rides

There is currently one children's amusement ride located in Park Street, Walsall Town Centre. As can be seen from the consultation responses there may be opportunity to increase the range and number of amusements; in particular this was mentioned in relation to Willenhall. Following a recommendation from internal audit services, it was agreed that an element of competition for these activities should be implemented. **It is therefore suggested that an advertisement be placed asking**

for expressions of interest in providing rides/amusements at any of the identified locations from 1st April 2009. Granting of licences will be subject to meeting a required minimum charge with a specification document drawn up to be agreed between the Council and the supplier.

9.8 Other Related Matters

Pavement Café Licenses:

The licensing procedure for pavement cafes has now been updated and brought into line with the philosophy outlined in the Licensing Act 2003. It is now fully administered by licensing services having been transferred from constitutional services.

10.0 Implementation Timetable

19.03.08	Licensing and Safety Committee implement Stage 2
01.04.08	Development Control Committee for consultation
10.09.08	Licensing and Safety Committee to make recommendations to Council
03.11.08	Council to recommend scheme (consultation period)
21.01.09	Licensing and Safety Committee
23.02.09	Council for adoption
April 2009	Implementation of scheme

11.0 CONTACT OFFICER

John Beavon – Trading Standards Manager ext. 2214.

List of Attachments

Appendix No.

1. Copy of Resolution – Licensing and Safety Committee - 9th March 2008
2. Copy of Resolution – Development Control Committee – 22nd April 2008
3. Statement of Street Trading Policy
4. List of streets currently designated as Licensed
5. List of Proposed Designated Sites
6. Plans of Designated Sites
7. List of streets currently designated as prohibited
8. Map of Skip Lane area detailing proposed re-designation as prohibited
9. Finance scheme
10. Proposed regulations for trade displays
11. Illustrations of Shop Displays
12. Proposed regulations for street advertisements
13. Illustrations of “A” Boards
14. Representations made by Mr Frank Smith
15. Report to Local Neighbourhood Partnerships
16. Notice displayed at proposed designated sites
17. Notice displayed at Civic Establishments
18. Stakeholder Consultation letter
19. List of Consultees – Stage II
20. Summary of Representations and subsequent action
21. Results of Consultation – Stage I

Appendix 1

SPECIAL LICENSING AND SAFETY COMMITTEE

Wednesday, 19th March, 2008 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Barton
Councillor Beilby
Councillor Bird
Councillor P. Hughes
Councillor Micklewright
Councillor Turner
Councillor Wilkes

1139/08 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Cassidy and Tweddle.

It was noted that Councillor Turner was in attendance as a substitute for Councillor Tweddle.

1140/08 Declarations of Interest

There were no declarations of interest.

1141/08 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in the Private Session of the agenda.

1142/08 Street Trading Review – Stage One

The report of the Head of Public Protection was submitted:-

(see annexed)

John Beavon was in attendance at the meeting and circulated a summary of the report.

During the course of the debate it was suggested that there should be consideration in the review to the possibility of 'succession in title' to allow family members of existing licensed traders to continue to trade in the event of the licensed trader retiring. It was suggested that this might be achieved by allowing partnerships. Mr. Beavon undertook to look into this issue.

The point was also made that the roads in the Paddock and Palfrey Wards referred to on page 12 of the report appeared to have been duplicated. Mr. Beavon undertook to rectify this issue.

It was subsequently:-

Resolved

- (a) That subject to the foregoing, approval in principle be given to the following:-
 - (i) the revision of licence streets within the borough to be re-designated as consent or prohibited streets as detailed in the list attached at Appendix 1;
 - (ii) the establishment of a two tier consent system as outlined in the report;
 - (iii) the revised list of locations as designated streets for street trading or other activities as detailed in the list and plans attached at Appendix 2;
 - (iv) the process for attracting expressions of interest for children's amusement rides;
 - (v) the criteria for licensed advertisements on the highway.
- (b) That the implementation timetable detailed in paragraph 10 on page 10 of the report be approved subject to the report being submitted to Development Control Committee on 22nd April, 2008 and not 1st April, 2008;
- (c) That the report be submitted for consideration by all Local Neighbourhood Partnerships;
- (d) That the Trading Standards Manager be delegated authority to approve the appearance of street trading vehicles/units and, in the event of disputes or disagreement on the suitability of a particular unit, the matter be referred to the Licensing and Safety Committee for consideration.

Termination of Meeting

The meeting terminated at 6.55 p.m.

Chairman

Date

Appendix 2

Resolved

That the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control be authorised to amend the section 106 to reflect 13% affordable housing being 17 social rented units consisting of 8 apartments and 9 houses as detailed in the report now submitted;

1749/08 Proposed Deed of Variation to S106 Obligation in relation to Planning Permission 04/0231/FL/E2 – Morris Homes Residential Development at former Filon Products, Aldridge Road, Streetly

The Committee received a report seeking approval to vary the Section 106 Agreement by removing the phasing provisions to allow the second phase of the development to occur.

Resolved

That the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control be authorised to amend the Section 106 to respect of application 04/0231/FL/E2 to remove the phasing clause from the Agreement as detailed within the report now submitted.

1750/08 Section 106 End of Financial Year Report 2007/08

The Committee received a report detailing the out turn information relating to completed Planning Obligations negotiated with planning permissions and the level of contributions collected and due to be collected in relation to education, open space, health and other requirements.

Resolved

That the report be noted.



1751/08 Street Trading Review Stage 1

The Committee received a report advising Members of the findings of the first stage of the Street Trading Review.

Resolved

- (1) That the report be noted;
- (2) That Members direct any detailed issues to John Beavon, Trading Standards Manager.



Walsall Council

STREET TRADING

STATEMENT OF POLICY AND CONDITIONS

1.0 Equal Opportunities

This policy shall take into account the aims of Walsall Council's Equal Opportunities policy which is to ensure that no employee, elected member, representative of partner organisations, service user or people who come into contact with the Council in other ways is treated less favourably on grounds of sex, race, colour, national or ethnic origin, marital status, disability, sexual orientation, nationality, age, trade union activity, expired offences (where legally applicable), political or religious belief.

2.0 Policy

The Council's street trading policy is to create a street trading environment which:

- complements premises-based trading;
- provides diversity and consumer choice;
- seeks to enhance the character and vibrancy of the area;
- is sensitive to the needs of residents;
- is safe;
- is welcomed by the communities it serves.

The Council will oppose all street trading other than from areas approved by the Council where highway safety will not be compromised.

Consents will be valid for a **maximum period of one year**.

3.0 Locations:

In considering the suitability of a street trading location account will be taken of:

- road safety;
- existing traffic restrictions;
- obstruction of free and safe passage;
- loss of public amenity.

4.0 Type of Goods:

The suitability of goods to be sold will be determined on a site-by-site basis in consultation with the community through the Local Neighbourhood Partnership for the area where the site is located.

Account will be taken of all relevant matters, including local shopping needs, diversity, balance and conflict with nearby traders.

The following are likely to be considered not suitable:

- Age restricted products;
- Second hand gas and electrical appliances;
- Pets & livestock;
- Explosive and inflammable products;
- Motor vehicles;
- Such other goods as may be identified by Licensing and Safety Committee.

5.0 Trading Hours:

Trading hours will be determined on a site-by-site basis and will normally be related to those of nearby shops.

In all cases the trading hours will be stated in the consent and must be adhered to.

6.0 Definitions:

“street trading” is selling, offering or exposing for sale any article in a road, street, footway or other area to which the public have access without payment except for the following which are **NOT “street trading”**;

- trading under the authority of a pedlar’s certificate;
 - trading as a roundsman e.g. milkman
 - trading as a newspaper vendor from a small kiosk;
 - trading from the forecourt of a petrol filling station.
- (the above activities are specifically excluded from the definition of “street trading”-Schedule 4, Local Government (Miscellaneous Provisions) Act, 1982.

“street” means any area where the public has free access without payment and includes part of a street;

“consent street” means a street in which street trading is prohibited without the Council’s consent;

“prohibited street” means a street in which trading is prohibited;

“operator” means the consent holder and any person employed by the consent holder to assist at the consent location;

“**vehicle**” includes any stall, barrow, cart etc. used in connection with trading;

“**trading**” means the offering of any goods or items including food;

“**consumer protection and fair trading requirements**” means those requirements as may be administered from time to time by the regulatory services of Walsall Council;

Any other term shall have the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1982.

7.0 Conditions:

The grant of a street trading consent must **NOT** be regarded as signifying any other consent or permission **NOR** be regarded as signifying compliance with any other legal requirement whatsoever;

Consents will be subject to the general conditions stated below and any particular conditions as may be specified in the consent document;

Breach of any condition may render the consent liable to be forfeit;

Consent is personal to the consent holder and cannot be assigned or transferred to any other person;

Consents must be surrendered to the Council if the consent holder ceases trading;

The trading area to which the consent applies is to be used solely by the consent holder and is not to be let, hired or loaned or in any other way used by any other person;

The consent holder is required to be in regular attendance at the site;

The Consent shall be available at all times for production at the request of an authorised officer of the Council or a police officer;

The consent disc provided by the Council shall be displayed in a conspicuous place on the vehicle at all times the consent is in operation;

Operators must at all times whilst on duty wear the identity badge issued by the Council in such a manner that it can be readily verified by customers;

Consent holders must notify the Council in writing of any permanent change of address or other details for themselves or

any assistant they employ as soon as is practicable and in any event within 28 days;

Consent holders must notify the Council in writing of any convictions for offences committed by themselves or any assistant they employ. Notification must be as soon as practicable and in any event within 28 days of the conviction;

Consent holders must maintain public liability insurance cover in the sum of not less than £5,000,000 and produce documentary evidence of such cover at the request of an authorised officer of the Council;

Consent holders must maintain appropriate road traffic insurance and produce documentary evidence of such cover at the request of an authorised officer of the Council;

Vehicles must not be parked or sited in a prohibited area at any time;

Except from locations as are designated sites, operators must not:

- obstruct the free passage of pedestrians;
- park or site a vehicle within 200 metres of a school entrance;
- park or site a vehicle within 20 metres of a road junction
- trade from a point within 200 metres of an existing trader selling similar items;

Traders pets or other animals, except registered assistance dogs, are not allowed at a street trading location;

A consent holder must not trade in a manner that is likely to cause a nuisance or annoyance;

A consent holder shall only sell the type of item specified in the consent;

A consent holder shall not trade outside the hours permitted in the consent;

A consent holder shall not operate outside the area permitted by the consent;

Subject to general conditions and any restrictions specified in the consent a mobile consent is valid in all consent streets within the boundary of Walsall MBC.

A consent holder shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the vicinity of the site. Also the surrounding area shall be kept clean and tidy;

Operators shall prevent refuse from being deposited in the street and shall not discharge water, effluent or other waste into the street or any drains;

Vehicles used for the purpose of street trading shall be constructed and maintained to the satisfaction of the Council;

Any other equipment used for the purpose of street trading shall be of a design approved by, and maintained to the satisfaction of, the Council;

Static units must:

- be free standing
- be on wheels so that they can be readily moved in an emergency
- not be detrimental to properties in the locality;

The use and storage of inflammable materials shall comply with the requirements of the Fire Service;

Generators may not be employed unless expressly permitted in the consent;

Only lighting that is expressly approved in the consent may be provided by the consent holder at the site;

Devices for the reproduction of sound shall not be employed unless expressly permitted in the consent;

Chimes:

- must not be operated outside the hours of 12.00 to 19:00;
- are used solely for indicating the presence of the vehicle;
- must not be used so as to cause annoyance;
- must be adjusted so as to avoid sound distortion;
- must not exceed 80dB(A) in any direction;
- must not last for more than 4 seconds;
- must not be sounded when vehicle is stationary
- must not be sounded at intervals of less than 3 minutes;
- must not be sounded within 50 metres of any hospital;
- must not be sounded within 50 metres of any school during school hours;
- must not be sounded within 50 metres of any place of worship on a recognised day of worship;

Advertisements or other notices must not be placed outside the perimeter of the site without express approval in the consent.

The operator shall comply with all reasonable requirements or requests from an authorised officer of the Council, a fire officer or a police officer;

A consent holder must not trade in food unless registered with the Council under Food Safety legislation;

Operators shall comply with consumer protection and fair trading requirements;

Consents do not authorise trading on occasions of special events which are notified as such to consent holders in advance;

Conditions may be added or amended at any time by giving 28 days notice in writing to consent holders.

8.0 Applications:

Applications will not be accepted from persons under the age of seventeen – Schedule 4 paragraph 7(1)(a) Local Government (Miscellaneous Provisions) Act, 1982.

Consents are personal in nature and applications will only be accepted from individuals **NOT** from limited companies, partnerships or unincorporated associations.

Each application will be determined on its own merits taking into account, amongst other matters, issues of:

- public safety;
- public order;
- public nuisance;
- the needs of the area.

Application forms must:

- be properly made out with all relevant sections completed;
- be accompanied by the administration fee (which is non-refundable but will be deducted from the consent fee if a consent is granted);
- be accompanied by two passport type colour photographs of the applicant and of any assistant the applicant seeks to employ;
- be accompanied by a Criminal Records Bureau disclosure form for the applicant and a Criminal Record Disclosure form for each assistant the applicant seeks to employ;
- be accompanied by evidence of current third party liability insurance in the sum of £5,000,000;
- be accompanied by evidence of appropriate motor insurance;
- be accompanied by full details with pictorial representation in colour of the vehicle to be used. The applicant may also be required to submit the vehicle for inspection;
- be accompanied by a map of the location (if relevant). Maps shall be of a minimum scale of 1:2500 shall identify the proposed location;
- be accompanied by a plan of the site (if relevant)

- be accompanied by evidence of registration under Food Safety legislation (if relevant);
- be accompanied by evidence of waste removal arrangements from the site (if relevant);
- be supported by evidence of permission of the landlord or lessee if a proposed Street Trading site is located on private land (if relevant).

For consistency of approach the mechanism for determining applications is based on the Licensing Act 2003 model, that is:

Applications will be circulated to the following consultees for comment:

- Local Neighbourhood Partnership for the area where the site is located;
- Police
- Fire Service
- Trading Standards
- Environmental Health
- Licensing Enforcement
- Traffic Management
- Regeneration Service
- Walsall Society for the Blind
- Disability Forum
- Markets Office
- Any other person or body whom the Council feels it appropriate to consult

A notice advertising the application will be posted in the vicinity of the site to which the application relates.

Interested parties will have 28 days from the date of publication of the notice to make any representations.

Representations must be in writing.

Any representations received will be referred to the applicant for comment or action.

If no representations are received or are withdrawn following action or comment from the applicant, the consent will be granted.

If representations remain then the application will be referred to the Licensing Sub-Committee for determination.

The Licensing Sub-Committee will be made up of not less than three elected members from outside the ward where the designated site is located.

In all cases where an adverse Criminal Records Bureau disclosure is received the application will be determined by the

Licensing Sub-Committee in accordance with the Guidelines on the relevance of convictions (detailed below).

Applications will normally be determined within 60 days and applications for renewals must be submitted no less than 60 days prior to the lapse of the consent to be renewed.

Applications for the grant of a consent will not be considered for sites that are already occupied.

When a designated site becomes available the matter will be referred to the Local Neighbourhood Partnership to consider the trades or other activities that will be suitable for the location.

The Council will then publish a notice in the vicinity of the location, in the local press and on the Council's website inviting applications for the site.

Individuals are free to apply for a mobile consent or a consent at a fixed location in a consent street that is not a designated site.

Applications will be determined in accordance with the Council's stated policy, in force at the time, and when appropriate, in consultation with the Local Neighbourhood Partnership for the area where the site is located.

9.0 Guidelines Relating to the Relevance of Convictions:

Applicable to:

- applicants for the grant or renewal of a street trading consent,
- persons who wish to be registered to assist a holder of a street trading consent
- holders of a street trading consent and persons registered to assist a consent holder.

General Policy:

- Each case will be decided on its own merits.
- A person with a current conviction for serious crime need not be permanently barred from obtaining a street trading consent but should be expected to remain free of conviction for three to five years according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
- In considering previous convictions the following matters will be taken into account:
 - (a) whether the conviction is relevant;
 - (b) the seriousness of the offence;
 - (c) the length of time since the offence occurred;

- (d) whether there is a pattern of offending behaviour;
- (e) whether that person's circumstances have changed since the offence occurred;
- (f) The circumstances surrounding the offence and the explanation offered by that person.

10.0 Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public.

Members of the public using a street trading outlet expect the holder and any assistant to be honest and trustworthy.

For these reasons a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely to be granted a street trading consent where the application is made within 3 to 5 years from the date of conviction.

Similarly a person wishing to be registered as an assistant to a street trading consent holder is unlikely to be registered where registration is sought within 3 to 5 years from the date of conviction..

11.0 Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. Generally, a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.

12.0 Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions before an application is entertained.

13.0 Indecency Offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences are likely to have their application refused until they can show a substantial period of at least three to five years free of such offences. More than one conviction of this kind is likely to preclude consideration for at least five years.

14.0 Motoring Convictions

Except for mobile consents, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances

where the offences are not isolated and are of a very serious nature. In such circumstances the applicant should be required to show a period of one to three years free of conviction.

15.0 Formal Cautions and fixed penalty notices

For the purposes of these guidelines, the Council may treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as convictions.

Appendix 4

Current List of Licensed Streets Classified by Ward

Aldridge Central and South

Bakers Lane	Myatt Way
Birmingham Road (Part)	Paddock Lane
Churchill Road	Portland Road
Gretton Crescent	Rookery Lane
High Ridge	Tynings Lane
High Street	Walsall Wood Road
Leighswood Road	Whetstone Lane (Seven acres to Churchill Road)
Myatt Avenue	

Aldridge North and Walsall Wood

Adams Road	Mob Lane
Bradbury close	Paul's Coppice
Chester Road	St Mark's Road
Lazy Hill Road (Walsall Wood Road to Copyhall Grove)	Streets Corner Shopping Precinct
	Walsall Wood Road

Bentley and Darlaston North

Bills Street	New Street
Churchill Road (Cunningham's Road to Cairn Drive)	Queen Elizabeth Avenue (Cunningham Road to Churchhill Road)
Cramp Hill	Rectory Avenue
Crescent Road	Slater Street
Cunningham Road	Victoria Road
Dale End	Waverley Road

Blakenall

Beeches Road (Elm Road to Bloxwich Road)	Harden Road (Walker Road to Junction Goldsmith Road and Oakwood Road)
Blakenall Lane (Chapel Street to Walker Road)	
Broadstone Avenue (Forest Avenue to Warner Place)	Hollomeadow Avenue (Guild Avenue to Broadstone Avenue)
Darhmouth Avenue (Jubilee Close to Junction of Coalpool Lane)	Blakenall Lane (Chapel Street to Walker Road)

Bloxwich East

Buxton Road	Park Road
Church Street	Pinfold
Field Road	Victoria Avenue (high Street to Field Road)
Harrison Street (High Street to Revival Street)	

Birchills and Leamore

Birchills Street	Leamore Lane
Edison Road (Priestley Road to Arkwright Road)	Old Birchills
Forest Lane	Upper Green Lane

Current List of Licensed Streets Classified by Ward

Bloxwich West

Central Drive	Reeves Street
Cresswell Crescent (Persore Road to Sneyd Lane)	Sneyd Hall Road (Central Drive to Croxdene Avenue)
Elmore Row	
Nursery Road	Station Street

Brownhills

Castle Street	Shannon Drive
Deakin Avenue	Short Street
Howdles Lane (knaves castle place to Watling Street)	Silver Court Gardens
Kennet Close	Silver Street
New Road	Tamworth Close
Pier Street	The Parade
Severn Road	

Darlaston South

Glyn Avenue	Roberts Parade, Burns Road
Junction of Peacock Road & Hall Street	Wolverhampton Street (Dorset Road to Pinfold Street)

Paddock

Gillity Avenue (Sutton Road to Gillity Close)	Woodside Road/Woodside Close
Junction of Wood End Road to Sutton Road	The Crescent (Broadway North to King George V1 Avenue)
Liskeard Road	

Palfrey

Bescot Crescent	Hawes Close
Broadway West (Bescot Crescent to Wallows Lane)	Milton Street (Whitmore Street to Earl Street)
Delves Green Road (Delves Crescent to Botany Road)	Walstead Road (Hawthorne Road to West Bromwich Road)

Pelsall

Allens Lane (Commercial Road to Walsall Road)	Highfield Road
Brewers Terrace	High Street
Chapel Street	Mob Lane
Church Road	Spring Lane
Green Lane	Wood Lane (Trevor Road to Wolverhampton Road)

Pheasey

Appledore Road	Old Hall Lane
Collingwood Drive	The Crescent
Hillingford Avenue	Wimperis Way
Moreton Avenue	

Current List of Licensed Streets Classified by Ward

Pleck

Bridgeman Street (from Pleck Road to Long Street)

Rushall/Shelfield

Autumn Lane	Four Crosses Road
Autumn Drive	King George Crescent
Barns Lane	Kings Road
Bickley Road	Mob Lane
Bridge Road	Queens Road (Kings Road to Linley Road)
Chesnut Drive	Rushall Square
Dean Road	Spring Lane
Four Crosses Crescent	Spring Road
Station Road	
Sycamore Road	
Winterley Lane	

Short Heath

Lucknow Road (Spring Lane to Hayes Lane)	Stroud Avenue (Birchtree Hollow to Furzebank Way)
Pool Hayes Lane (Ravencroft Road to Lucknow Road)	
	Wood Lane (Henley Road to Oaken Drive)

St Matthews

Birchills Street	Old Birchills
Caldmore Road (from Vicarage Place to Mount Street)	Stafford Street (Link Road North to Bloxwich Road)
Forest Lane	

Streetly

Blackwood Road	Ferndale Road
Boundary Road	Hardwick Road
Briar Avenue	Hawthorn Road
Bridle Lane	Hundred Acre Road
Chester Road	Manor Road
Egerton Road	Valentine Close/Goodwood Drive

Willenhall North

Nottingham Drive	Wood Lane (Henley Road to Oaken Drive)
The Square New Invention	

Willenhall South

Albion Road	Gipsy Lane
Albion Street	Hall Street
Bloxwich Road South	John Street
Bow Street	Lower Lichfield Street
Cheapside	Monmore Island
Dimminsdale	St Annes Road
Durham Avenue (Lincoln Avenue to Clarkes Lane)	Upper Lichfield Street
Farmbridge Close	Waterglade Lane
Farmbridge Road	

PROPOSED DESIGNATED SITES

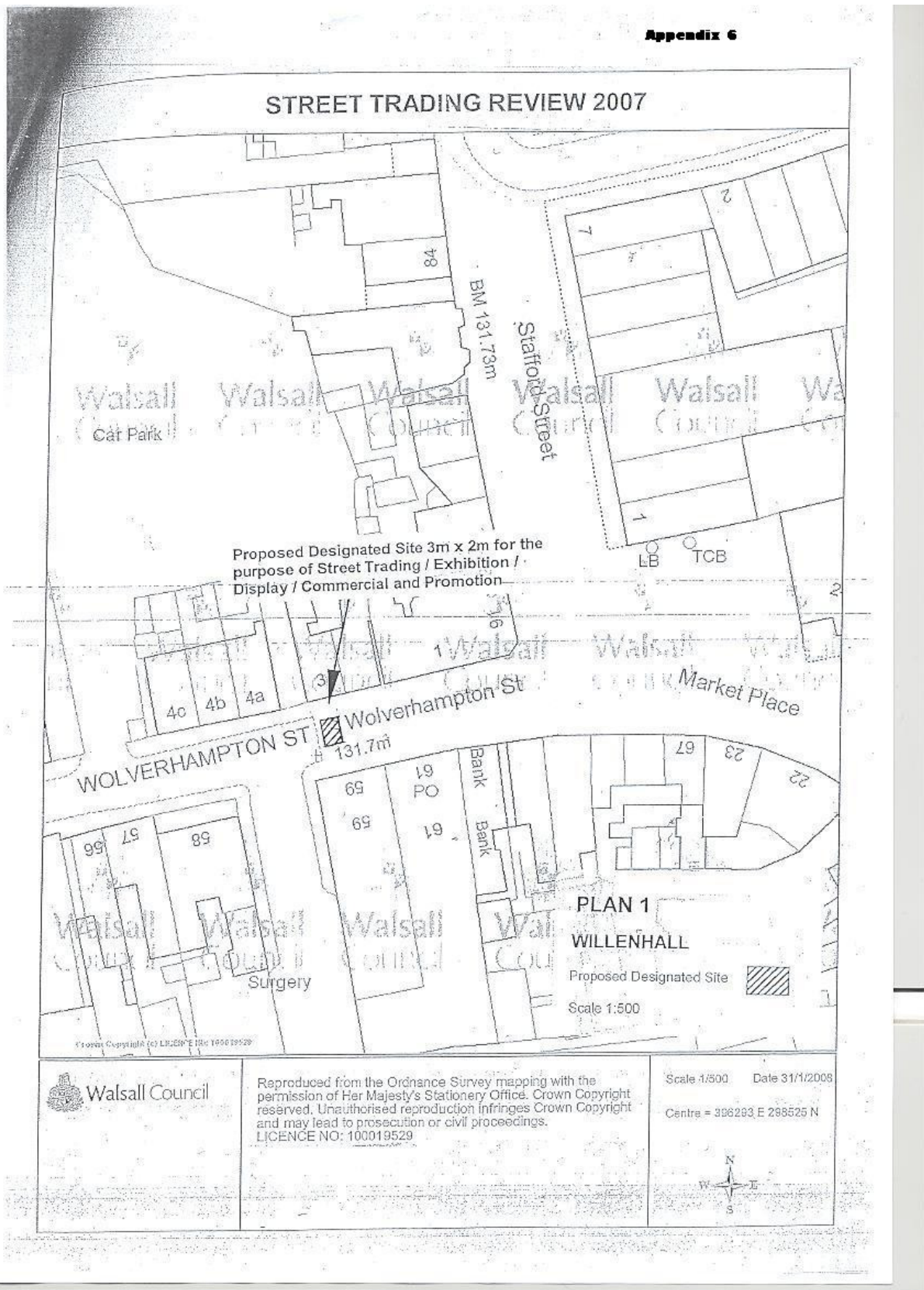
Appendix 5

PLAN NO.	LOCATION	SUGGESTED USE
1	Outside number 3 Wolverhampton Street, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
2	Market Place, junction of Stafford Street, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
3	Outside 25 & 26 Market Place, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
4	In front of the Clock Tower, Market Place, Willenhall	Street Trading / Exhibition / Display / Commercial Promotion
5	Outside number 37 Anchor Road, Adlridge	Street Trading / Exhibition / Display / Commercial Promotion
6	Outside number 2 Leighswood Road, Aldridge	Street Trading / Exhibition / Display / Commercial Promotion
7	Outside number 23 High Street, Aldridge	Street Trading / Exhibition / Display / Commercial Promotion
8	Outside number 40 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
9	Outside number 52 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
10	Outside number 45 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
11	Outside number 39 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
12	Outside number 58 King Street, Darlaston	Street Trading / Exhibition / Display / Commercial Promotion
13	Paved area - entrance Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
14	Outside number 5 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
15	Outside number 1 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
16	Outside number 10 Ravens Court, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
17	Pier Street adjacent to 72 High Street, Brownhills	Street Trading / Exhibition / Display / Commercial Promotion
18	Outside number 83 High Street, Bloxwich	Street Trading / Exhibition / Display / Commercial Promotion
19	Outside car park, next to library, High Street, Pelsall	WITHDRAWN
20	Adjacent to 1a Saddlers Centre, Bradford Place, Walsall	Street Trading
21	North of entrance to Saddlers Centre, Bradford Street, Walsall	Street Trading
22	Opposite 1a Bradford Street, Walsall back against bollards	Street Trading
23	In front of trees & benches centre of Civic Square Walsall	Exhibition / Display
24	Darwall Street at junction St Paul's Square, Walsall	REPLACED BY 24A
24A	As plan 24 above but behind the bollards	Street Trading
25	In front of St Paul's Church, St Paul's Square, Walsall	Exhibition / Display / Commercial Promotion
26	South of base of steps to Bus Station, St Paul's Square, Walsall	Street Trading
27	Butlers Precinct, Walsall Adj Butlers Passage	Street Trading

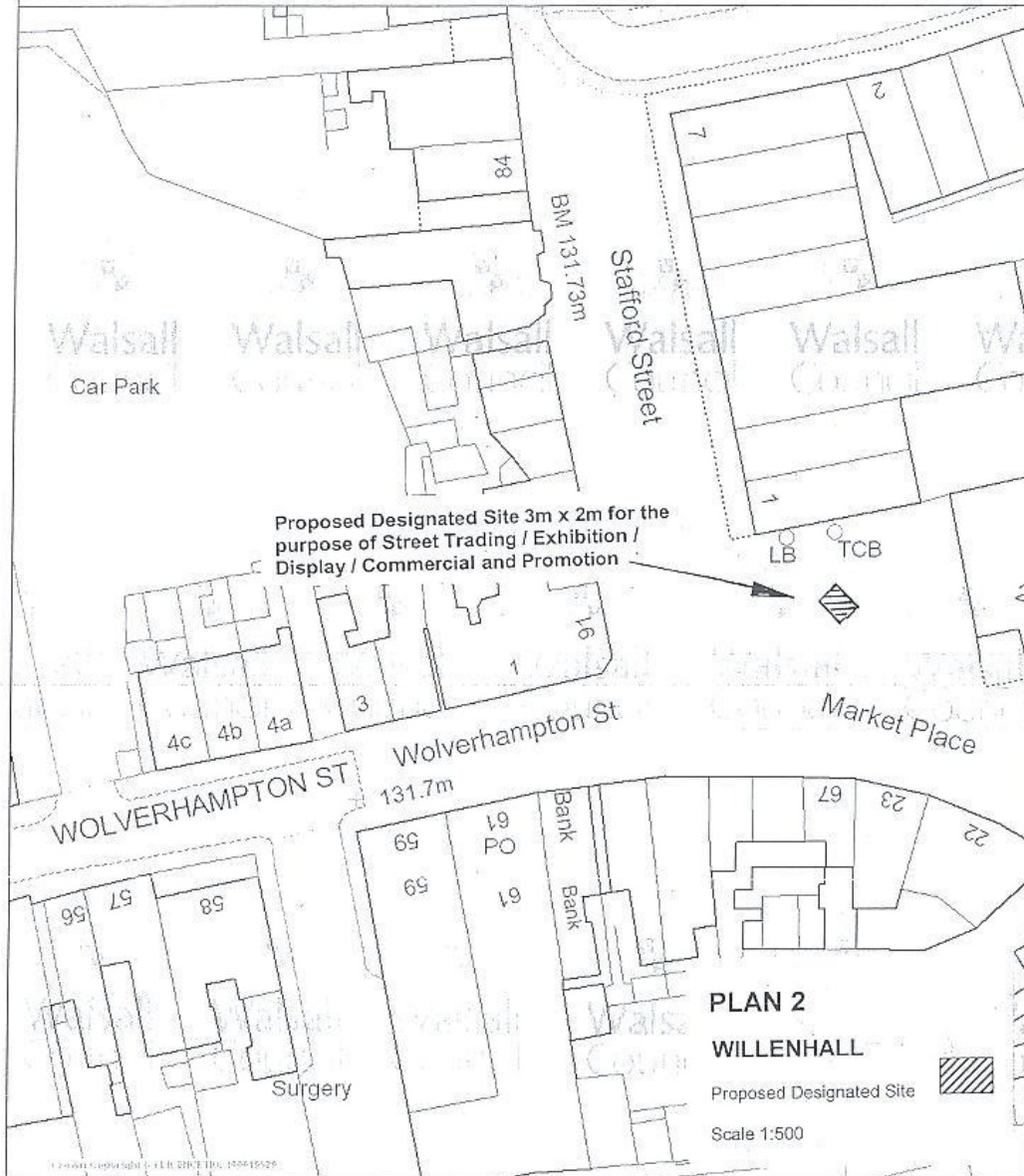
PROPOSED DESIGNATED SITES

PLAN NO.	LOCATION	SUGGESTED USE
28	West of Multi Storey Car Park, St Paul's Street, Walsall	Street Trading
29	Adj to loading bay on St Paul's Square/St Paul's Street, Walsall	Street Trading
30	Opposite Quasar Centre access, St Paul's Street, Walsall	Street Trading
31	outside No. 8 Park Street, Walsall east of / close to planter	Children's Ride
32.	Park Street, Walsall, outside Woolworths	Exhibition / Display / Commercial Promotion
33.	Adj to the side wall of Woolworths, Gallery Square, Walsall	Street Trading
34.	Outside 14 Park Street, Walsall east of & backed up to planter	Street Trading
35.	Outside 53 Park Street, Walsall backed up to wall	REPLACED BY 35A
35A	Park Street, Walsall, Outside British Home Stores	Street Trading
36.	Opposite 69 Park Street, Walsall edged to LC	Street Trading
37	Opp. 24/26 Park Street, Walsall east of & backed up to planter	REPLACED BY 37A
37A	Park Street, Walsall, Opposite Park Street Arcade	Street Trading
38	Outside 8 Park Street, Walsall west of & backed up to	Street Trading
39.	Gallery Square, east of Jct Wolverhampton Street	Street Trading
40.	North of 40 Station Street, Walsall	Street Trading
41	Station Street, Walsall Opposite 37	Street Trading
42.	High Street, Walsall East of Jct Goodhall Street	Street Trading
43.	Darwall Street, Walsall Outside Electoral Office,	Street Trading
44.	Tower Street / Civic Quarter	REPLACED BY 44A
44A	Junction of Tower Street and Darwall Street, Walsall	Street Trading
45	Walsall Town Centre North– Various Sites- Gallery Square (Part) Park St. Station Street St Pauls. Sq Civic Square (part) Leicester Street (part) Darwall St - Civic Quarter	WMBC and Partnerships Festivals and Events
46	Walsall Town Centre South - Various Sites- Civic Square Bradford Street Bradford Place Digbeth	WMBC and Partnerships Festivals and Events
47	Willenhall Town Centre - Various Sites Wolverhampton St Stafford St Market Place Cross St	WMBC and Partnerships Festivals and Events
48	Darlaston Town Centre - King Street	WMBC and Partnerships Festivals and Events
49	Brownhills Town Centre – Ravens Court	WMBC and Partnerships Festivals and Events

Appendix 6



STREET TRADING REVIEW 2007



Walsall Council

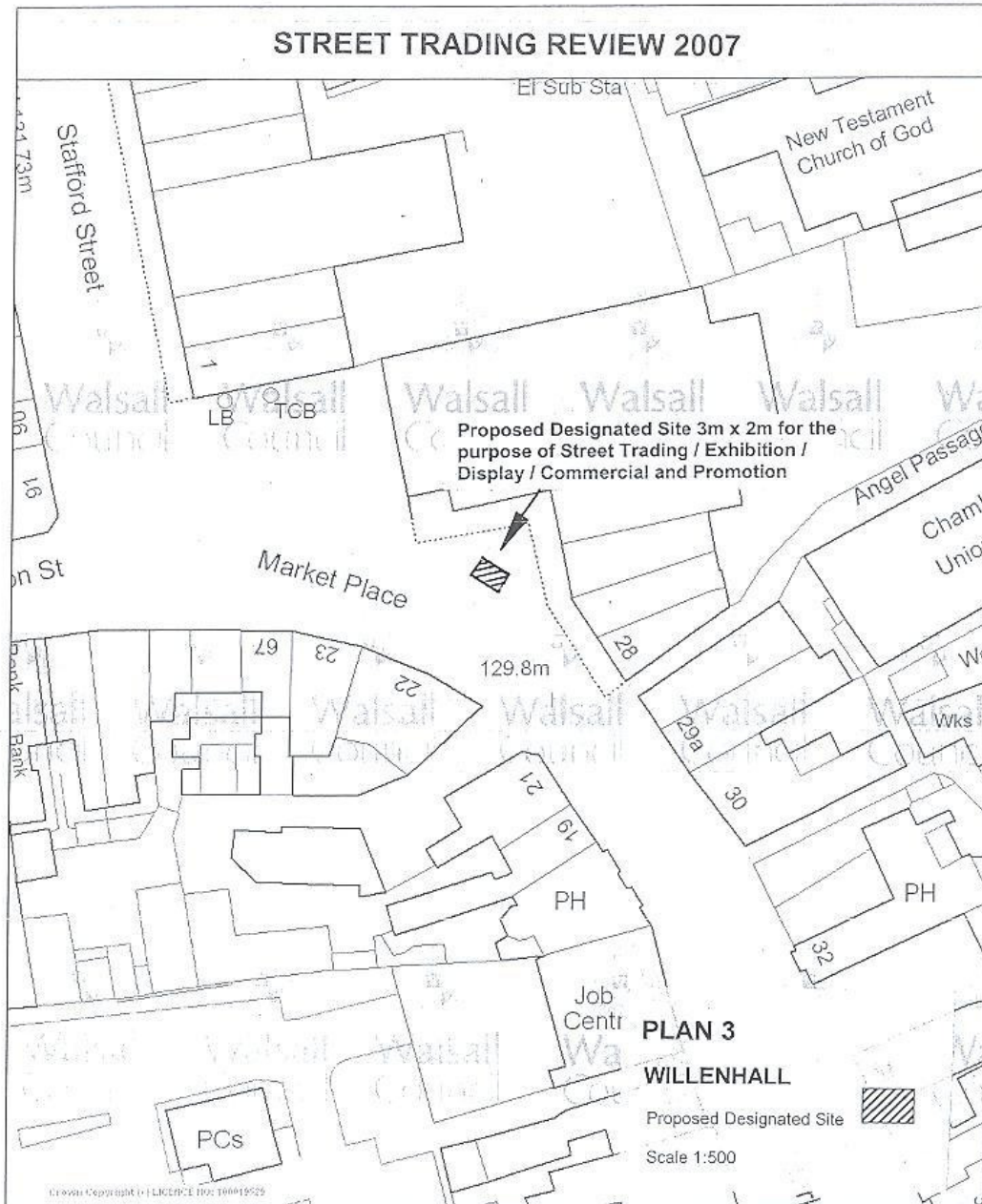
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Scale 1/500 Date 31/1/2008

Centre = 396293 E 298525 N



STREET TRADING REVIEW 2007



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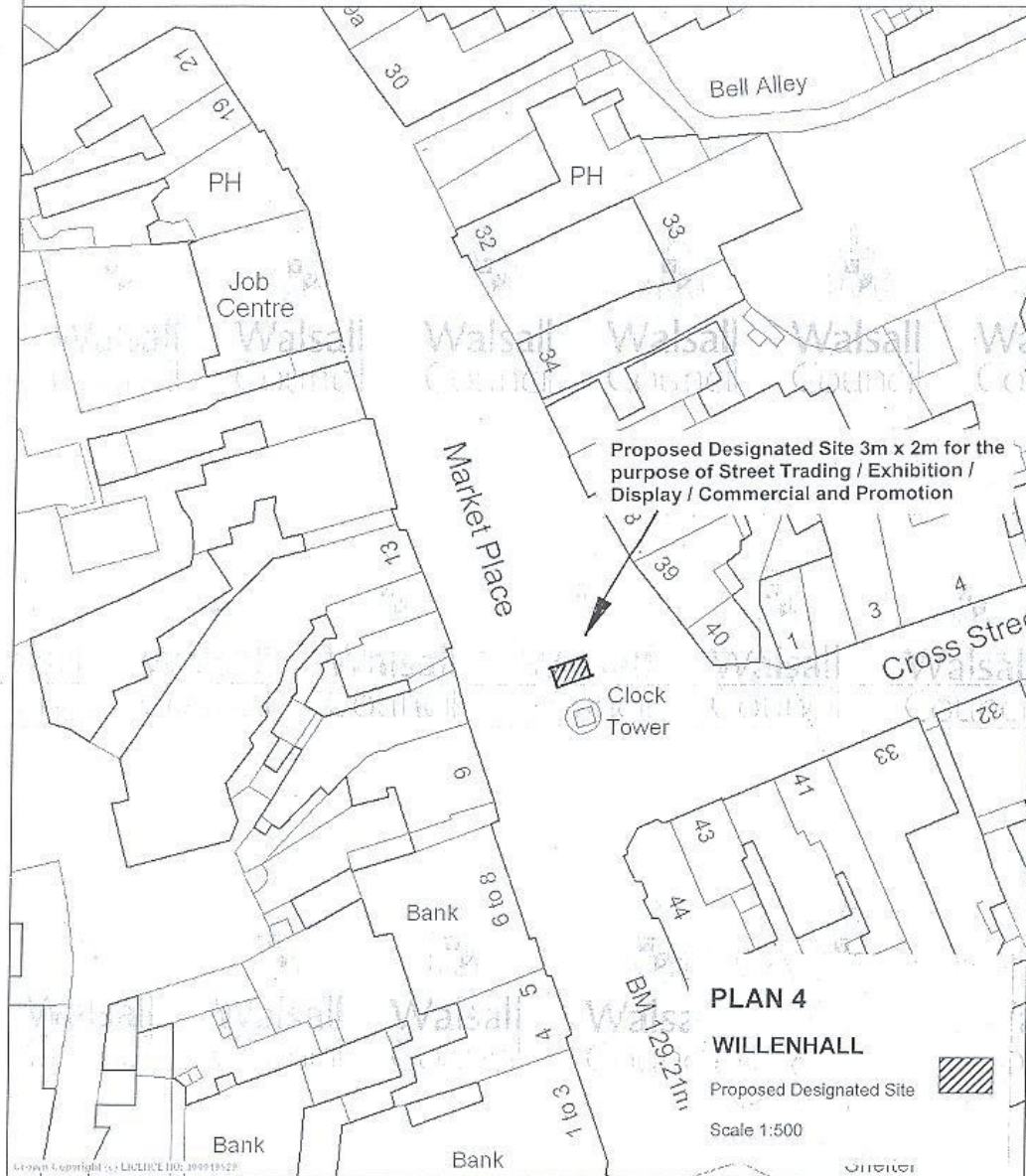
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Scale 1/500 Date 31/1/2008

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STREET TRADING REVIEW 2007



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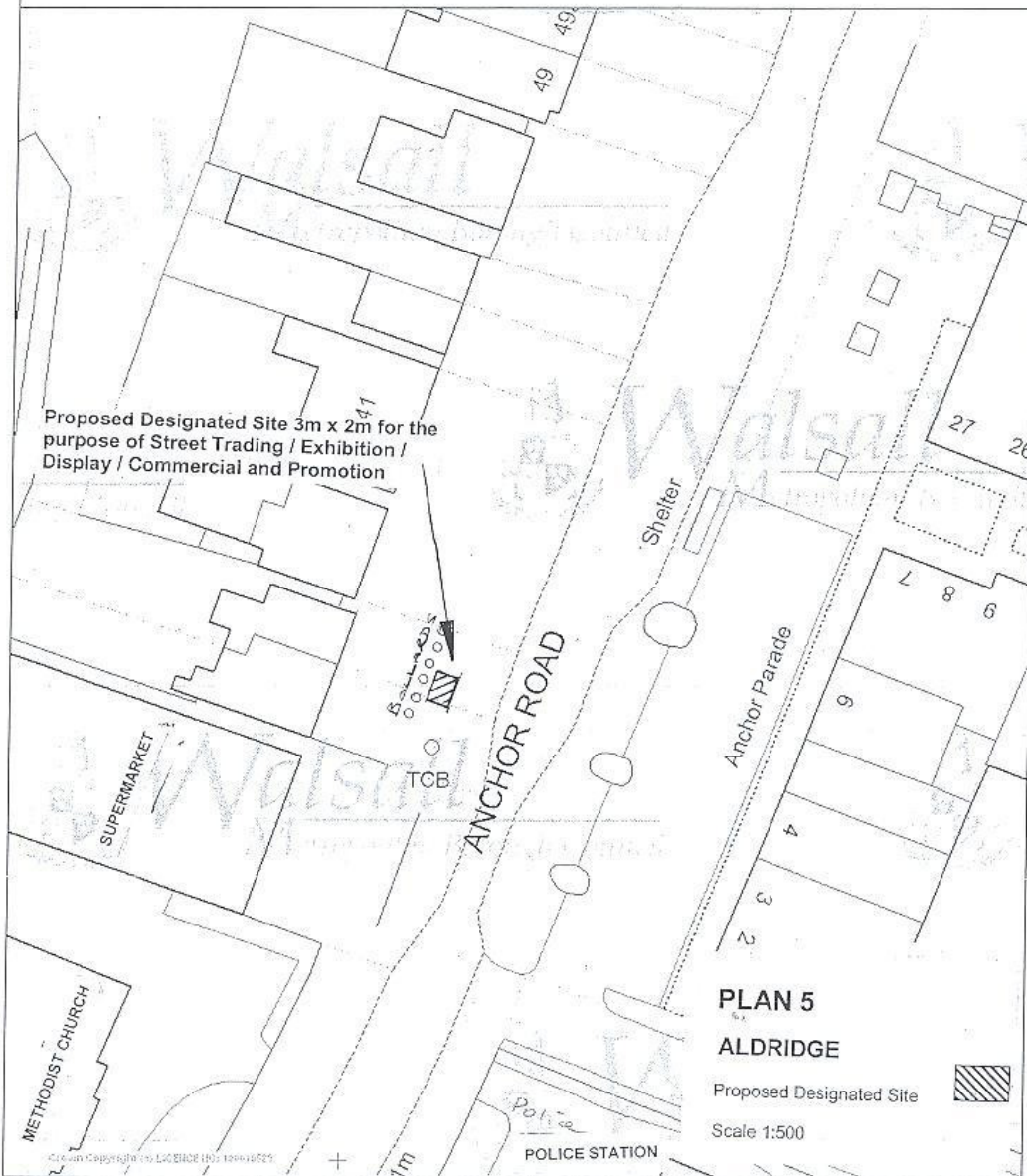
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Centre = 396380 E 298443 N



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Scale 1/500 Date 16/1/2008

Centre = 405620 E 300737 N



STREET TRADING REVIEW 2007

LEIGHSWOOD ROAD

Proposed Designated Site 3m x 2m for the purpose of Street Trading / Exhibition / Display / Commercial and Promotion

HIGH STREET

8 22 24 10 26 34 18

Bank

ANCHOR ROAD

The Elms (F...)

BM 160.15m

PLAN 6
ALDRIDGE



Proposed Designated Site

Scale 1:500



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Scale 1:500

Centre = 405655 E 300815 N

Date 16/12/2008



STREET TRADING REVIEW 2007

Proposed Designated Site 3m x 2m for the purpose of Street Trading / Exhibition / Display / Commercial and Promotion

162.5m

HIGH STREET

PLAN 7

ALDRIDGE

Proposed Designated Site

Scale 1:500



Date 19/12/2008

Scale 1:355

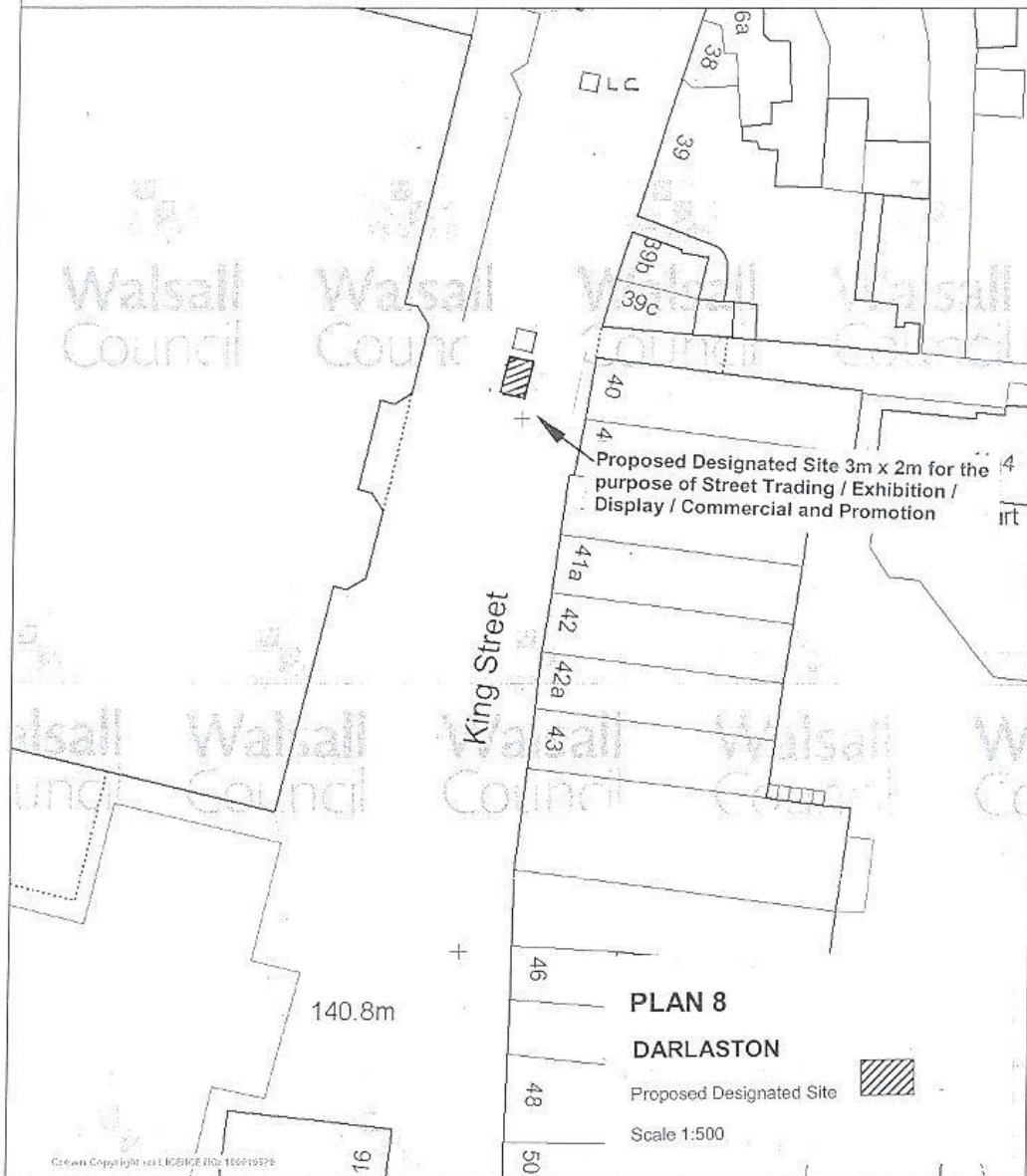
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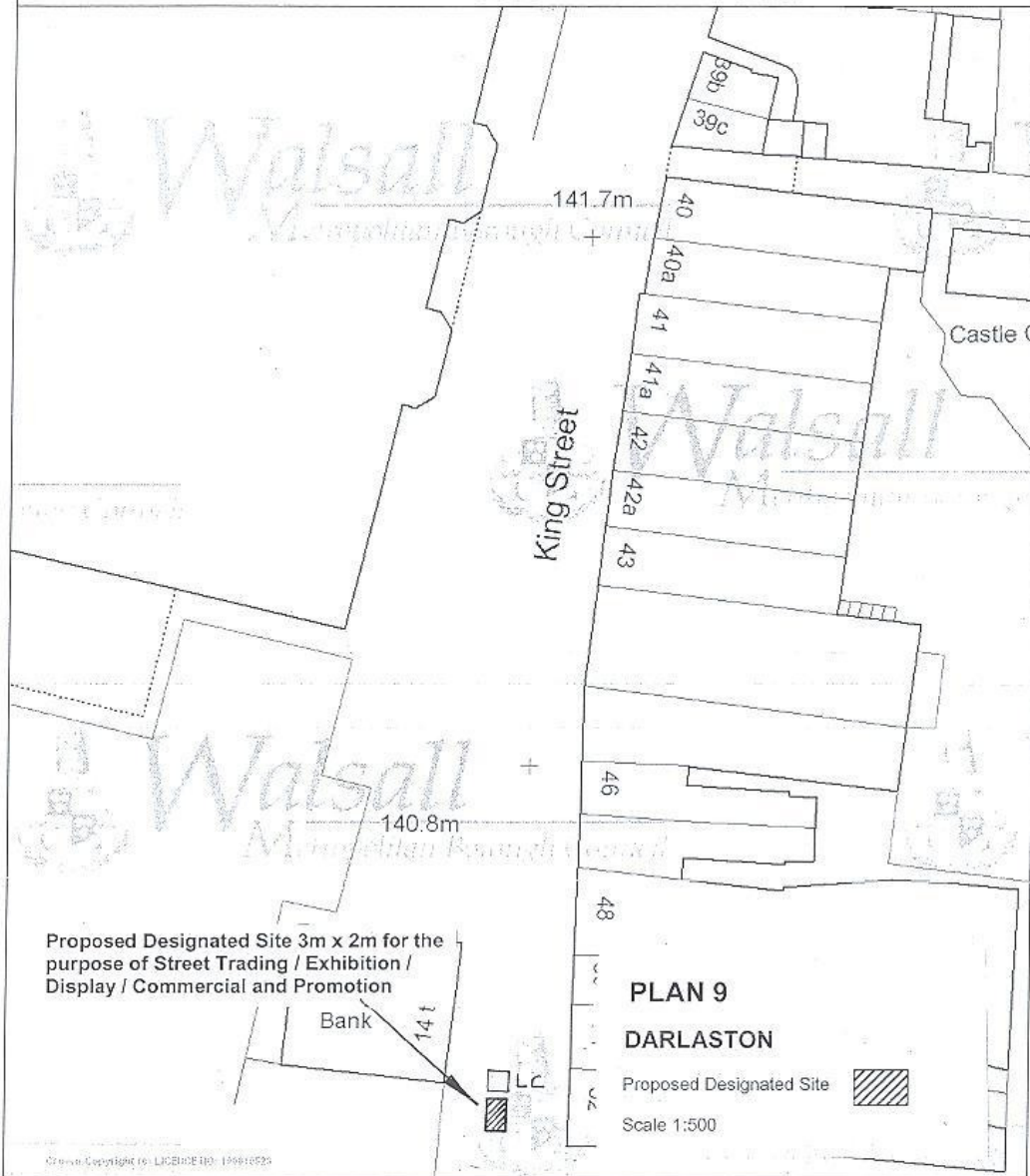
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Scale 1:500 Date 29/1/2008

Centre = 397721 E 296694 N



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Centre = 397714 E 296677 N



STREET TRADING REVIEW 2007

Proposed Designated Site 3m x 2m for the purpose of Street Trading / Exhibition / Display / Commercial and Promotion

King Street

140.8m

Bank

14 to 16

PLAN 10

DARLASTON

Proposed Designated Site

Scale 1:500



Walsall Council

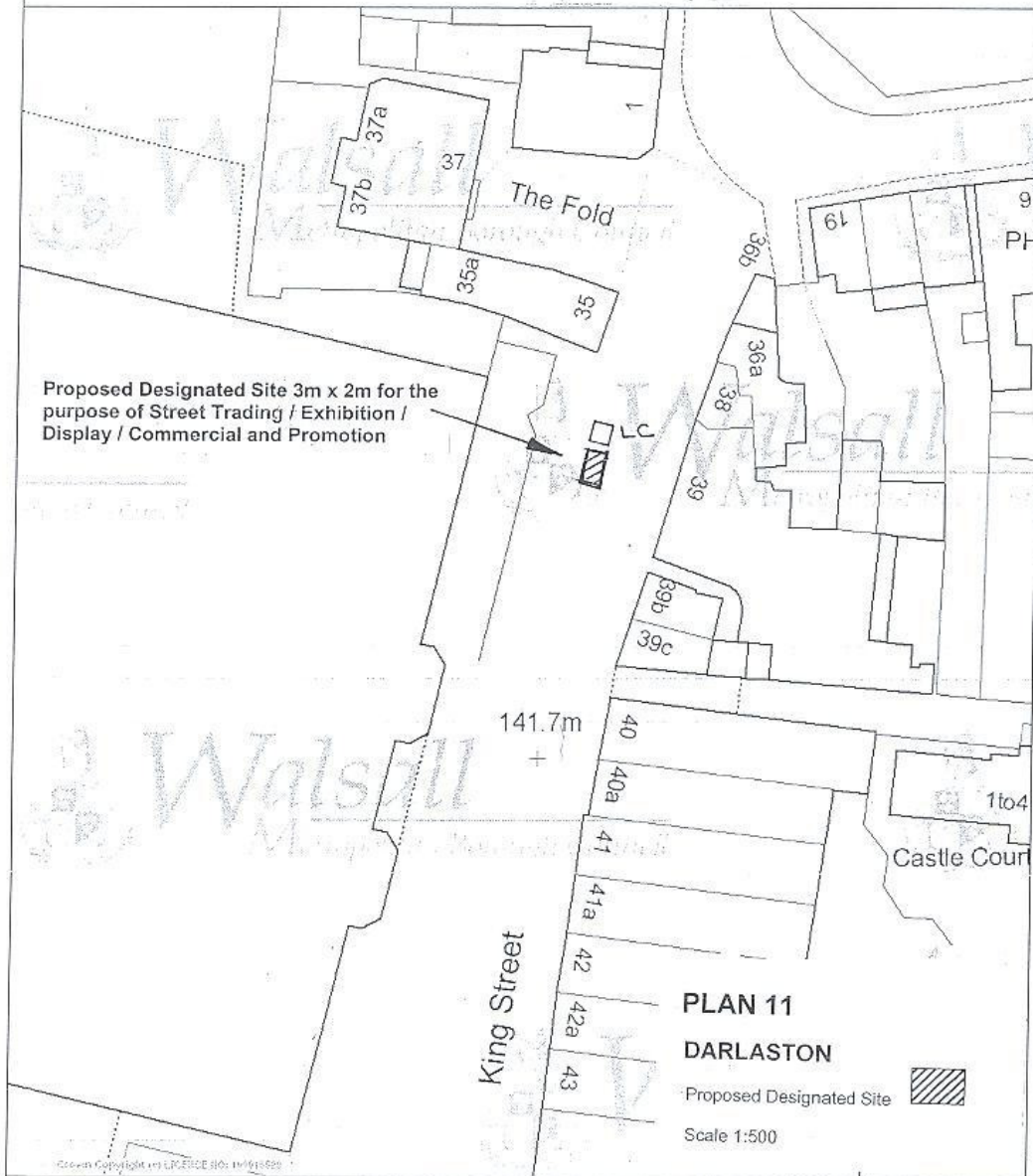
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STREET TRADING REVIEW 2007



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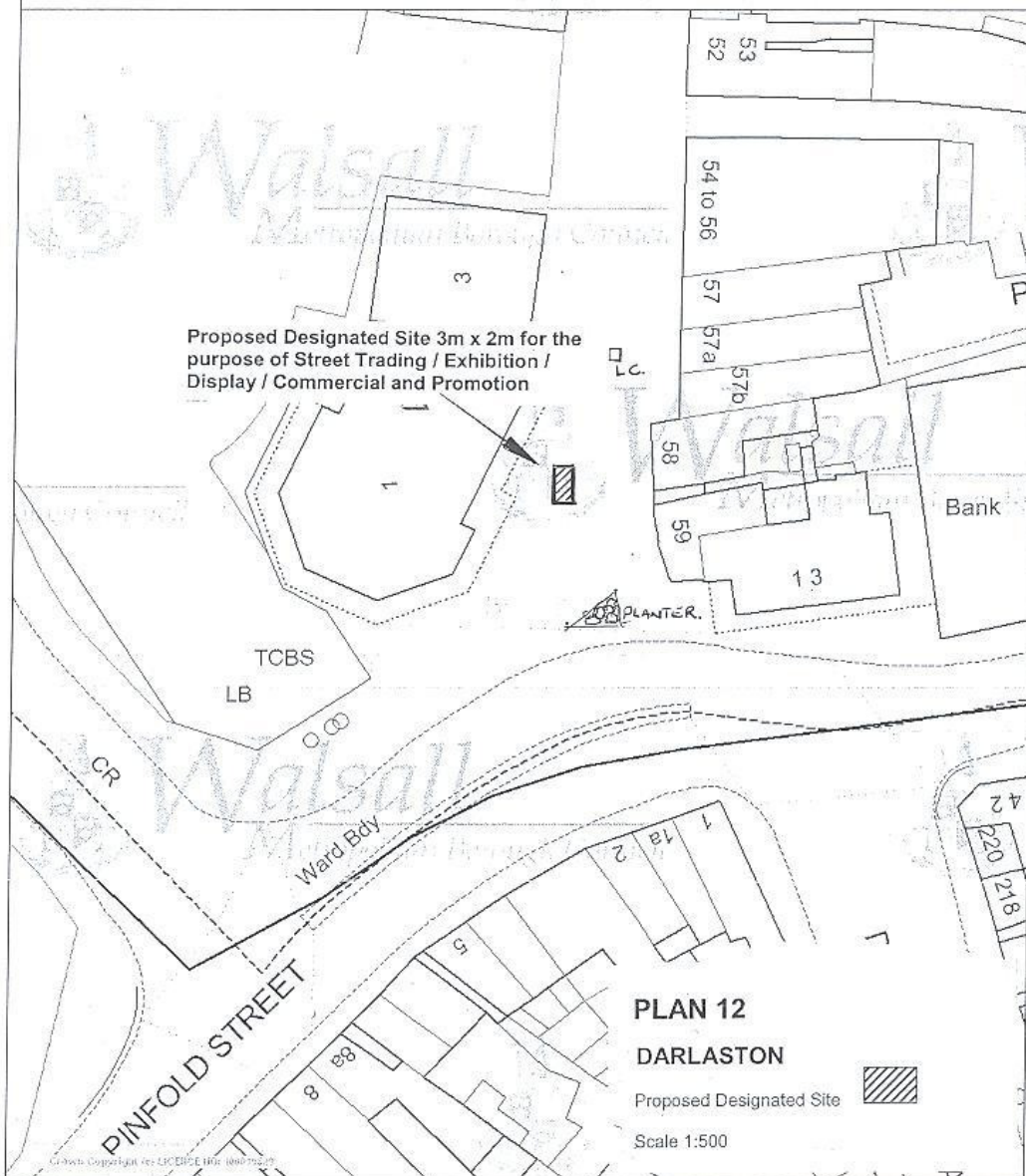
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STREET TRADING REVIEW 2007



Walsall Council

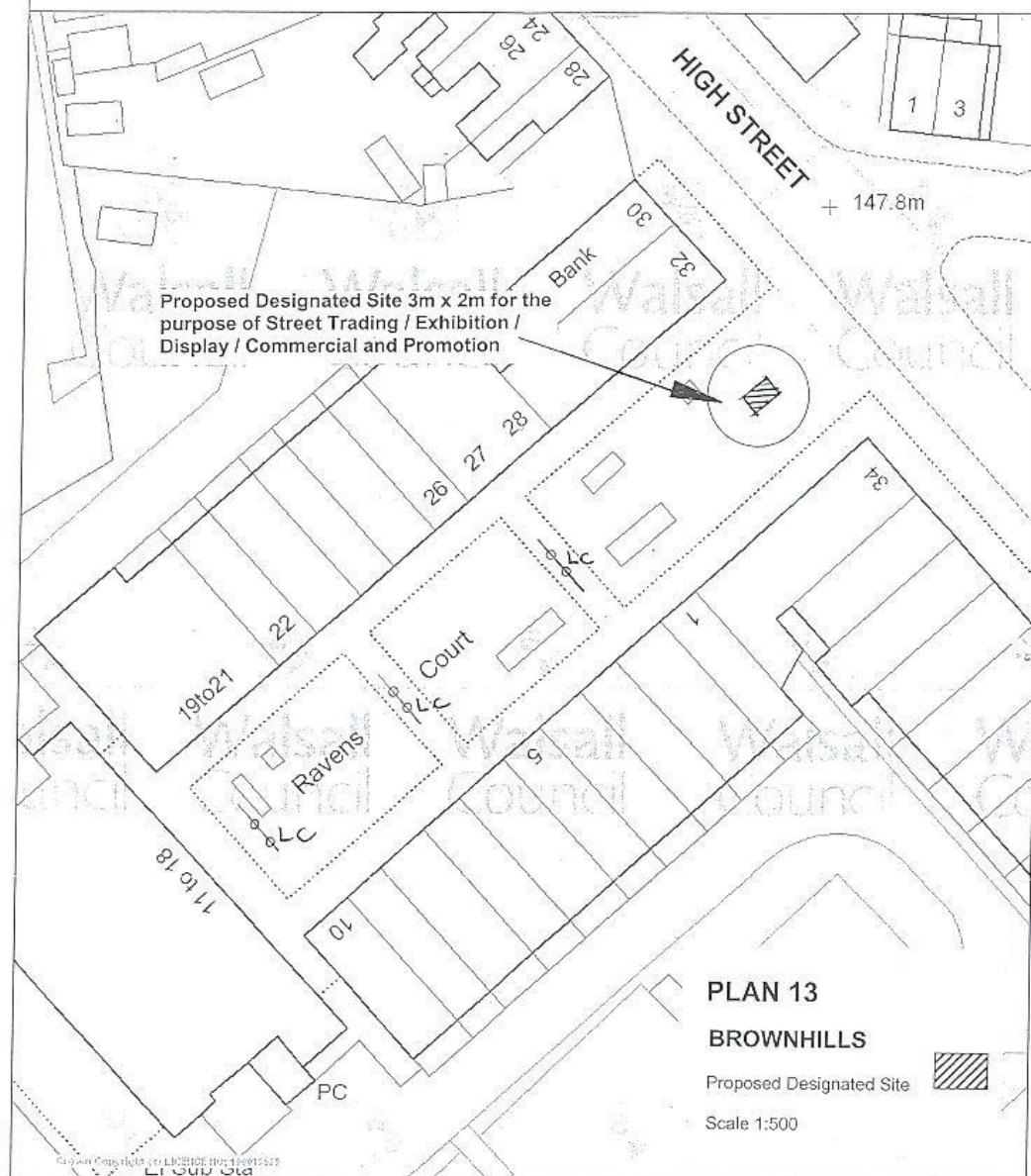
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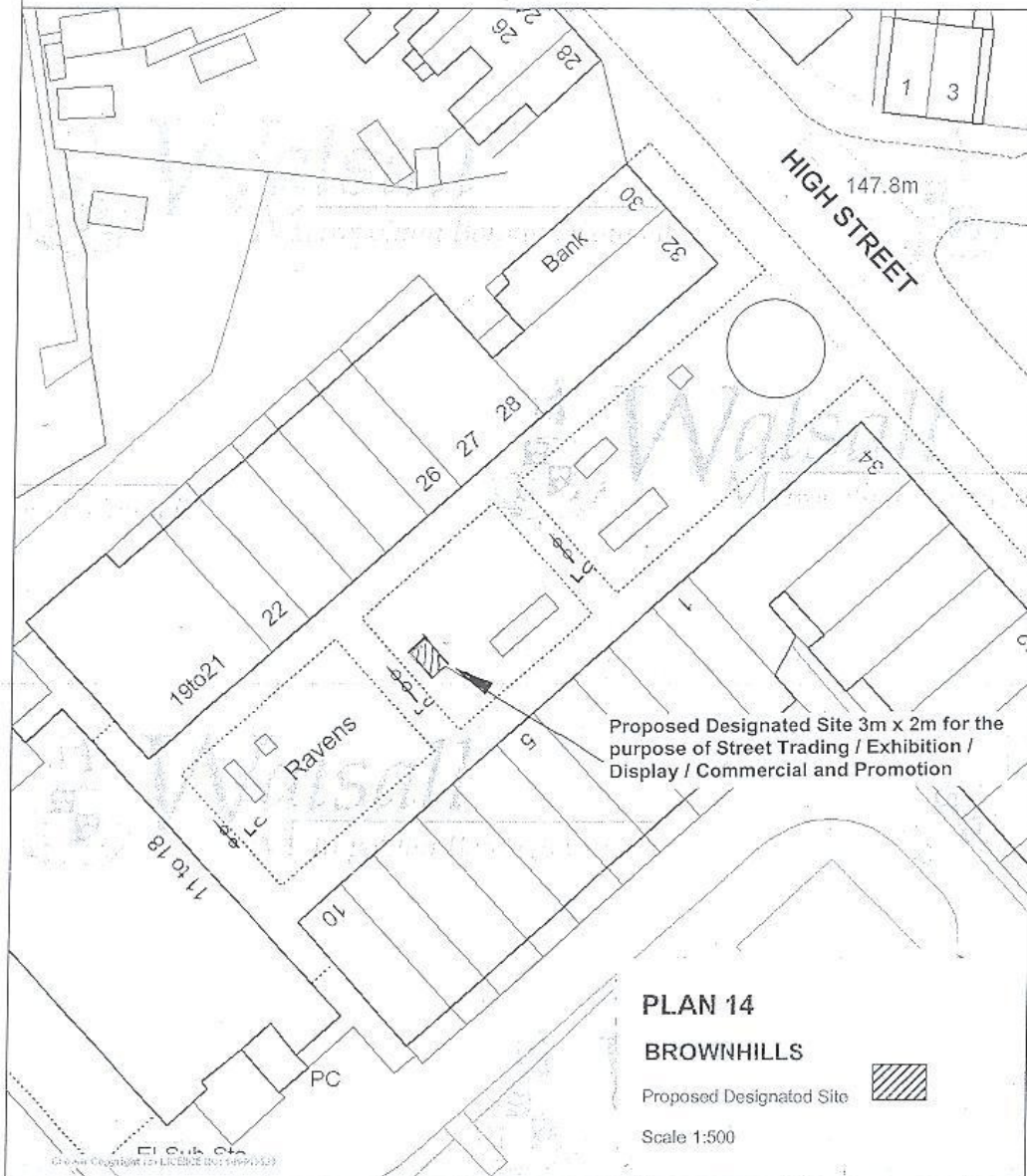
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STREET TRADING REVIEW 2007



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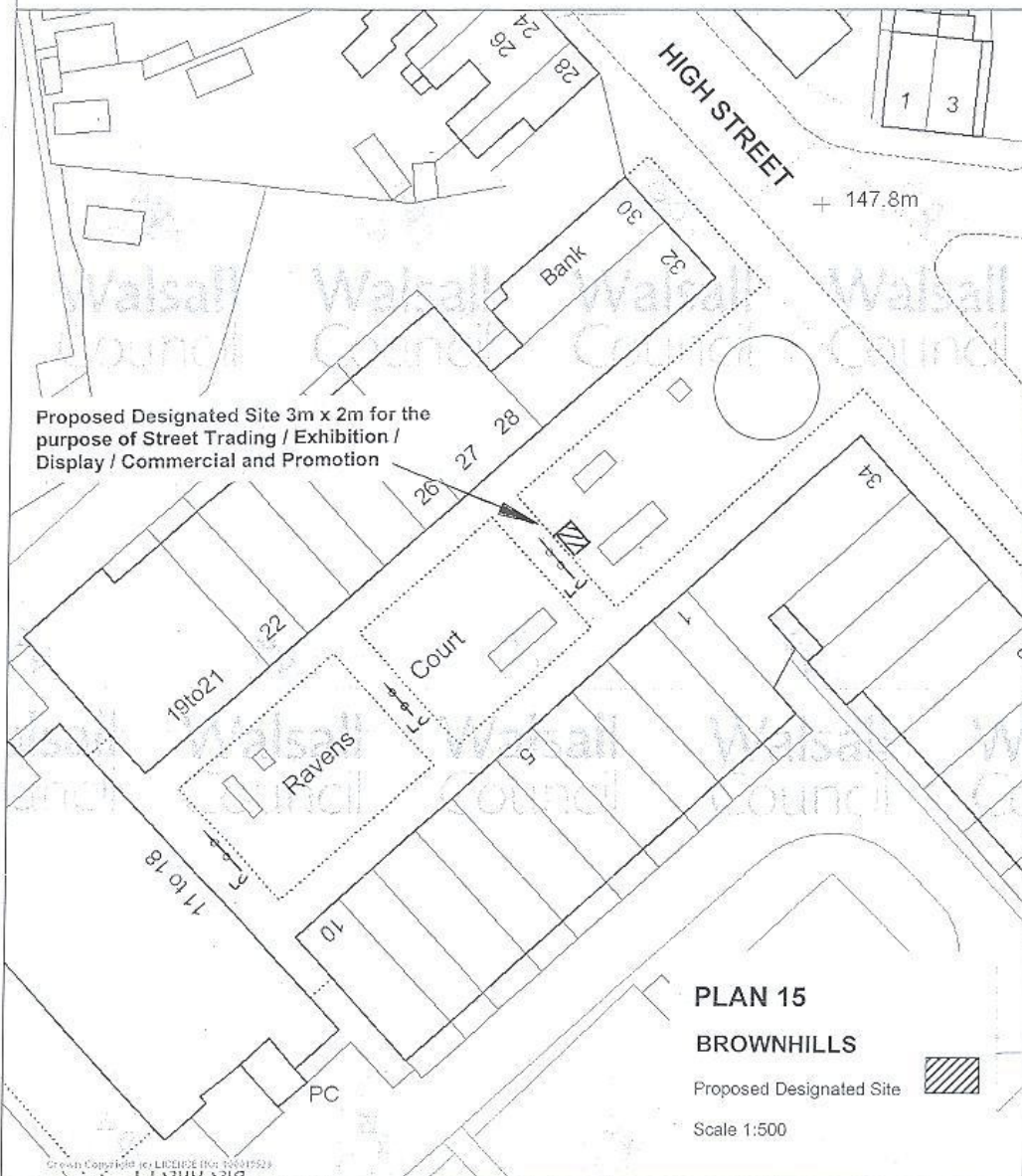
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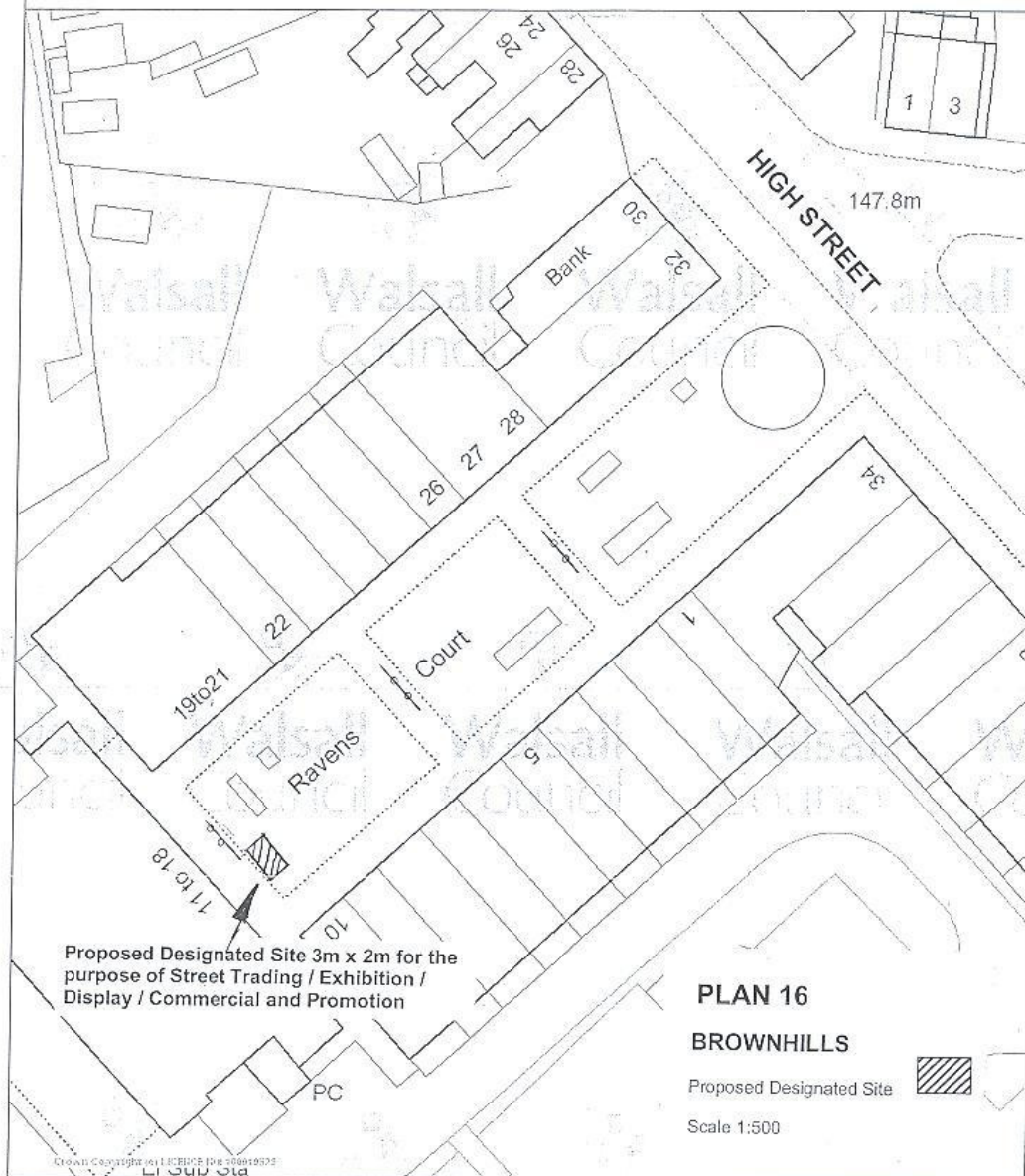
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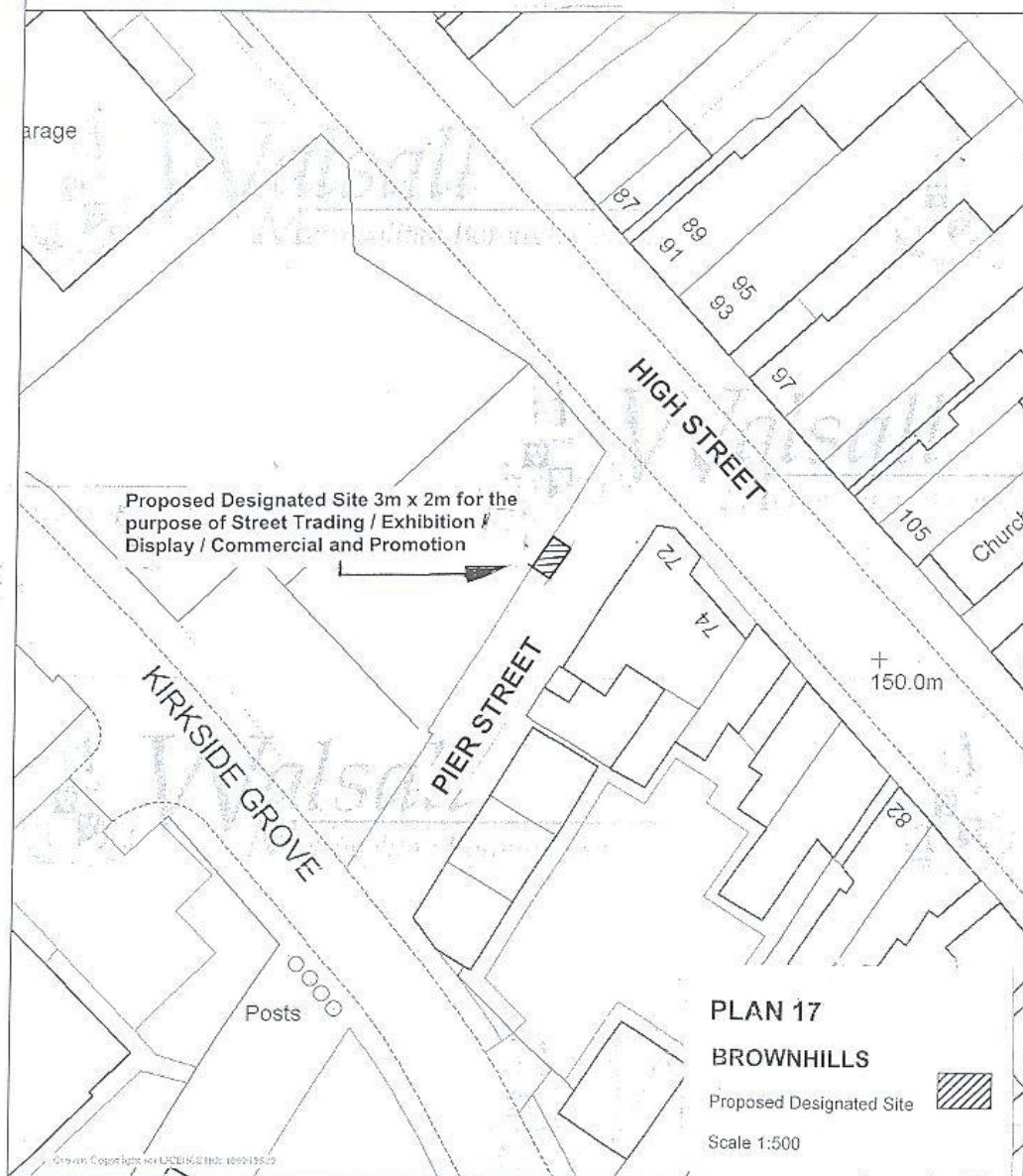
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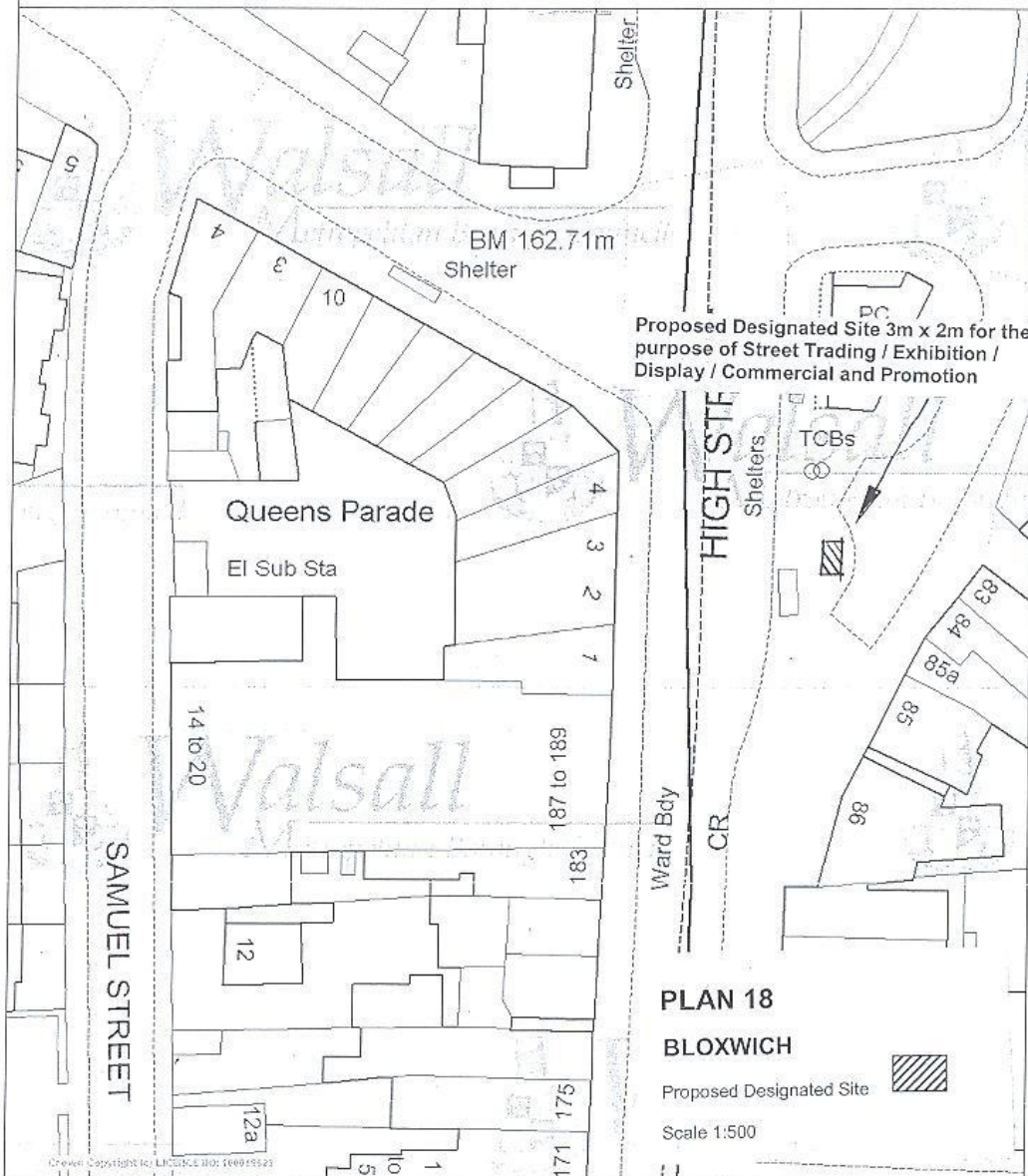
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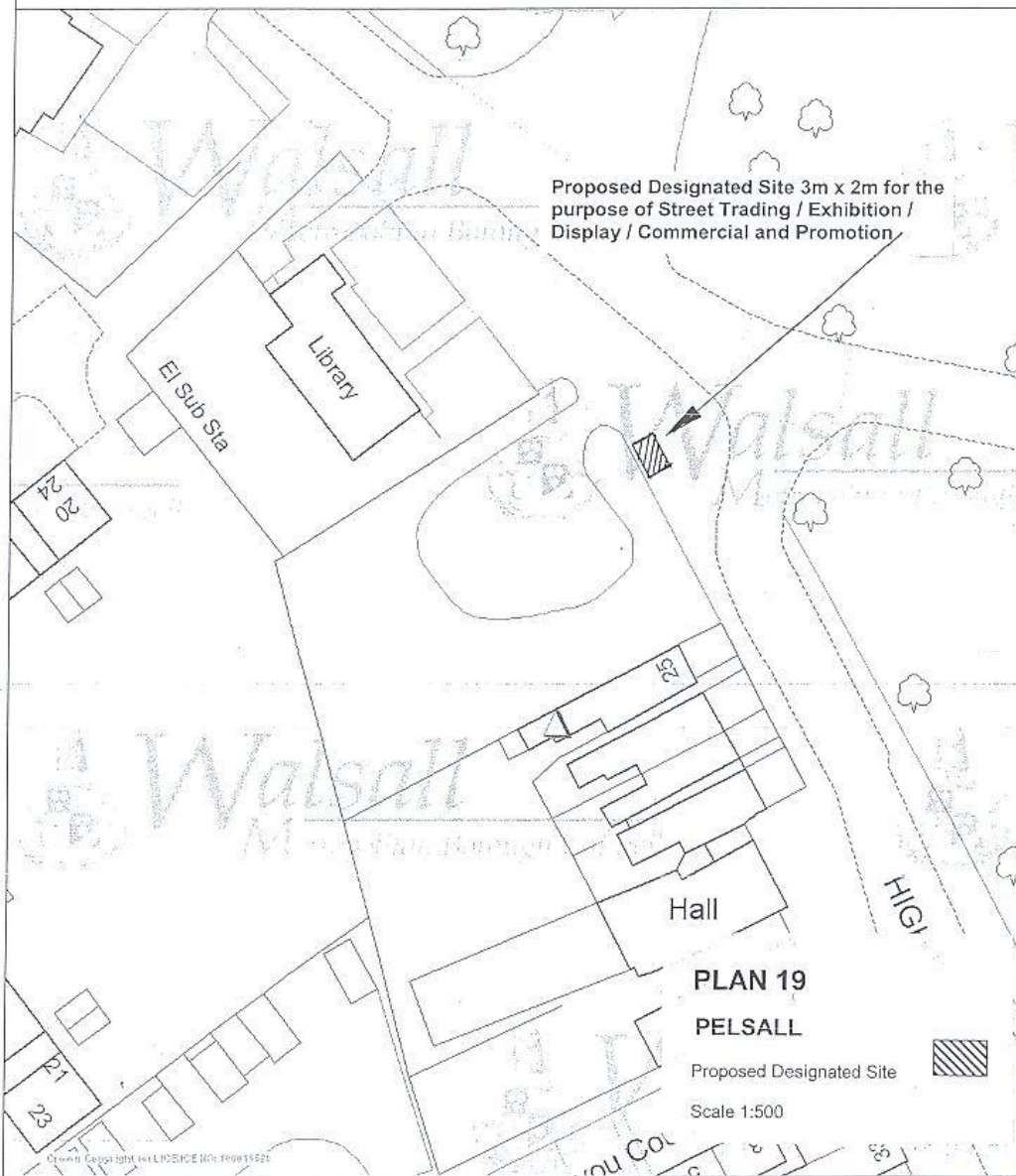
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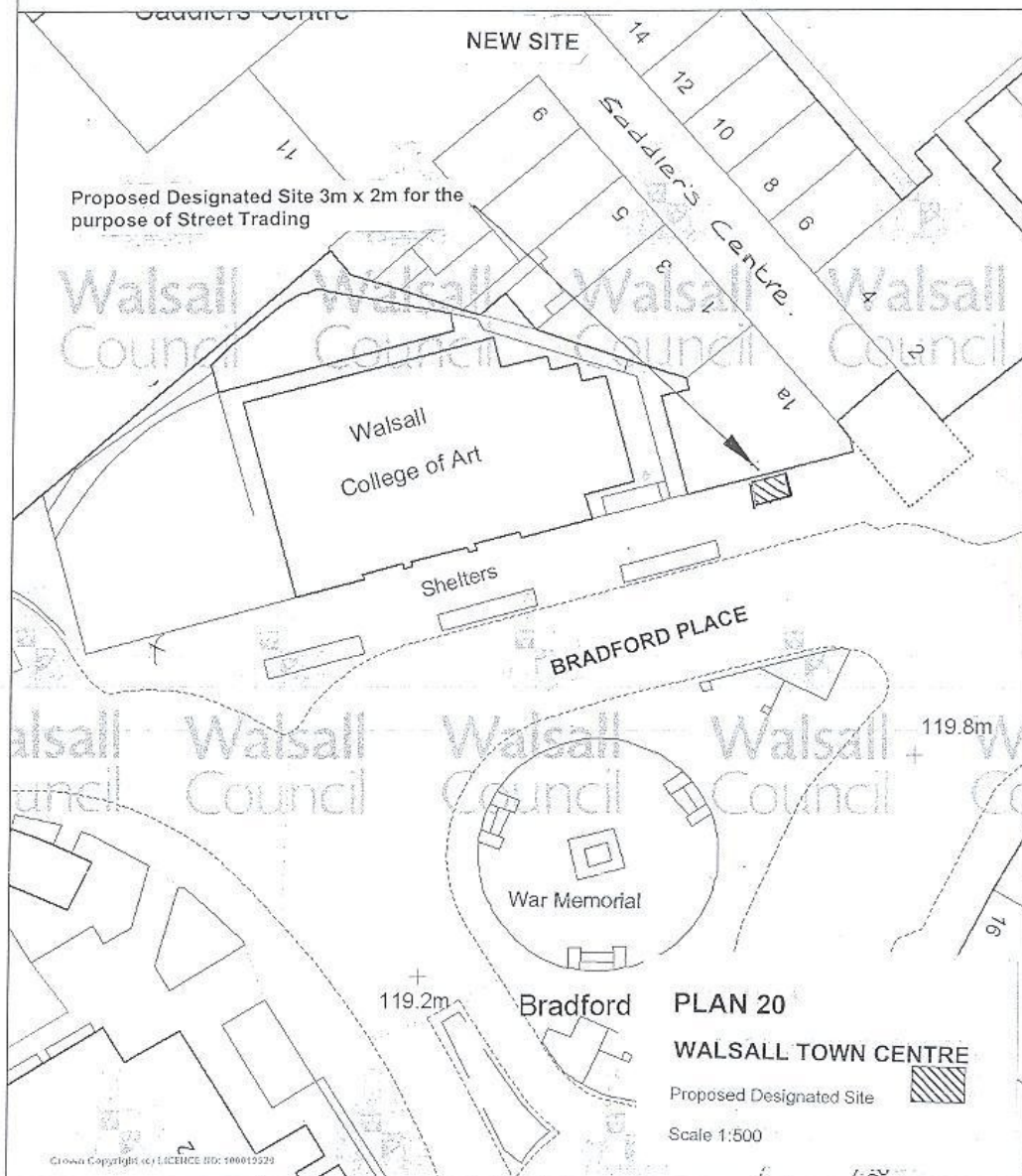
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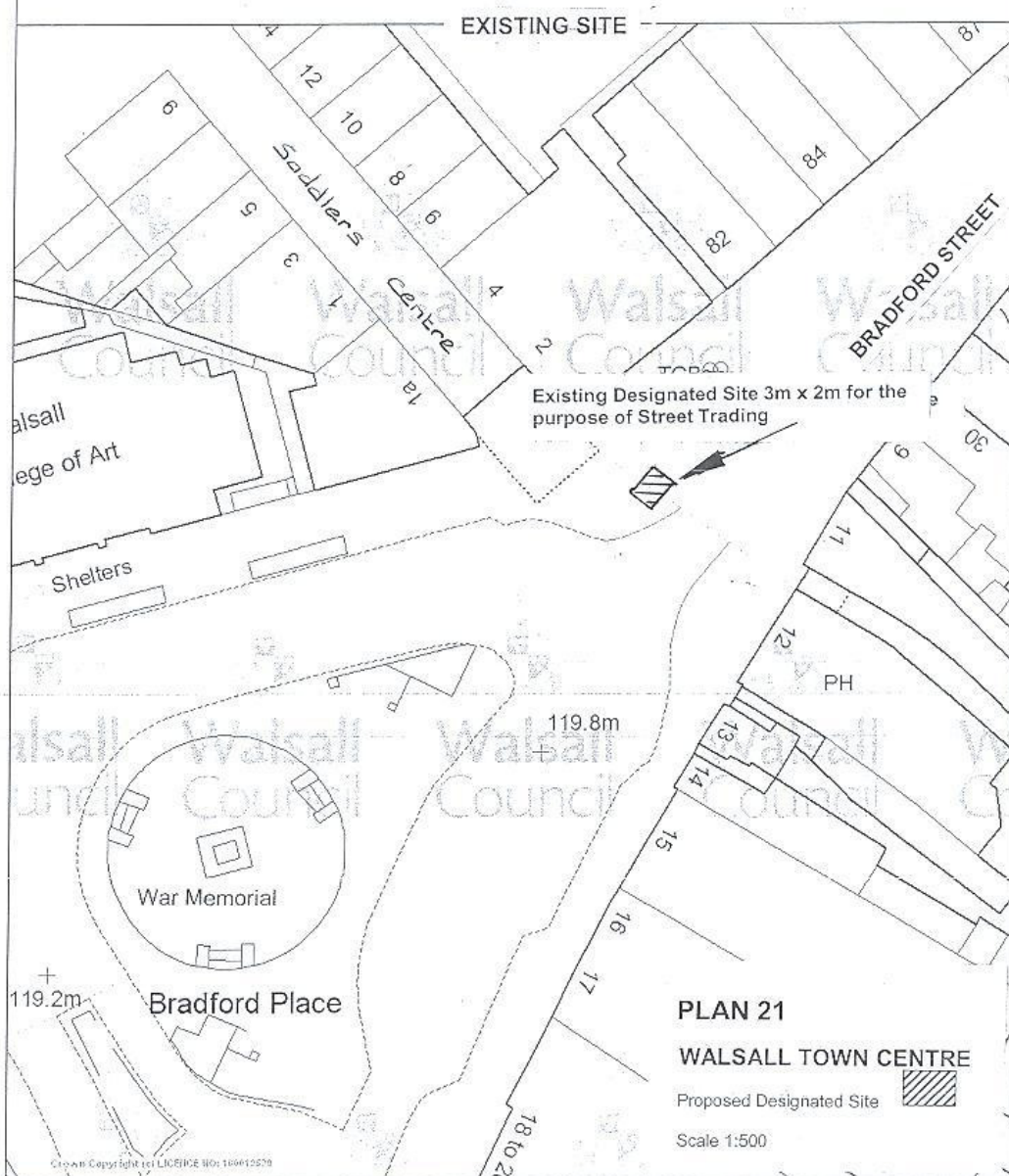
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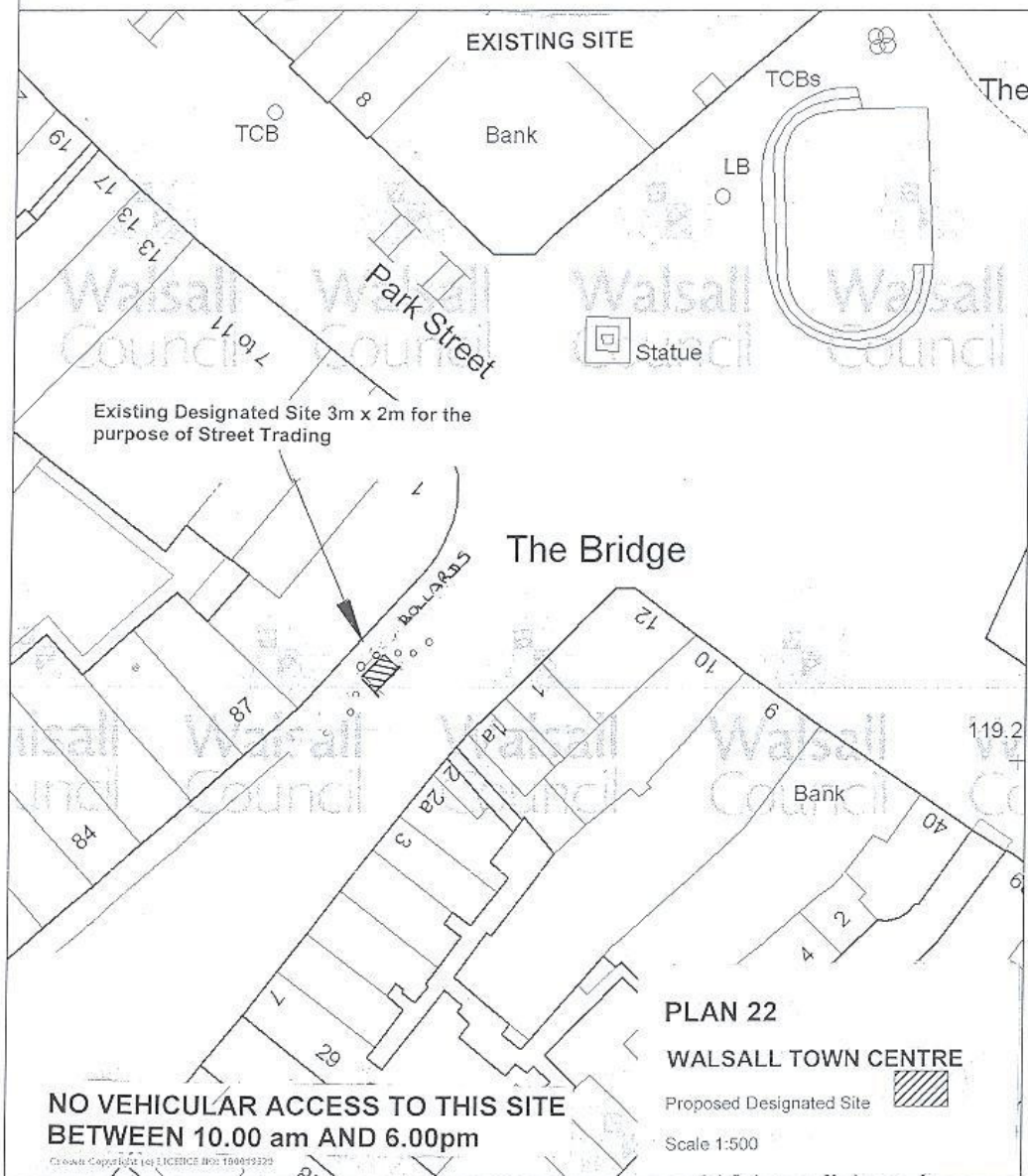
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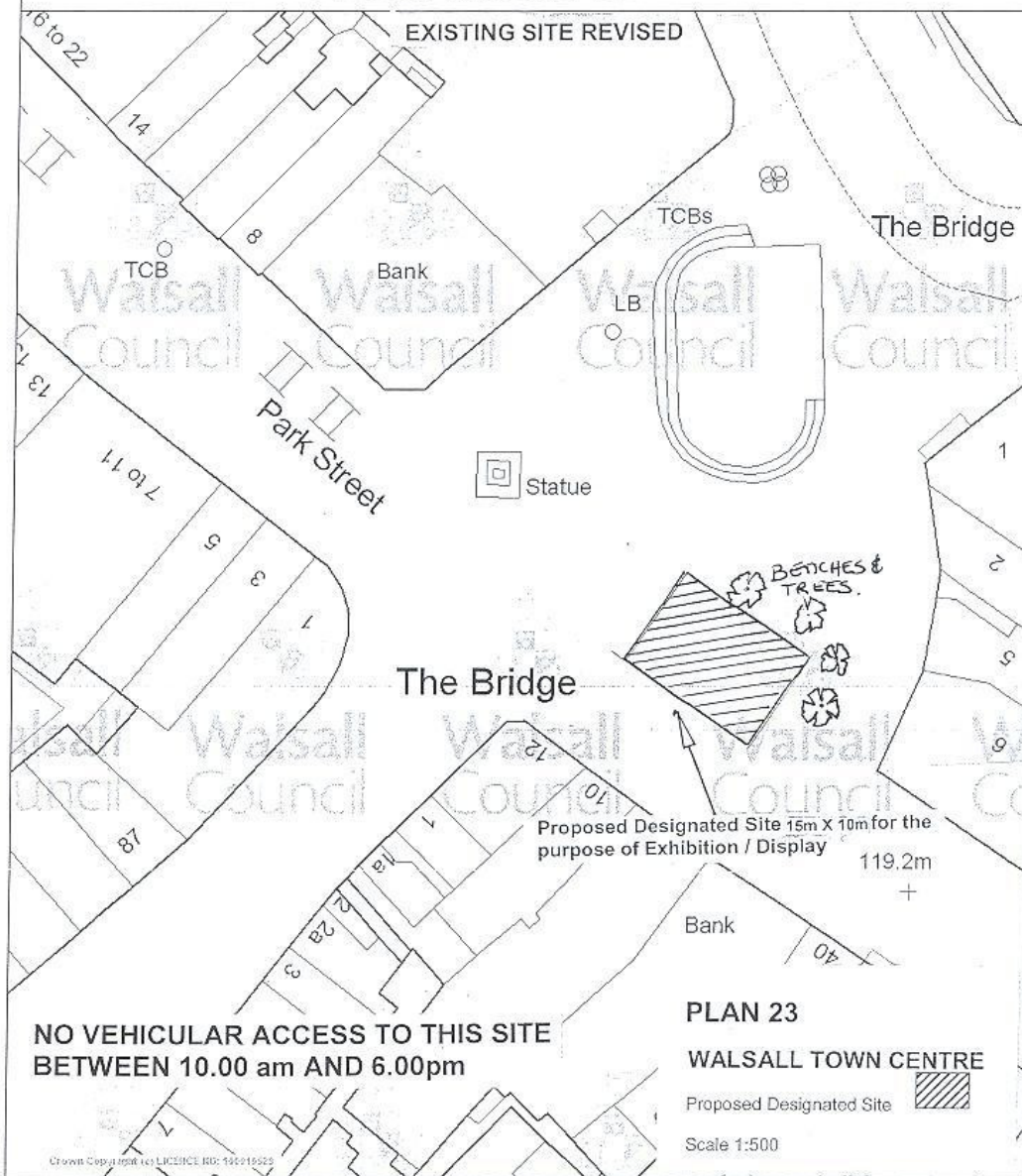
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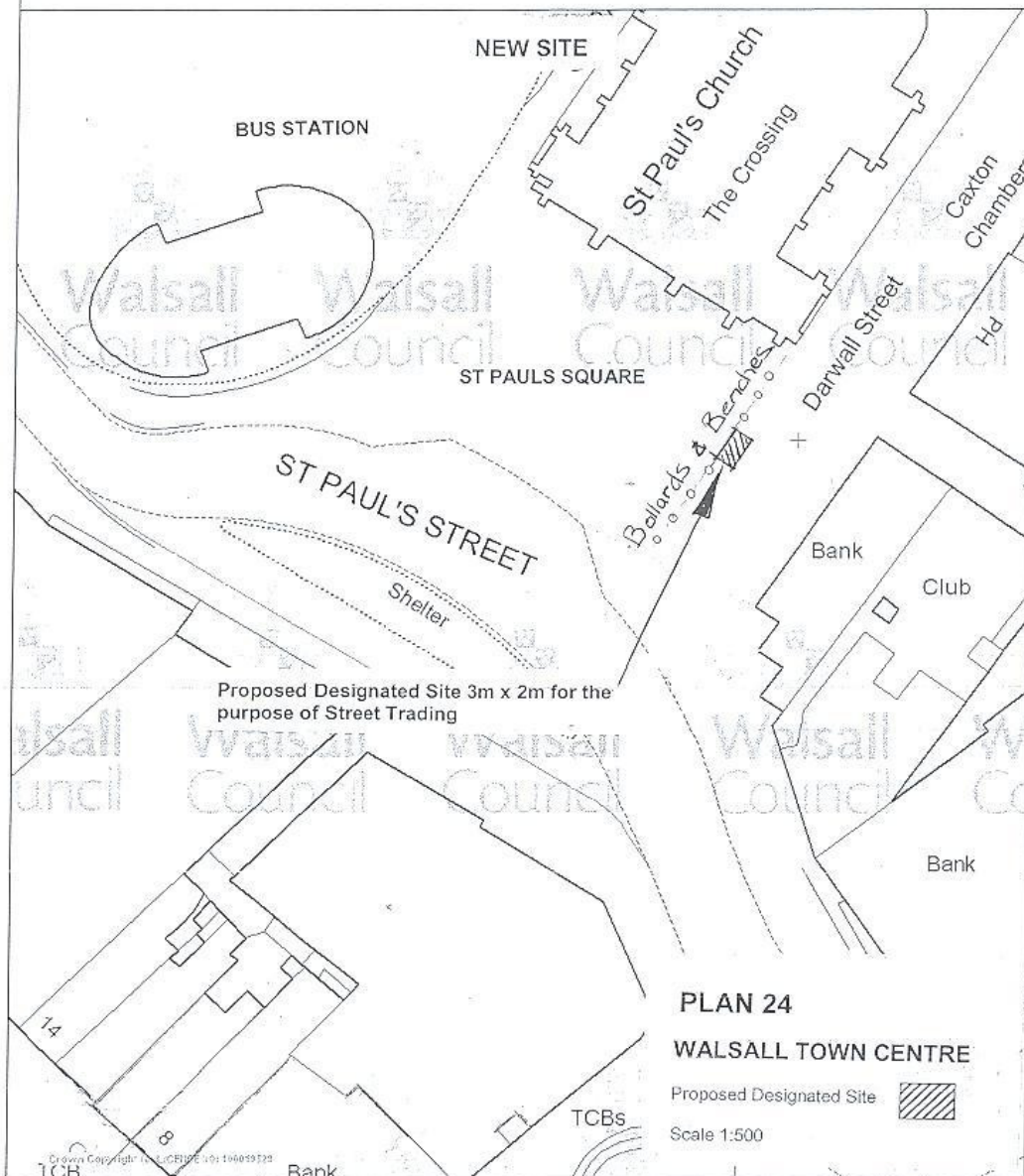
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Centre = 401312 E 298565 N



PLAN 24A TO REPLACE PLAN 24



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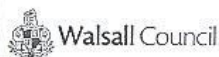
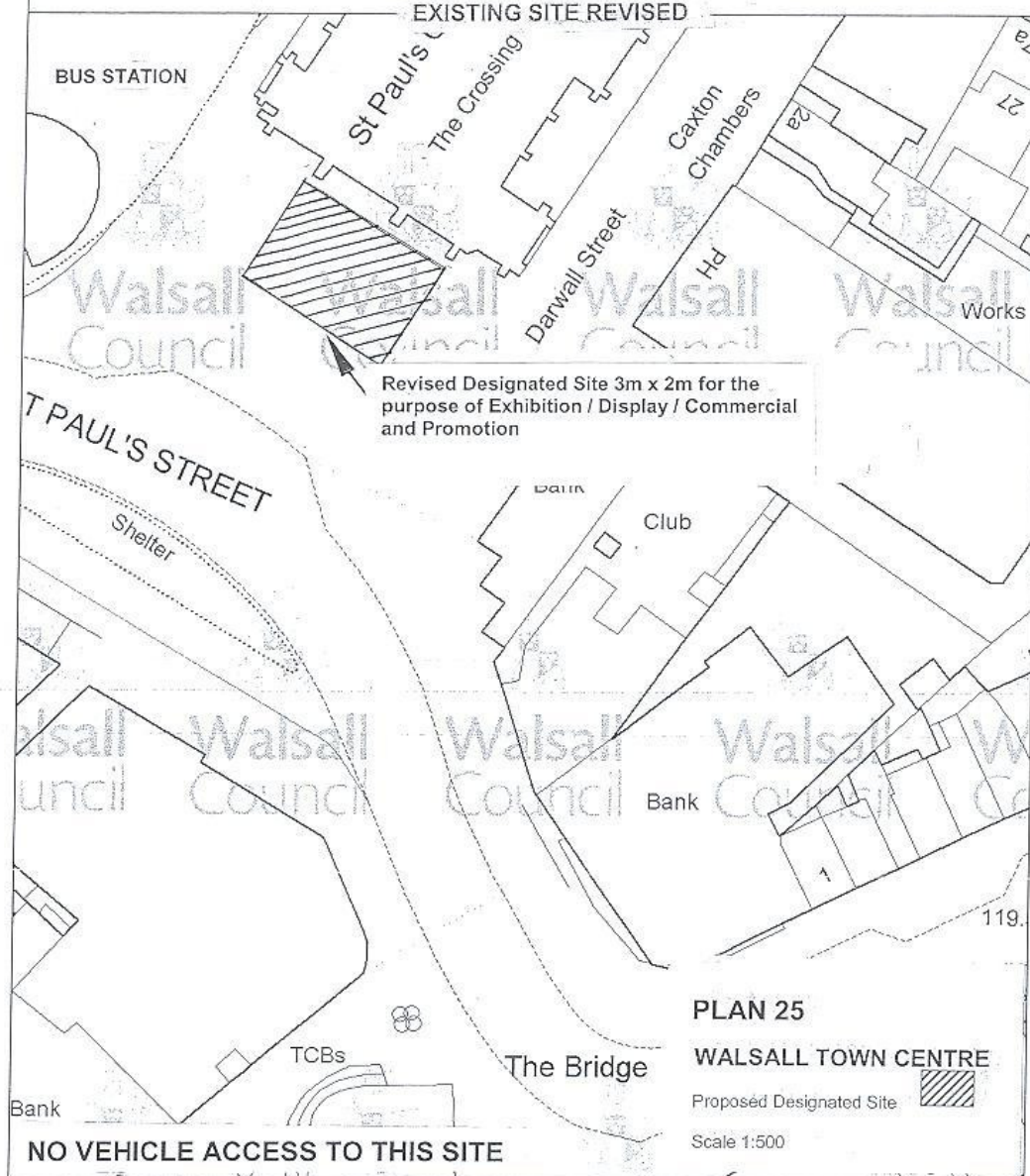
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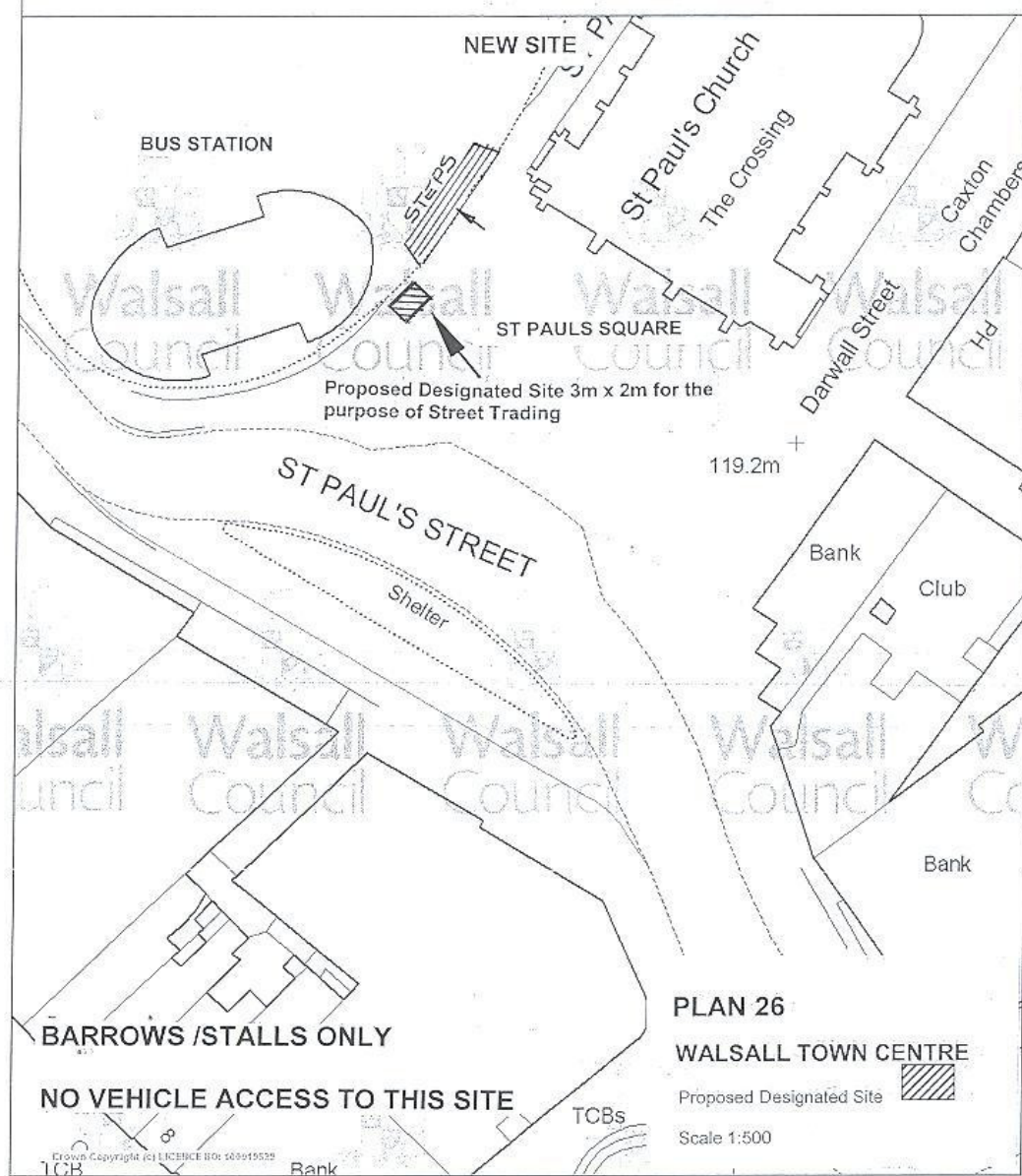
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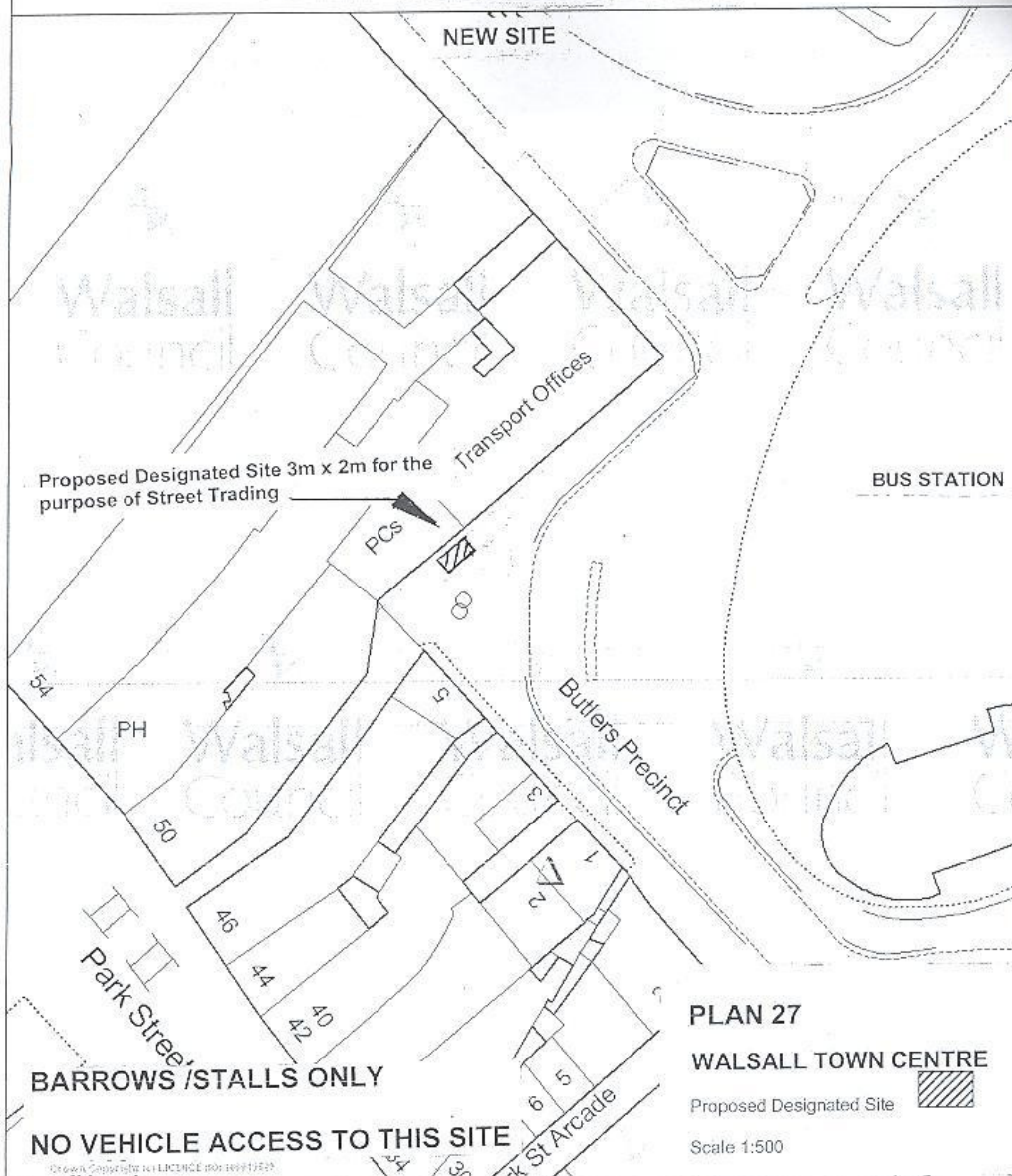
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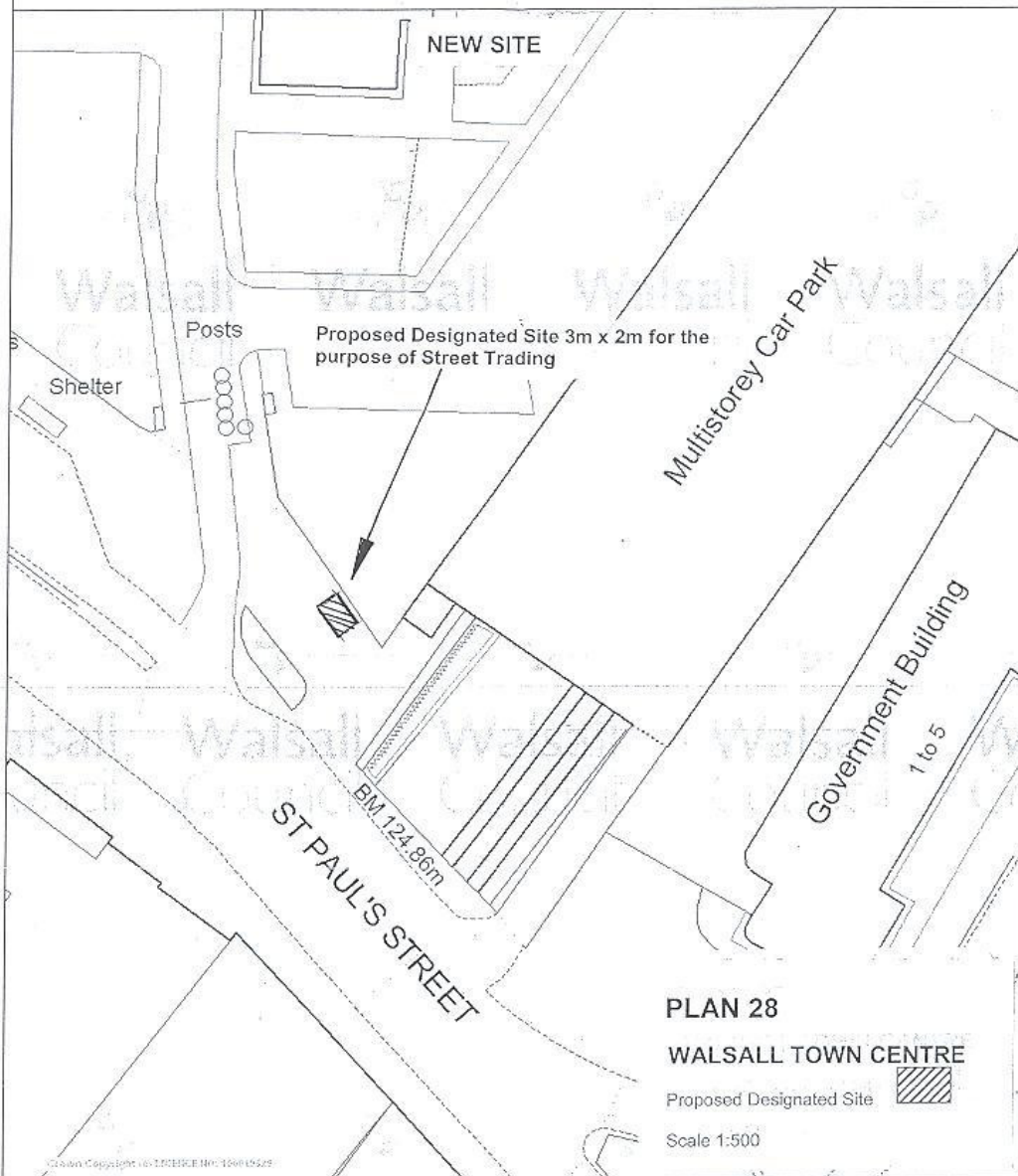
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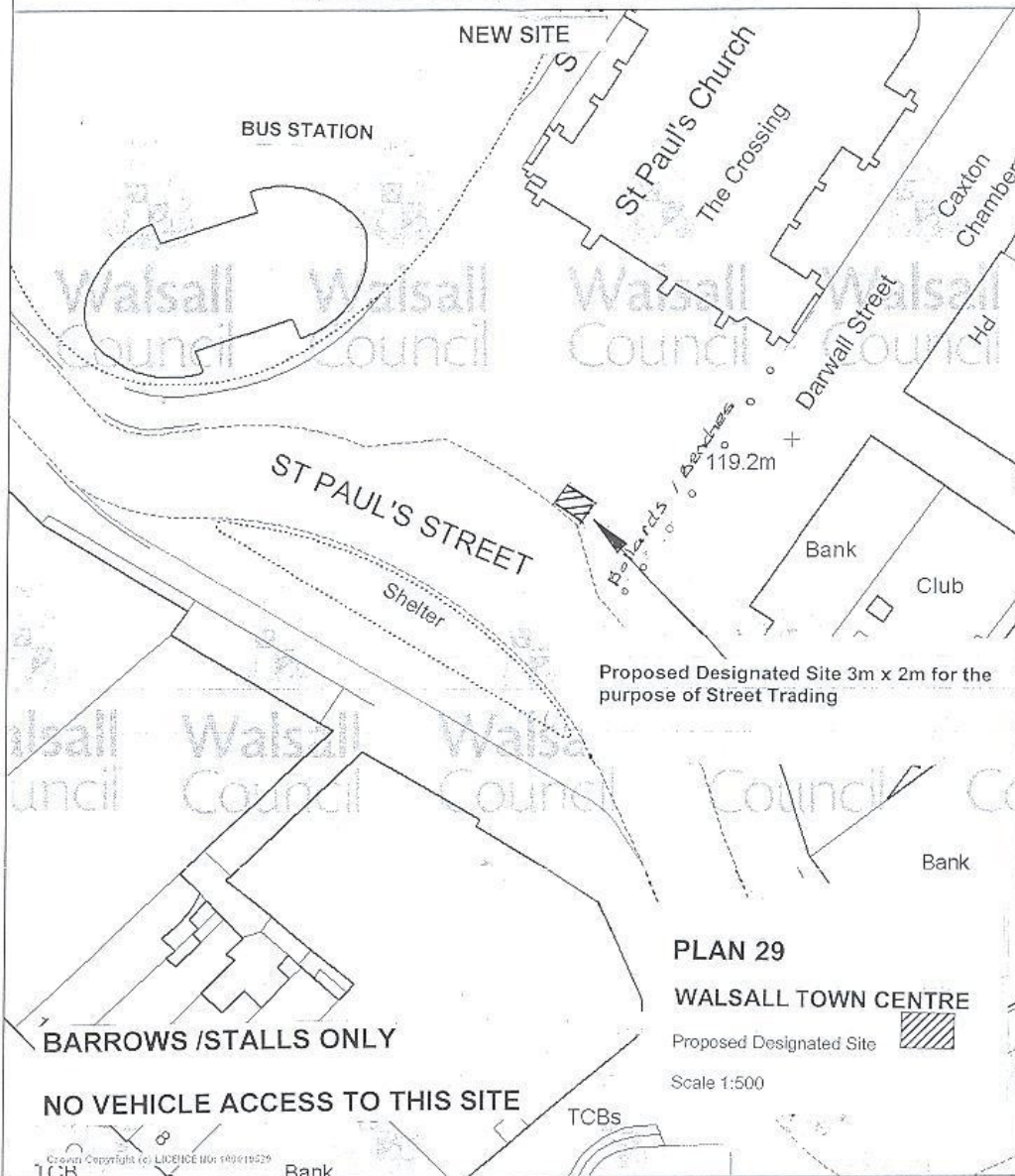
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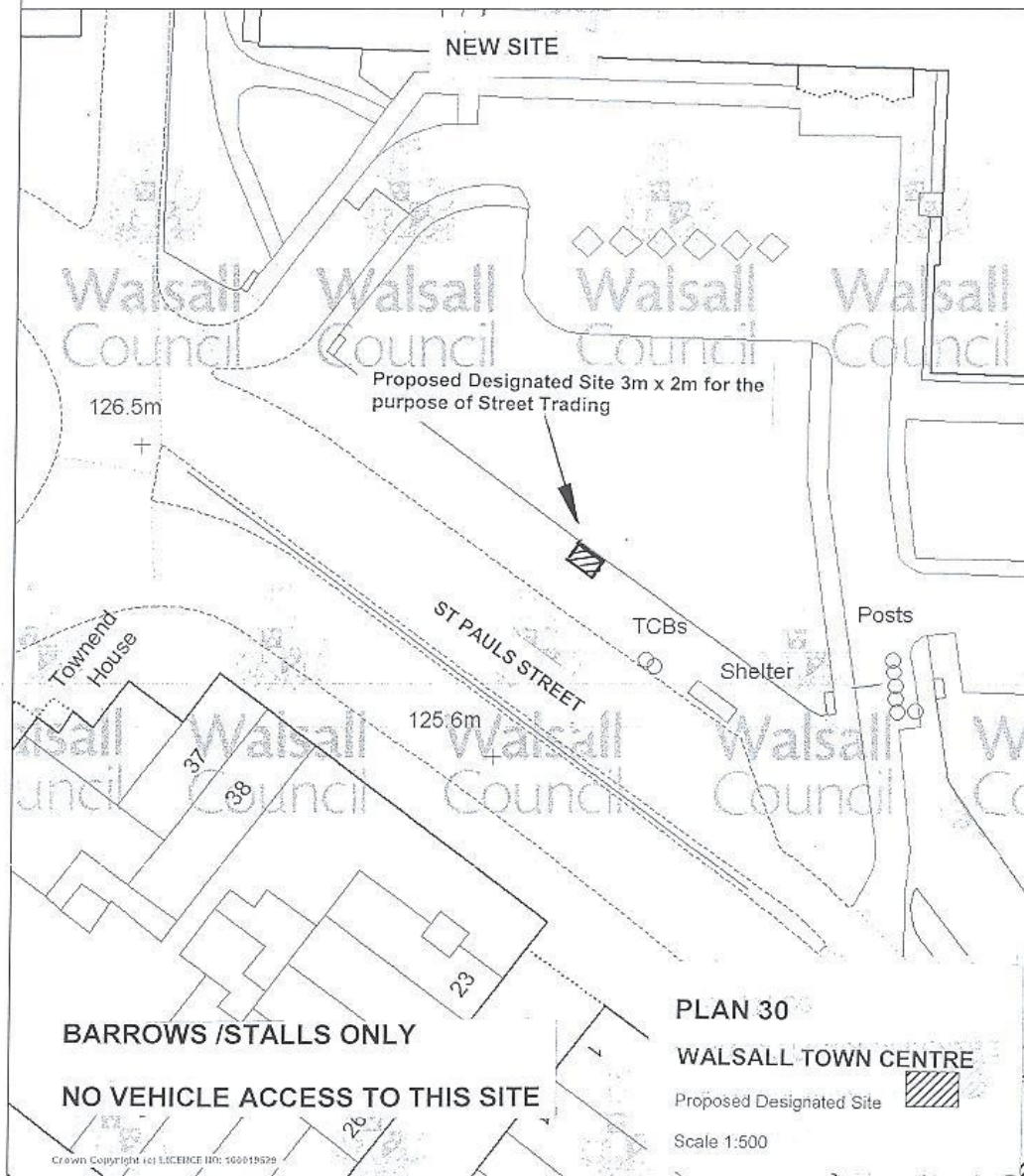
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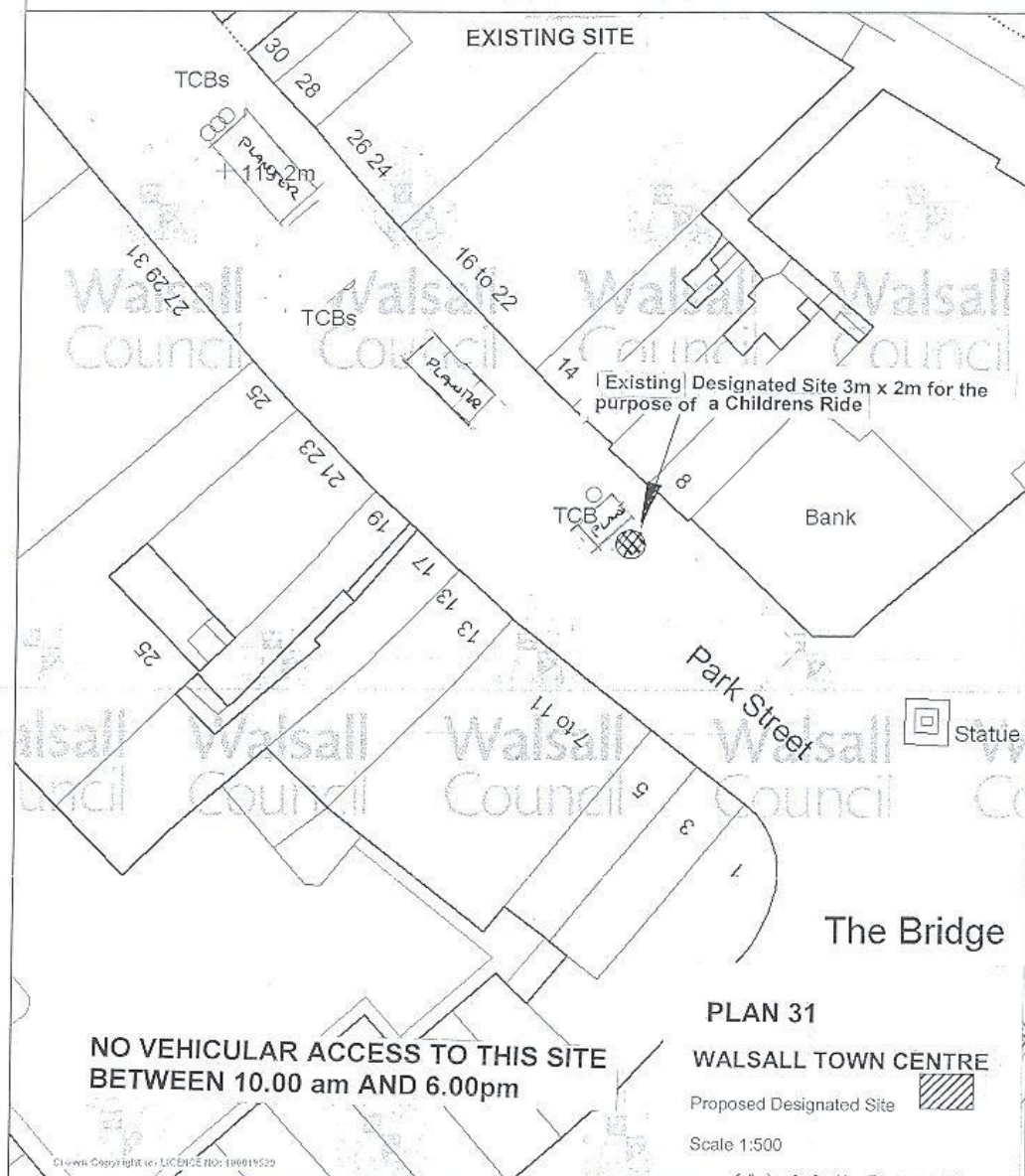
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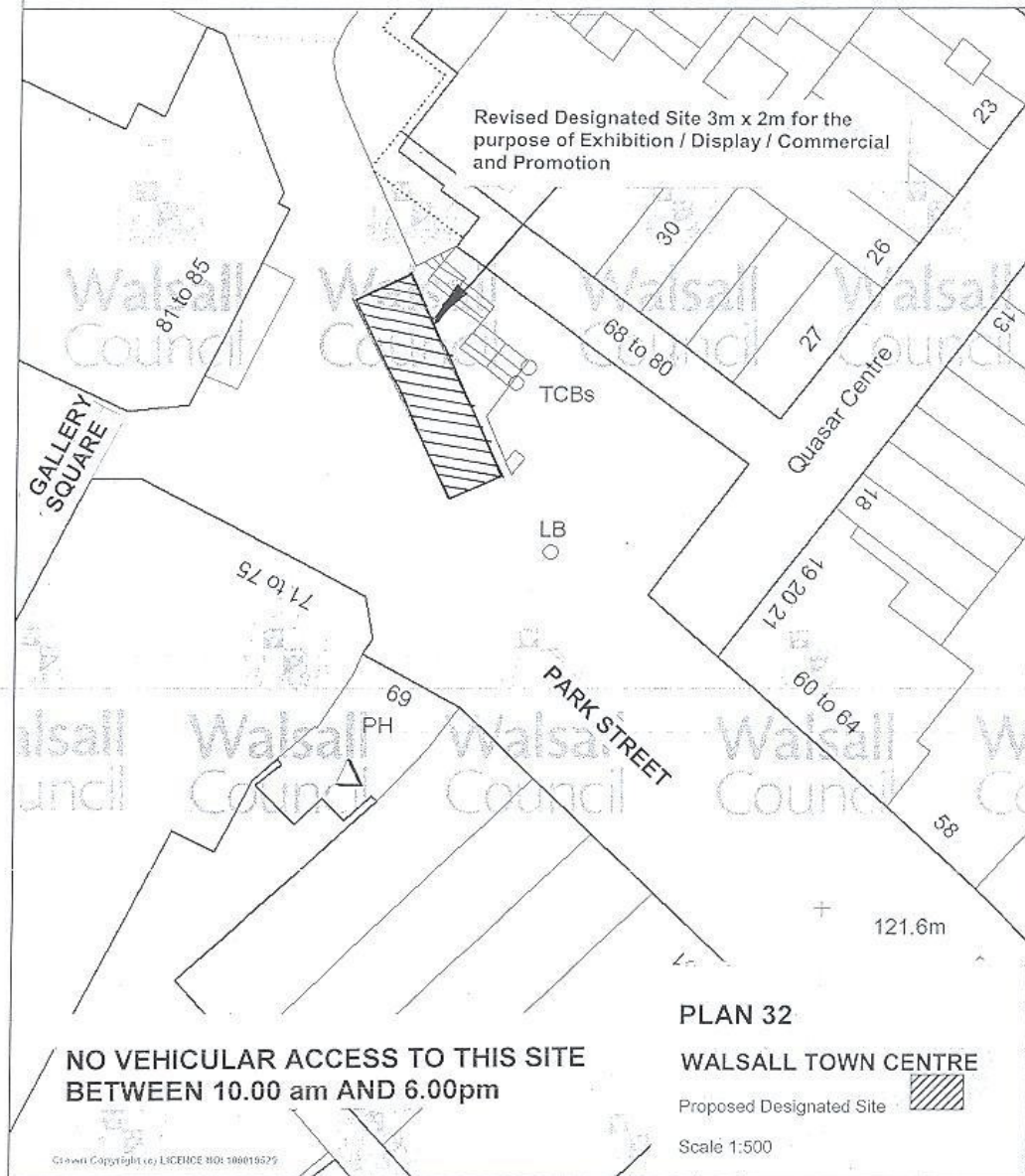


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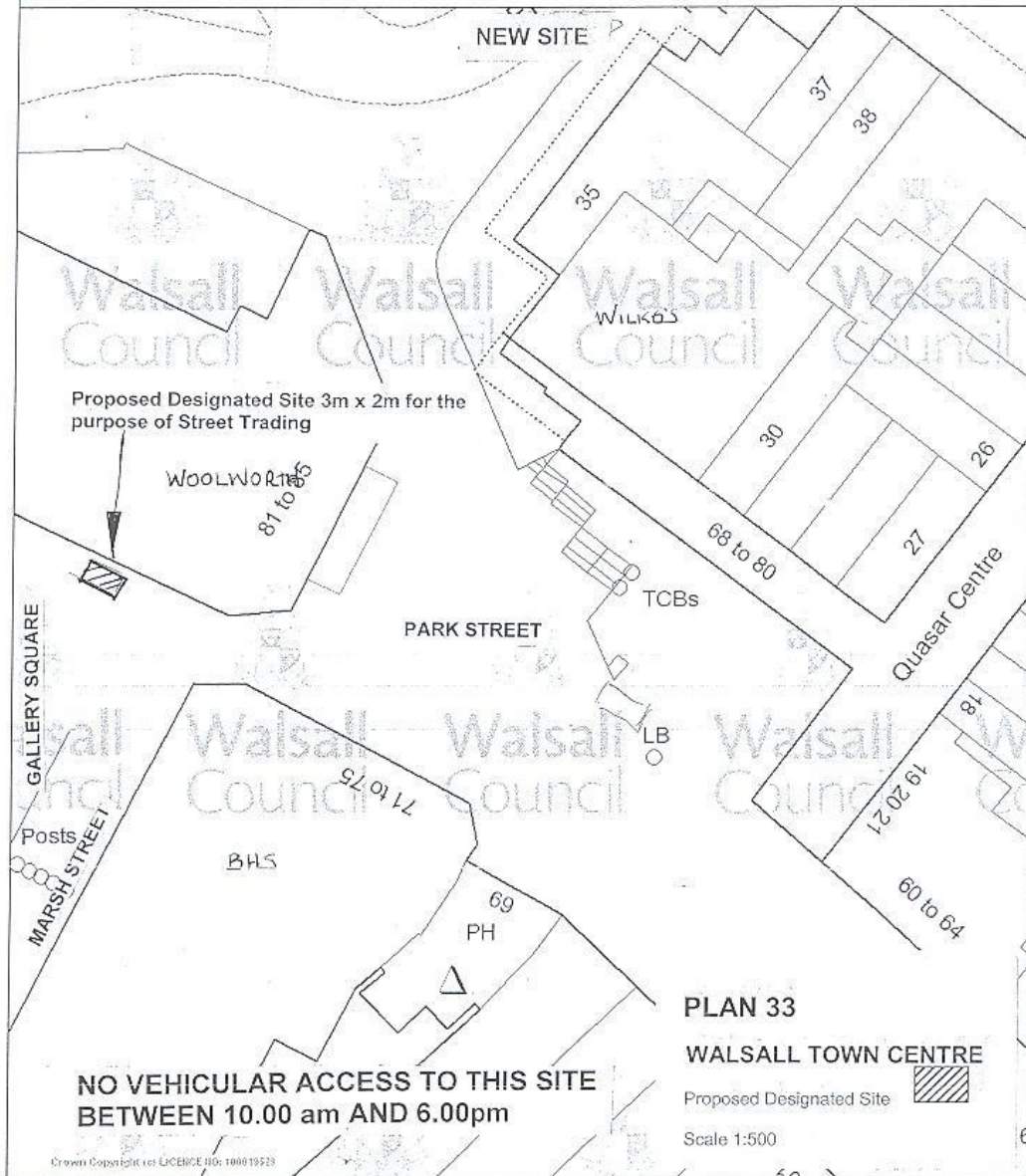
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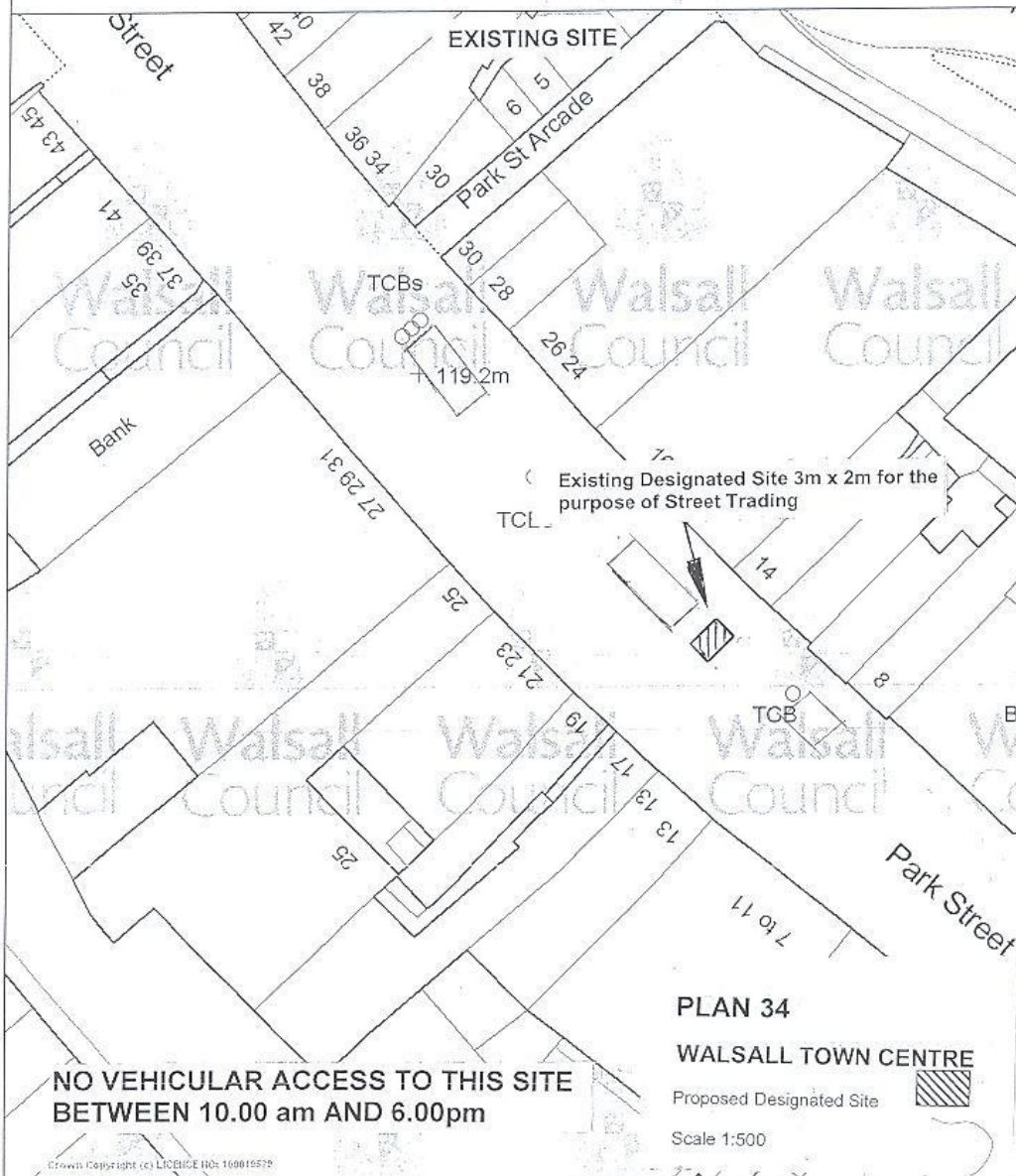
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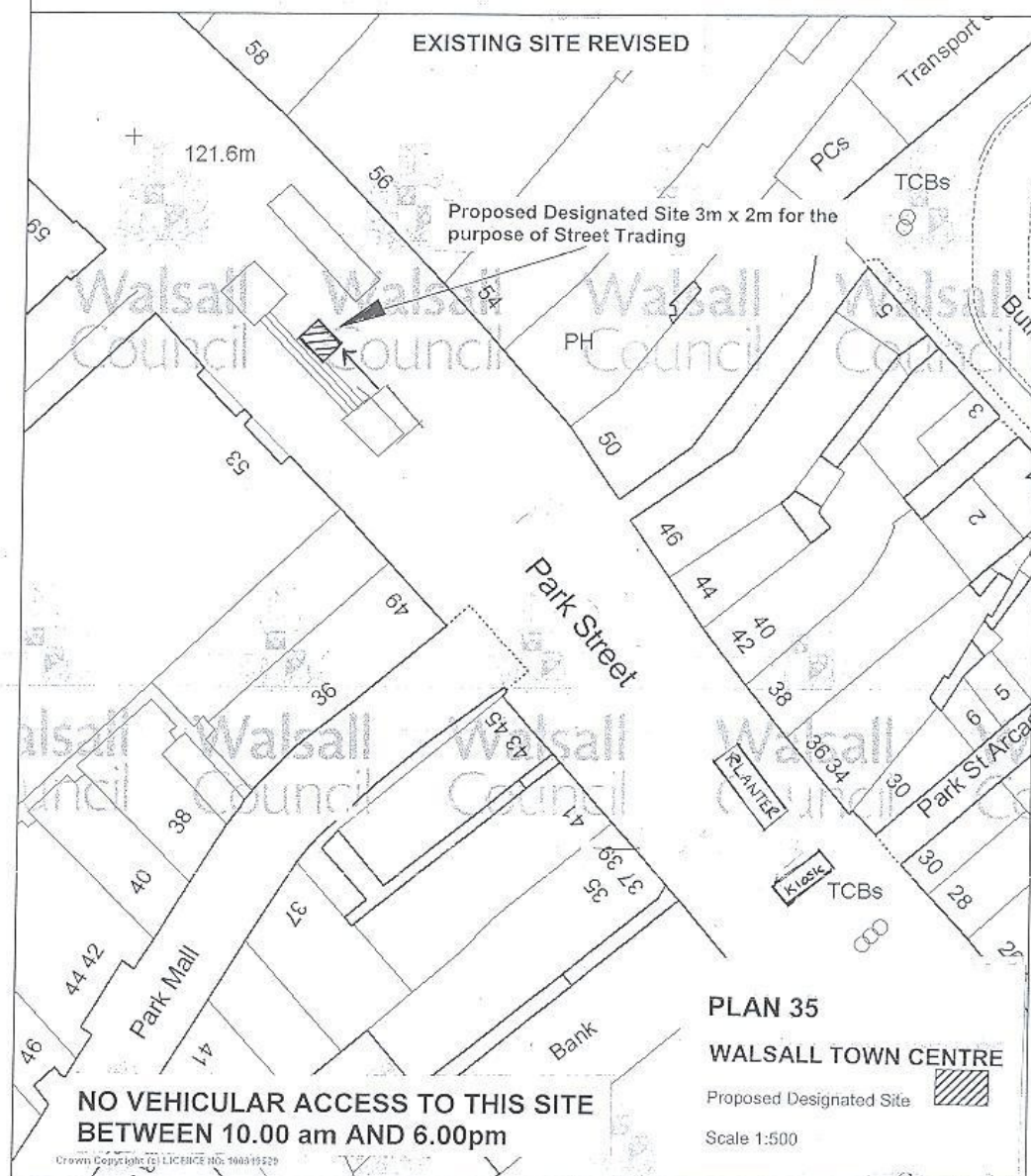
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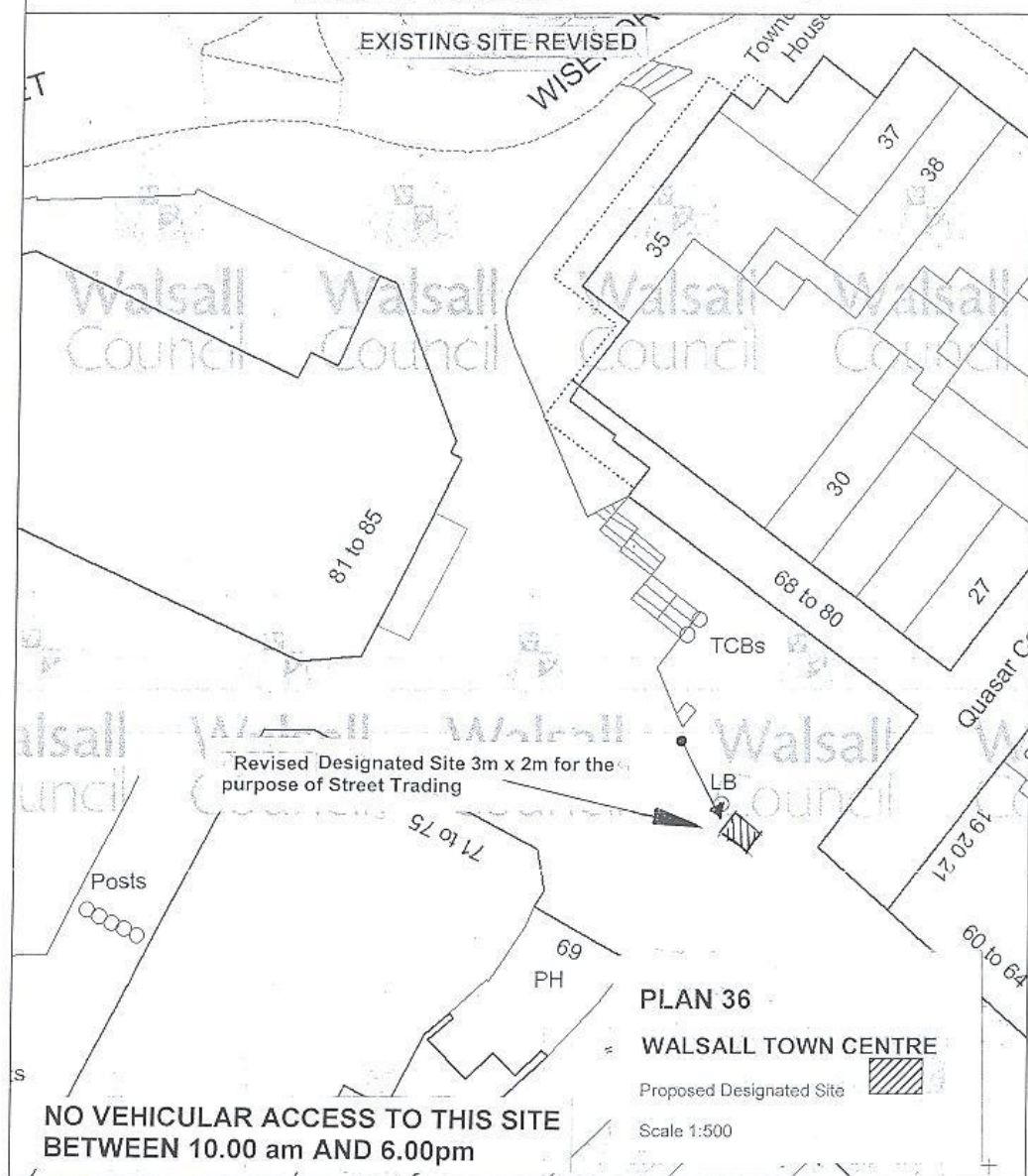
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PLAN 35A TO REPLACE PLAN 35



STREET TRADING REVIEW 2007



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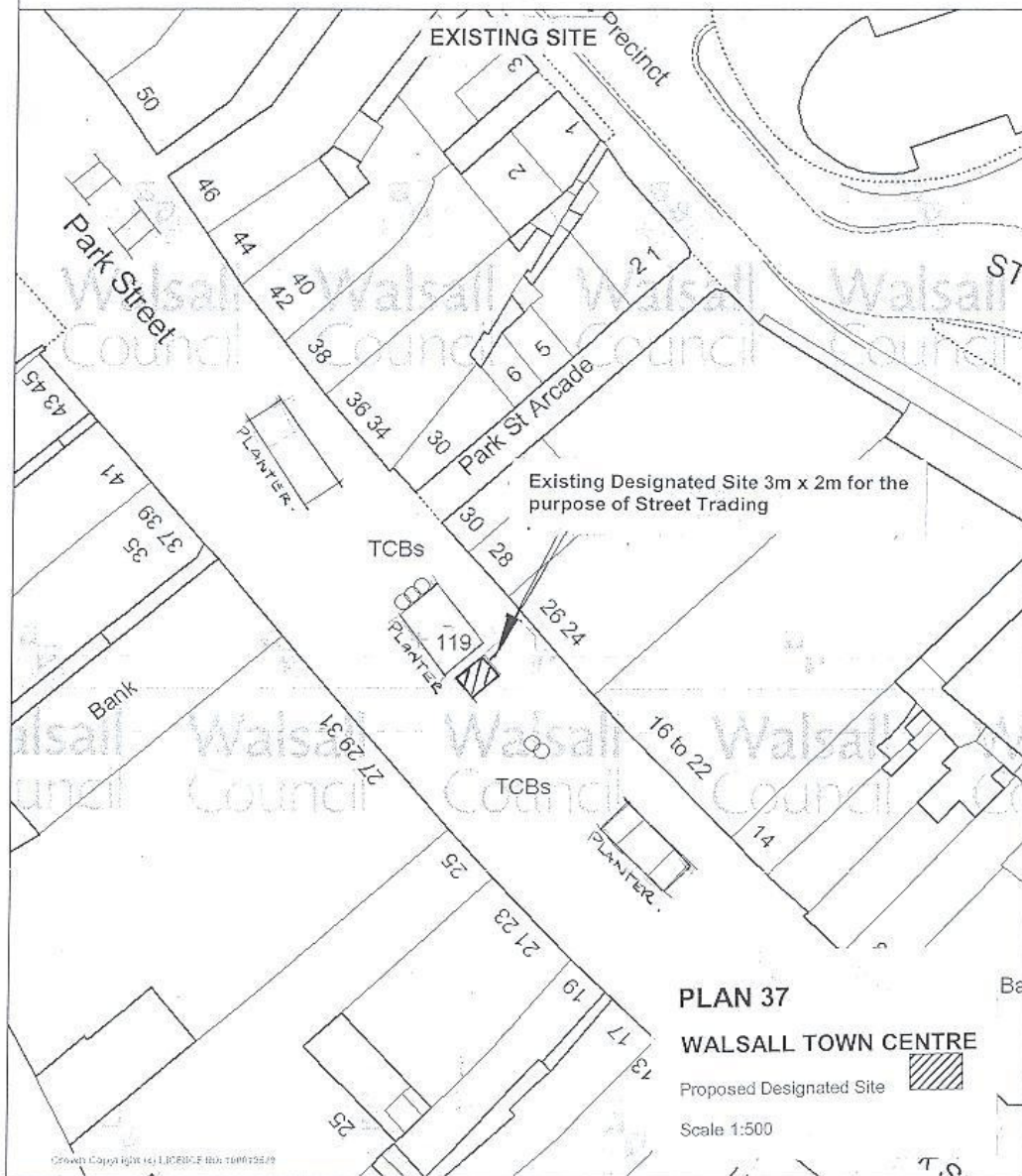
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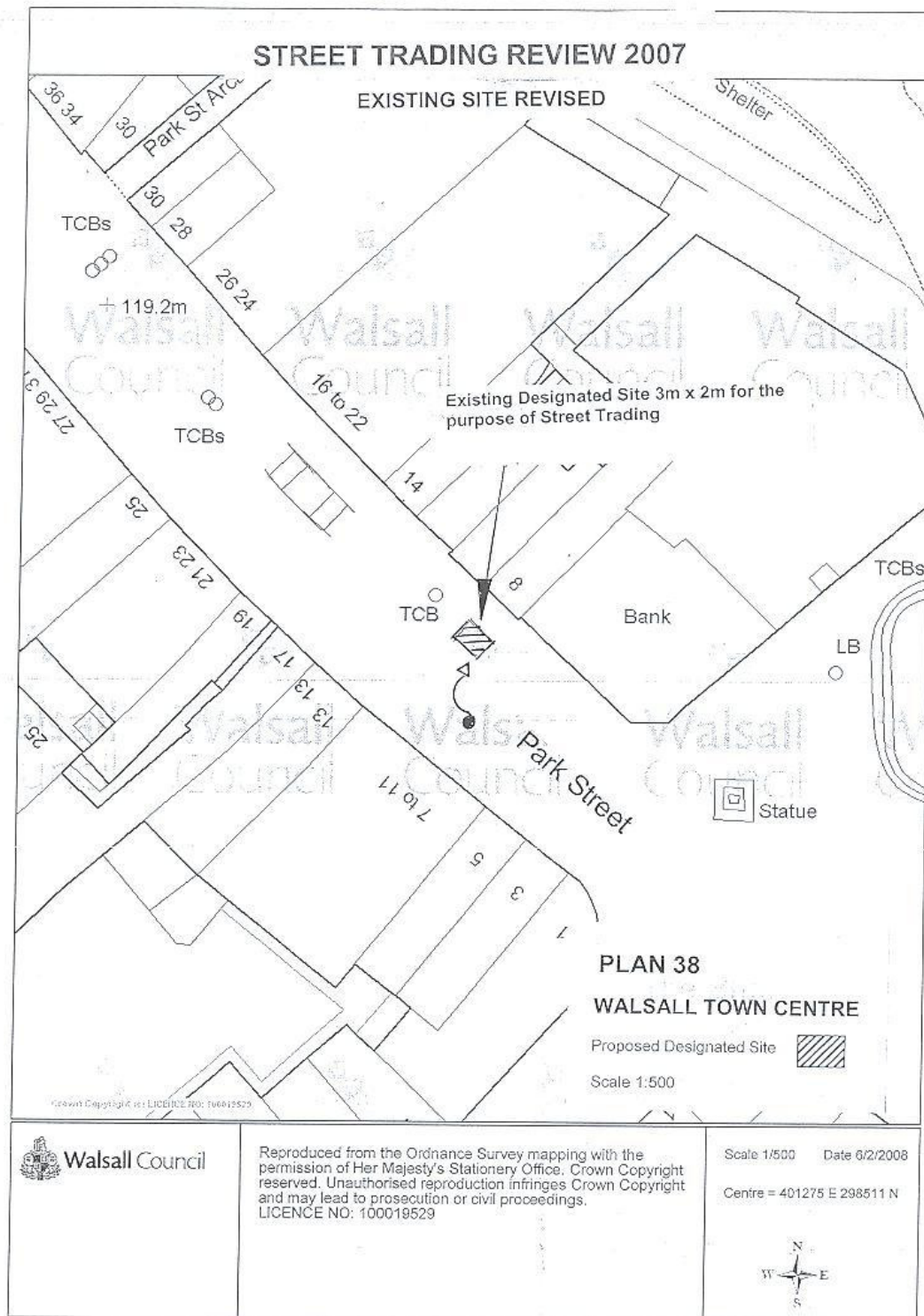
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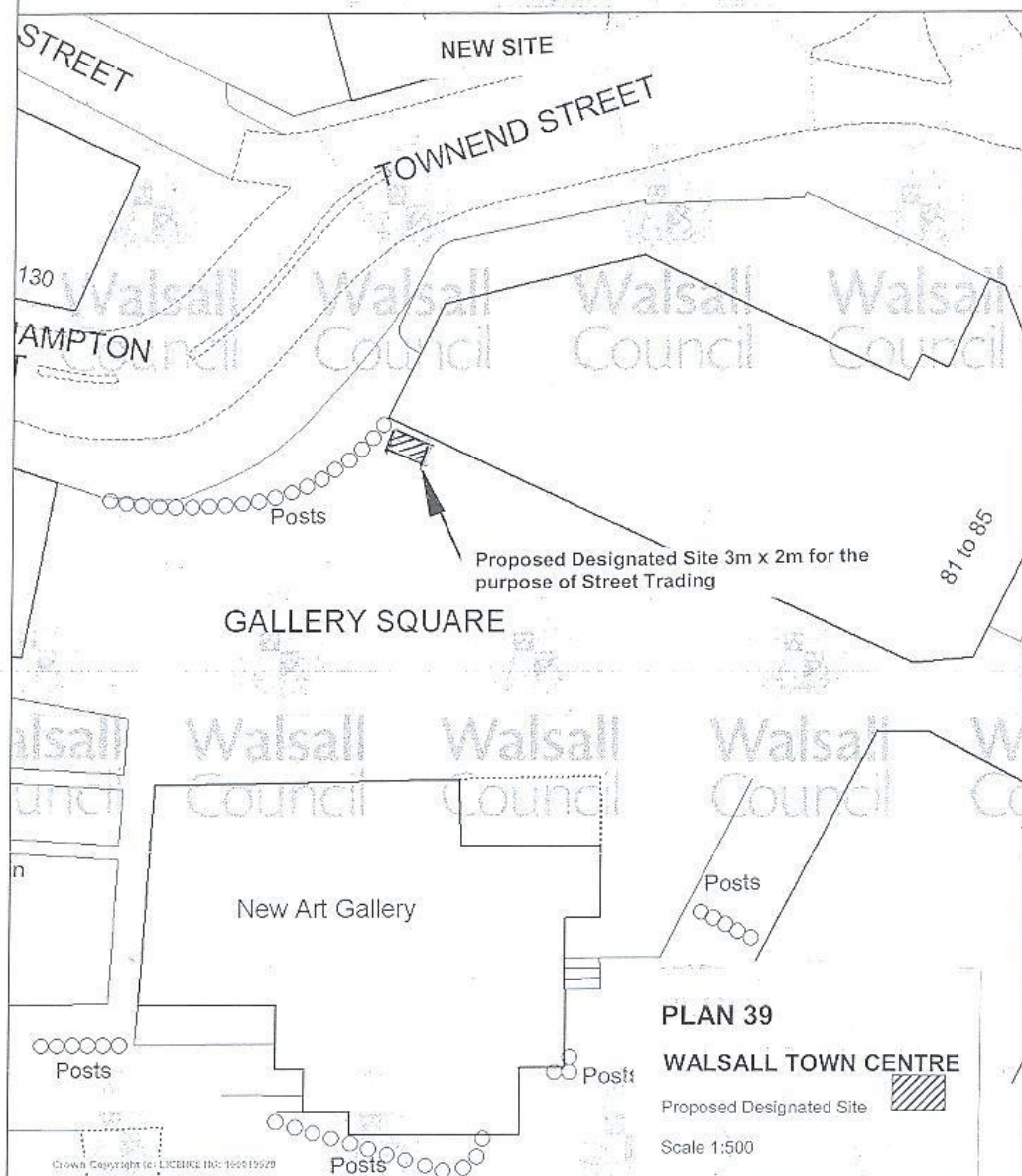
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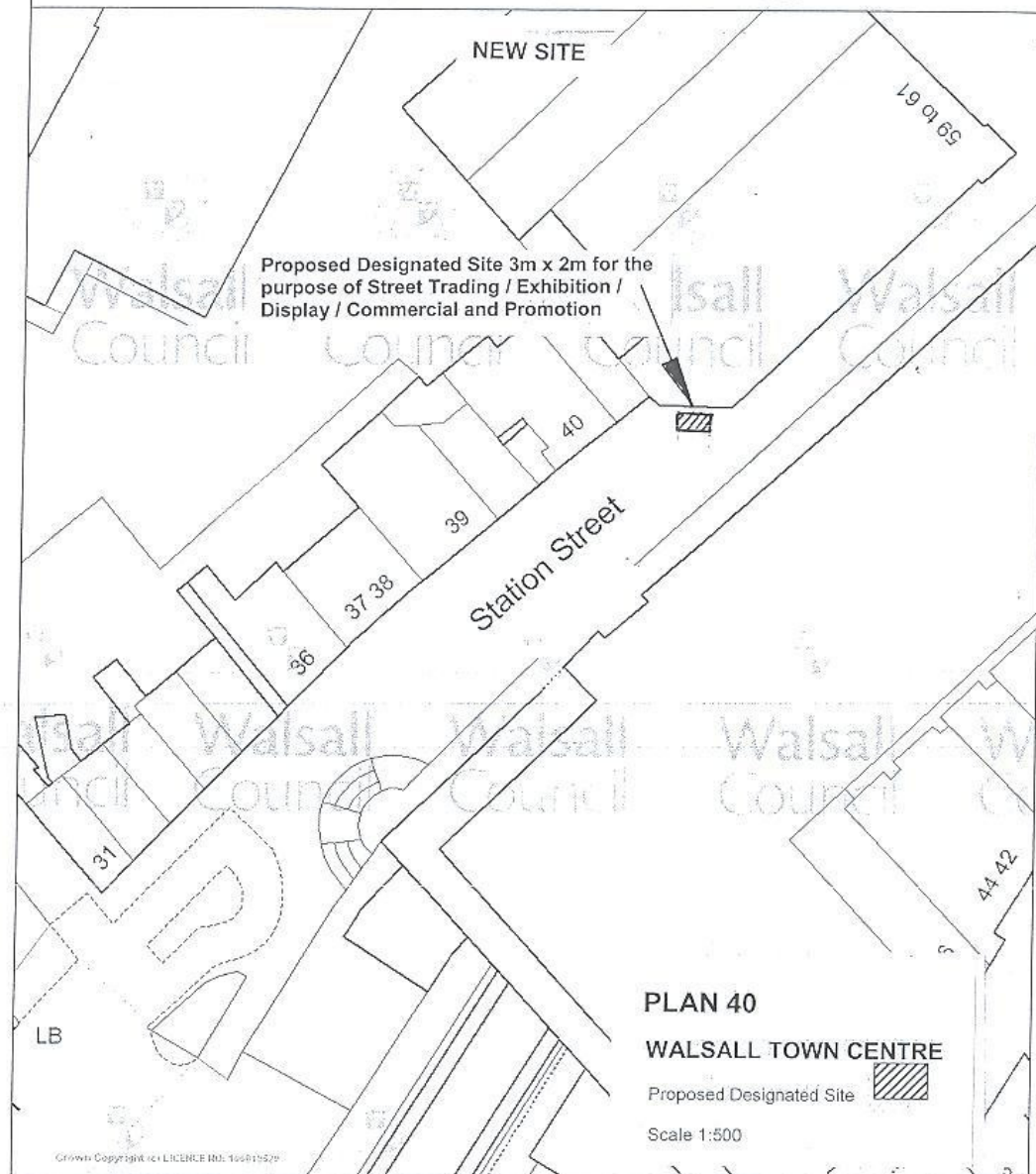
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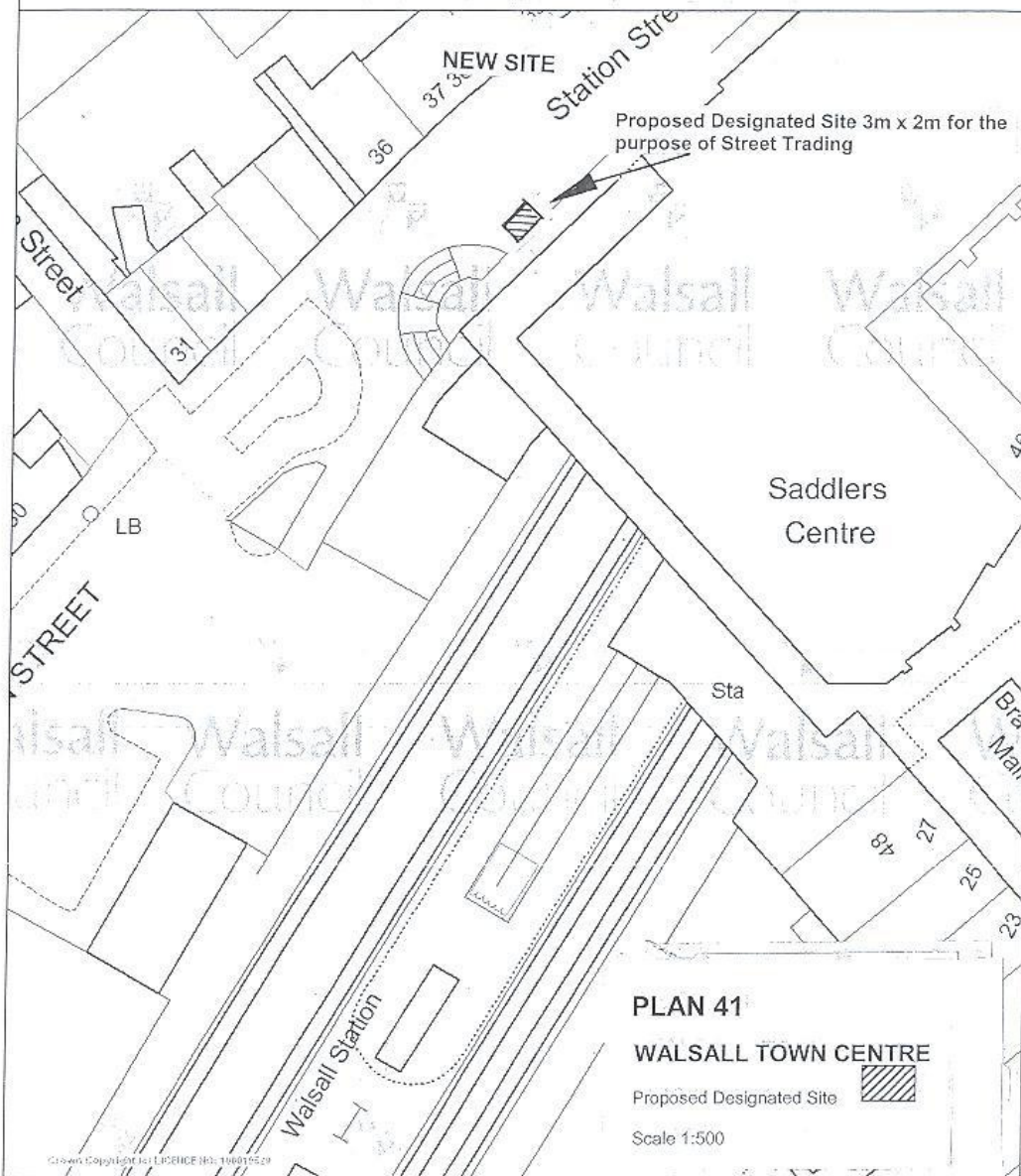
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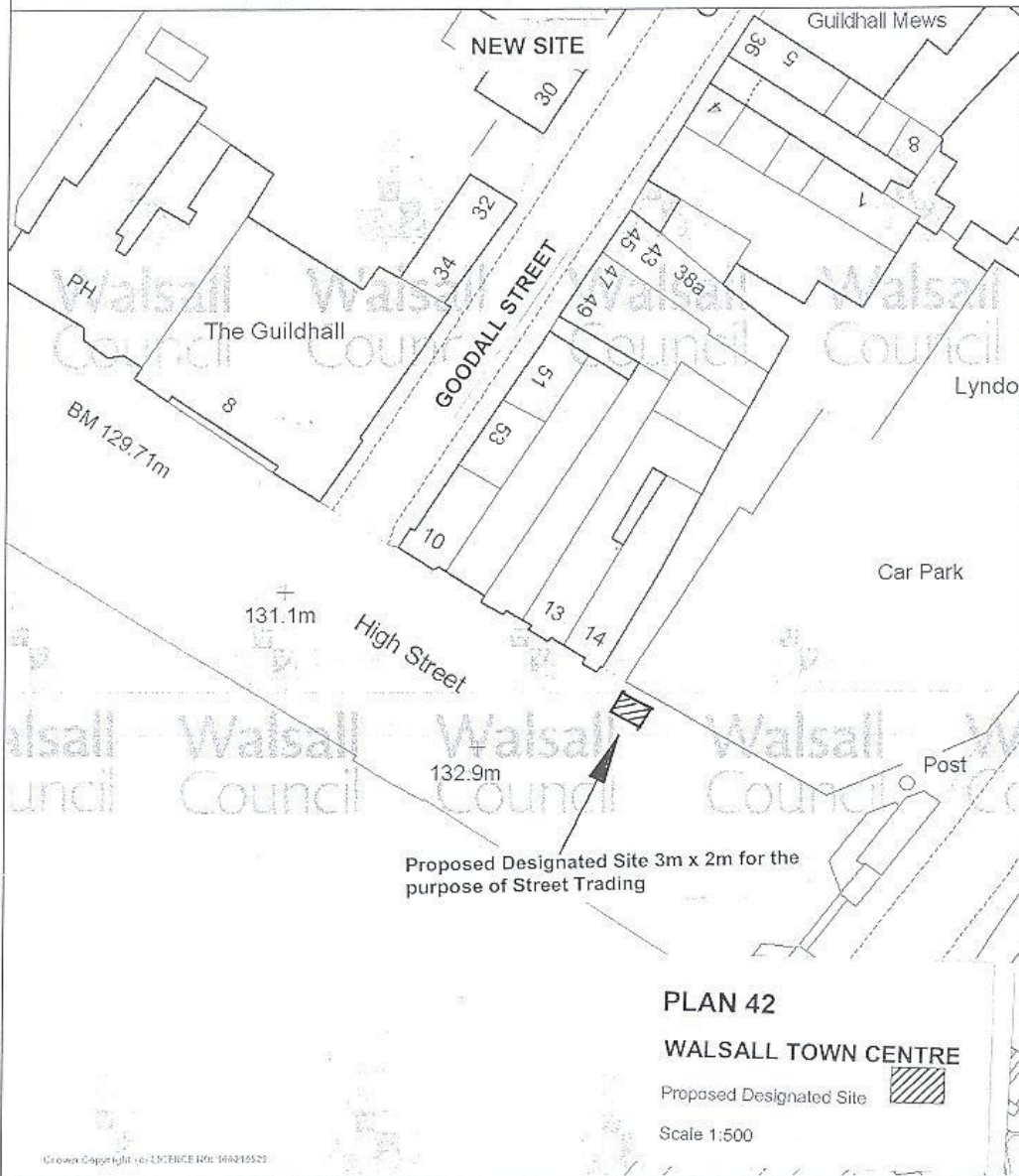
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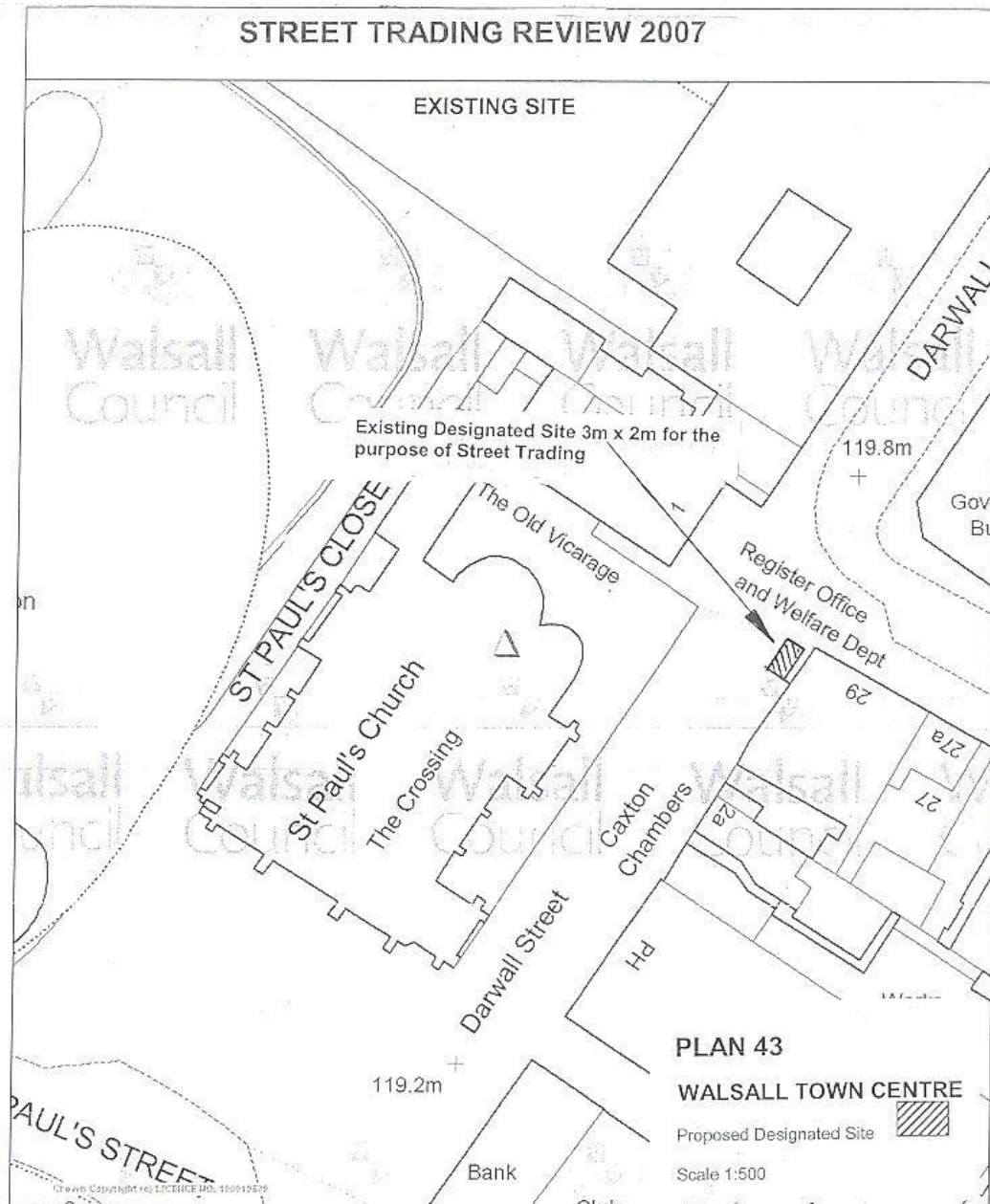
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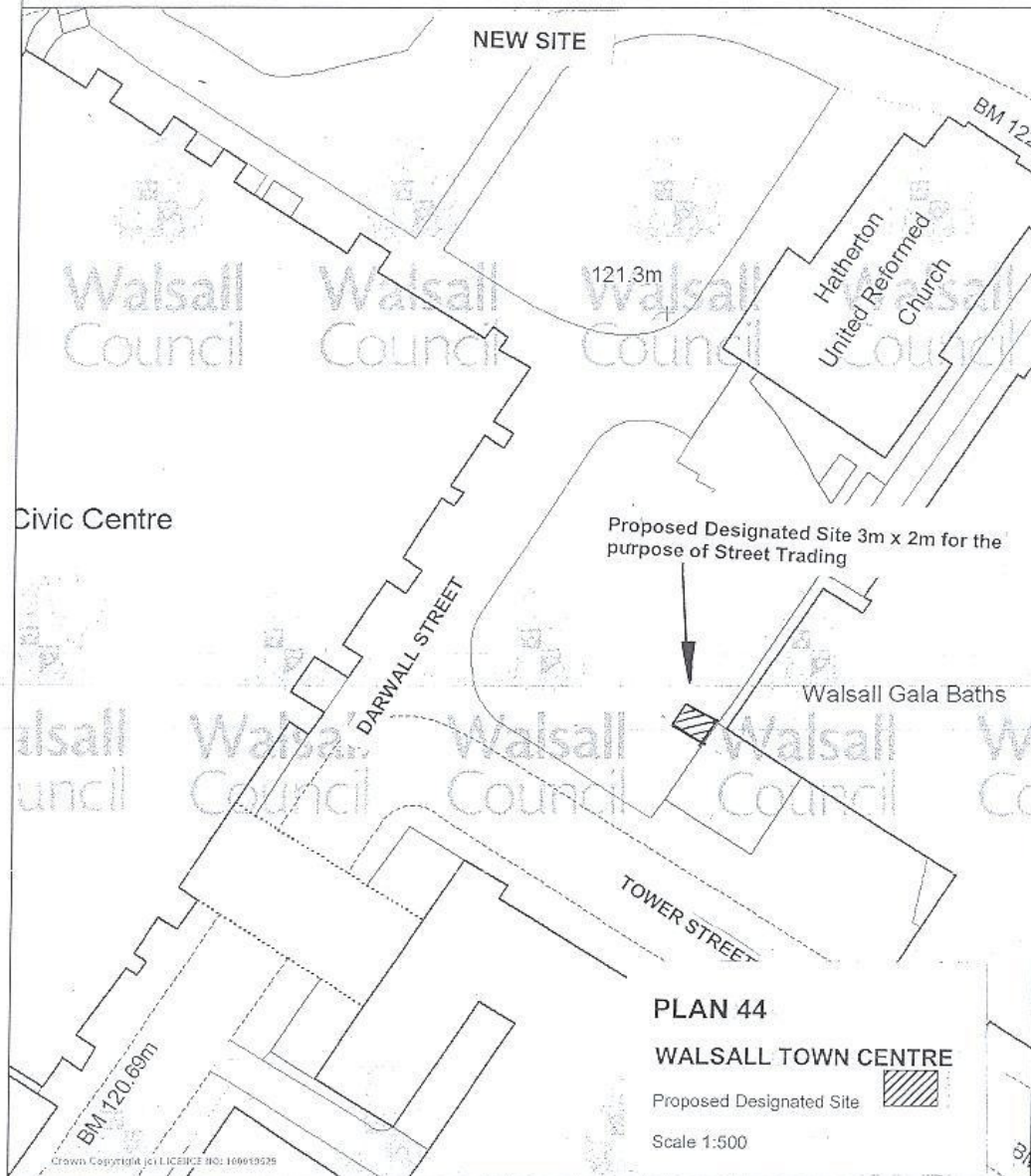
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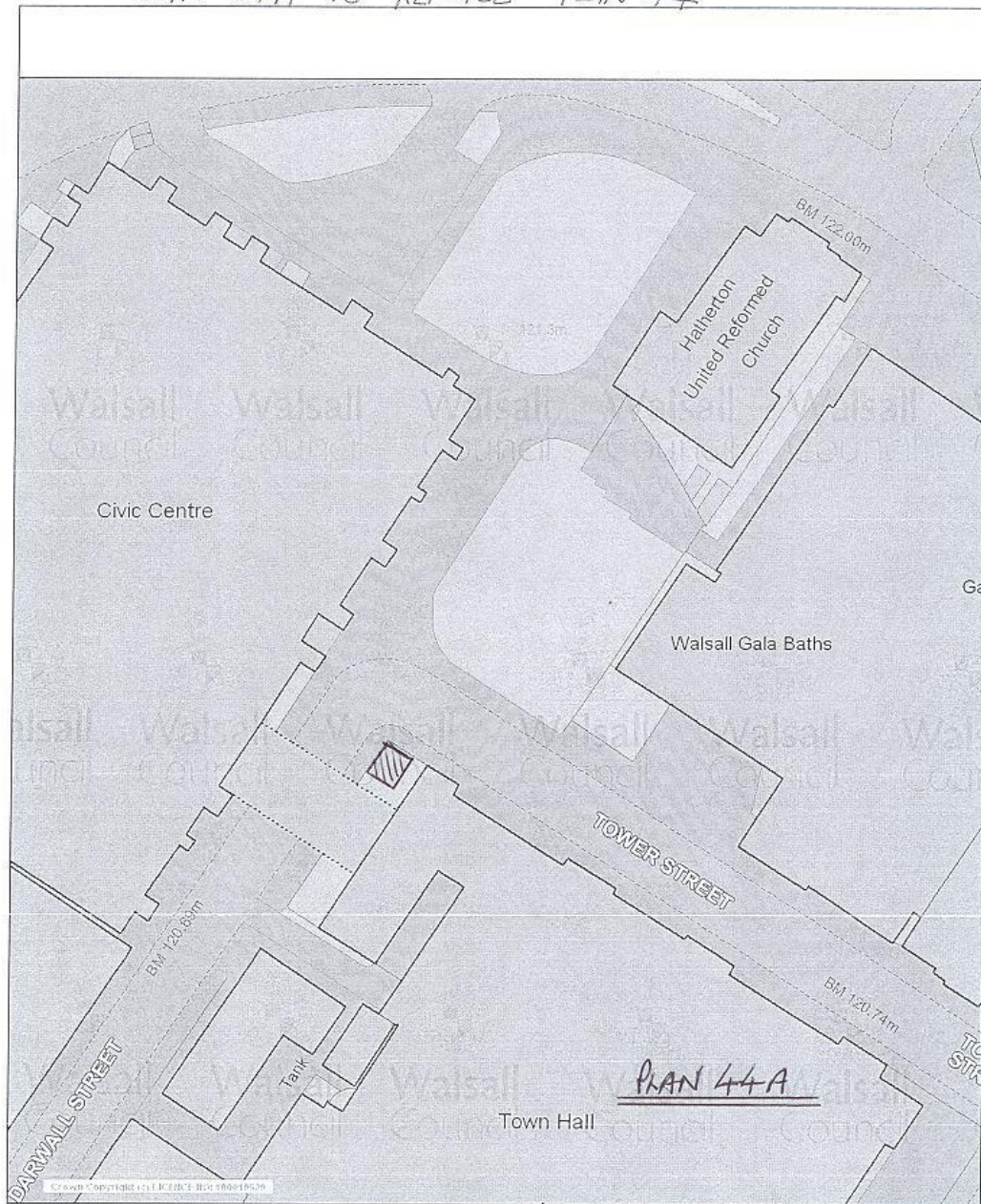


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PLAN 44A TO REPLACE PLAN 44



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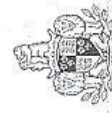
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STREET TRADING REVIEW 2007

PROPOSED AREA'S OF HIGHWAY TO BE DESIGNATED FOR THE
PURPOSE OF WALSALL COUNCIL AND PARTNERSHIP FESTIVALS
AND EVENTS.



Walsall Council

Scale 1:1735
Date 5/2/2008
Centre = 401320 E 298660 N

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STREET TRADING REVIEW 2007
PROPOSED AREA'S OF HIGHWAY TO BE DESIGNATED FOR THE
PURPOSE OF WALSALL COUNCIL AND PARTNERSHIP FESTIVALS
AND EVENTS.



Scale 1:1120

Date 02/2006

Centre = 401304 E 28437 N

STREET TRADING REVIEW 2007

PROPOSED AREA'S OF HIGHWAY TO BE DESIGNATED FOR THE PURPOSE OF WALSALL COUNCIL AND PARTNERSHIP FESTIVALS AND EVENTS.



PLAN 47

WILLENHALL TOWN CENTRE

Designated Site

DESIGNATED FIRE ACCESS
NOT TO SCALE

Scale 1/835

Date 11/2/2008

Centre = 396339 E 298475 N



Walsall Council

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STREET TRADING REVIEW 2007

PROPOSED AREA'S OF HIGHWAY TO BE DESIGNATED FOR THE PURPOSE OF WALSALL COUNCIL AND PARTNERSHIP FESTIVALS AND EVENTS.



Scale 1/820

Date 11/2/2006

Centre = 397702 E 295666 N

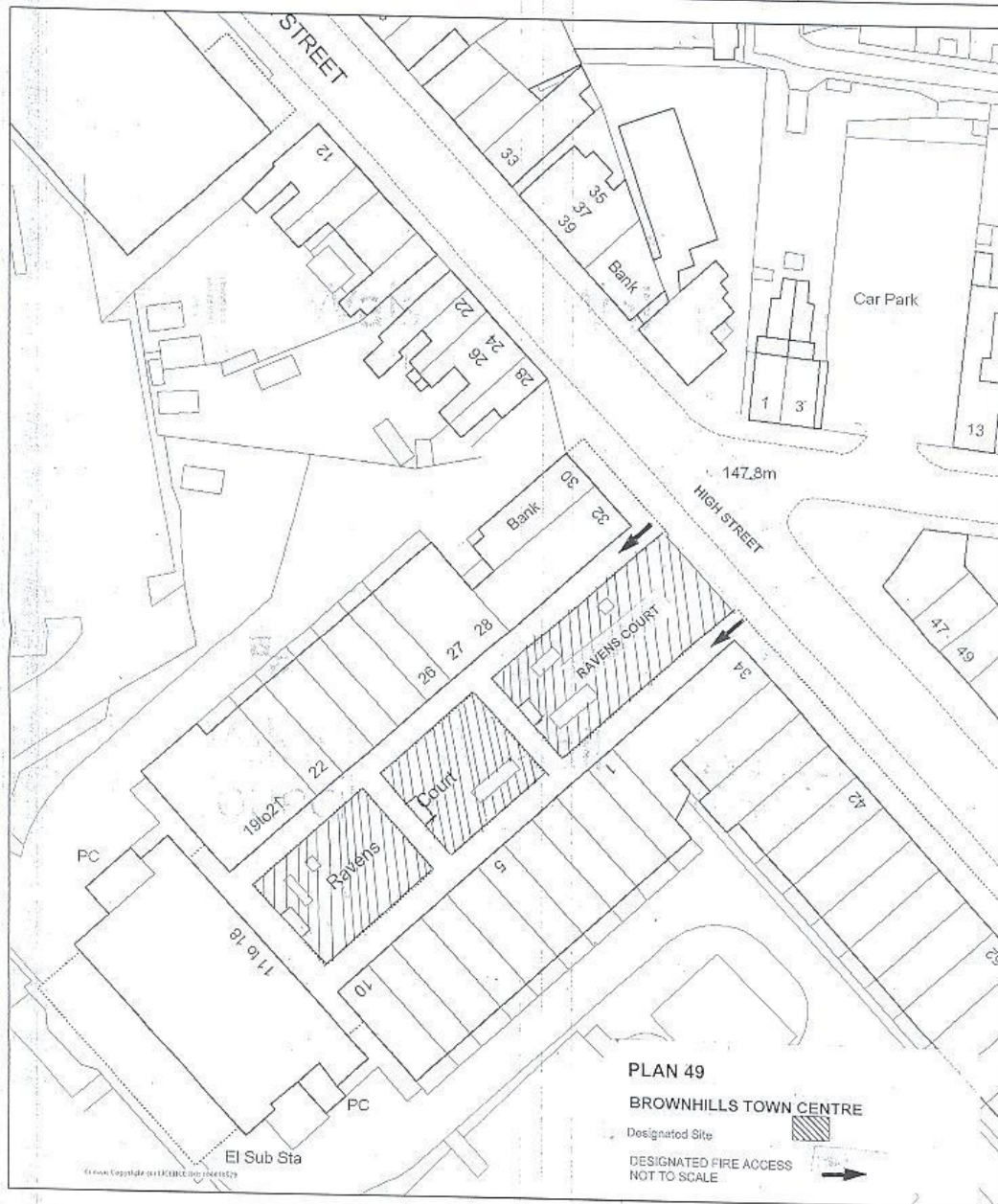


Walsall Council

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STREET TRADING REVIEW 2007

PROPOSED AREA'S OF HIGHWAY TO BE DESIGNATED FOR THE
PURPOSE OF WALSALL COUNCIL AND PARTNERSHIP FESTIVALS
AND EVENTS.



Scale 1/480

Date 11/2/2008

Centre = 404579 E 305484 N

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Walsall Council

Current List of Prohibited Streets Classified by Ward

Aldridge Central and South

Aldridge Road (A454)	High Street By Pass (A454)
Aldridge Shopping Precinct & Walkways	Little Aston Road (A454)
Anchor Road	Longwood Road (B4154)
Barr Common (B4154)	Northgate (B4152)
Beacon Hill (B4151)	Sutton Road (Part) (B4151)
Bosty Lane (B4154)	Walsall Road (A454)

Aldridge North and Walsall Wood

Brownhills Road (B4152)	Lindon Road (B4152)
High Street, Walsall Wood (A461)	Northgate (B4152)
Lichfield Road (A461)	Salters Road (B4152)

Bentley and Darlaston North

Blockall (A462)	St Lawrence Way (A462)
Church Street (A41)	The Green (Part) (A462)
High Street	Walsall Road (A4038)
King Street	Wolverhampton Road West (A454)
Midland Road (A462)	

Blakenall

Bloxwich Road (B4210)

Bloxwich East

High Street	Stafford Road (A34)
Lichfield Road (A4124)	

Birchills and Leamore

Bloxwich Road (B4210)	Wolverhampton Road (A454)
Green Lane (Part) (A34)	

Bloxwich West

Bell Lane (A4124)	Sandbank (A4210)
Broad Lane (B4210)	Sneyd Lane (A4124)
Elmore Green Road (B4210)	Somerfield Road (A34)
High Street	Stafford Road (A34)

Brownhills

Bricklin Street	Ogley Hay Road (B5011)
Chase Road	Pelsall Road (A4124)
Church Road (Junction with High Street/to junction with Short Street)	Ravenscourt Shopping Precinct adjoining car park and entrance
High Street	Watling Street (A5)
Lichfield Road (B4155)	Silver Court Gardens

Current List of Prohibited Streets Classified by Ward

Darlaston South

Darlaston Road (A462)	Moxley Road (A4038)
Great Bridge Road (A4098)	Pinfold Street (A4038)
High Street, Moxley (A41)	Walsall Road (A4038)
Holyhead Road (A41)	

Paddock

Birmingham Road (Part) (A34)	Broadway North (A4148)
Broadway (A4148)	Sutton Road (Part) (A4151)

Palfrey

Bescot Road (Part) (A461)	West Bromwich Road (A4031)
Broadway (A4148)	West Bromwich Street
Corporation Street	Weston Street
Wednesbury Road	

Pelsall

Lichfield Road (A4124)	Walsall Road (B4154)
Norton Road (B4154)	Wolverhampton Road (A4124)

Pheasey

Beacon Road (B4154)	Sutton Road (Part) (B4151)
Queslett Road (A4041)	

Pleck

Bescot Road (A4148)	Wallows Lane (A4148)
Darlaston Road (A4038)	Wednesbury Road
Old Pleck Road (A4148)	Wolverhampton Road (A454)
Pleck Road (A4148)	Wolverhampton Street

Rushall/Shelfield

Aldridge Road (A454)	Lichfield Road (A461)
Arboretum Road	Lichfield Street (A461)
Bosty Lane (B4154)	Littleton Street East (A4148)
Broadway North (A4148)	Mellish Road (A454)
Daw End Lane (B4154)	Pelsall Lane (B4154)

Short Heath

Clarkes Lane (A462)	Sandbeds Road (A462)
Coltham Road (Part) (A462)	Straight Road (A462)
High Road (A462)	Wesley Road (A462)

Current List of Prohibited Streets Classified by Ward

St Matthews

Ablewell Street	Green Lane (A34) (from Blue Lane West to Green Lane Bridge)
Birmingham Road (from Birmingham Street to Junction with Broadway)	Lichfield Street (from Broadway to Lichfield Road)
Broadway (A4148)	Springhill Road (B4210)
Broadway North (A4148)	West Bromwich Street

Streetly

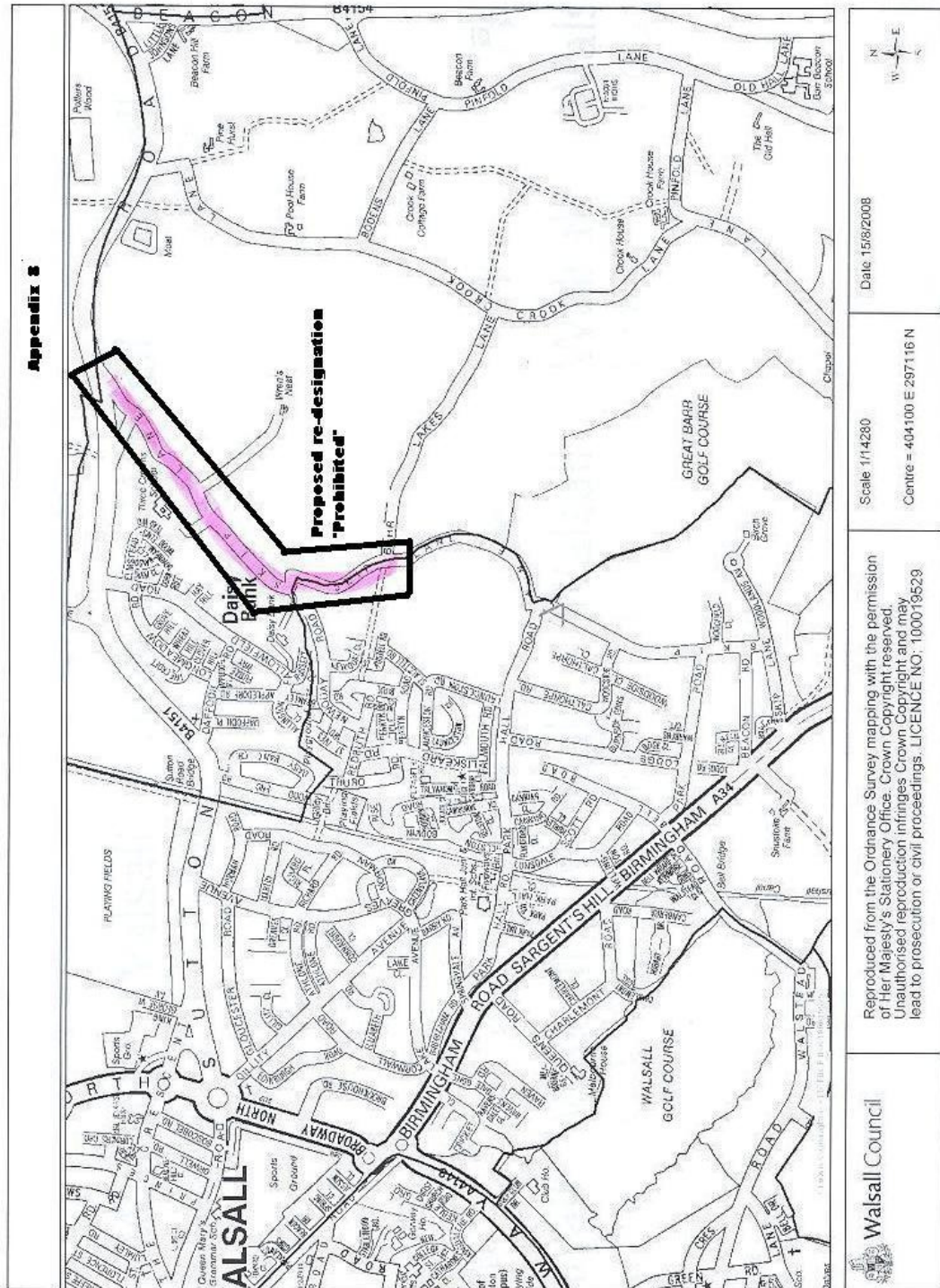
Beacon Hill (B4151)	Foley Road West (B4151)
Beacon Road (B4154)	Queslett Road (A4041)
Foley Road East (B4151)	Thornhill Road (B4138)

Willenhall North

Cannock Road (A462)	Sneyd Lane (A4124)
Essington Road (A462)	Wesley Road (A462)
Lichfield Road (A4124)	

Willenhall South

Bilston Lane (A454)	Shepwell Green (A454)
Bilston Road (A463)	Somerford Place (B4464)
Bilston Street (B4157)	Stafford Street
Clarkes Lane (A462)	Temple Bar (B4484)
Crescent Road (A454)	The Keyway (A454)
Cross Street	Union Street (Part)
Fibbersley (B4484)	Walsall Road (B4464)
Field Street (Part) (B4484)	Walsall Street (B4464)
Market Place	Wednesfield Road (B4484)
New Road (B4464)	Wellington Place (B4484)
Owen Road (A462)	Wolverhampton Road West (A454)
Pinson Road (B4484)	Wolverhampton Street (Part)
Rose Hill (B4157)	



Finance scheme

1. Street Trading Sites.

Street Trading is a commercial activity and commercial considerations should be taken into account when setting fees. Sites in the districts will have a lower commercial value than equivalent sites in Walsall Town Centre and this should be reflected in the scale of fees.

Representations following consultation agree that there should be a price differential between Walsall Town Centre and the Districts. Also that initial fees for district sites should be set at a level; that will attract new traders

The current fees are:

Walsall Town Centre (all licences)	– £2,650
Licences excl. Walsall Town Centre	– £530 initial application & £400 for renewal
Boroughwide Consents – 1 year	– £530
– 9 months	– £400
– 6 months	– £340
– 3 months	– £260
– 1 month	– £200
Area Consents (based on electoral wards)	– £400

It is proposed that the current fees should be mirrored in the first year of implementation and reviewed at the end of that period. It is further proposed: that the distinction between Boroughwide Consents and Area Consents be removed in the first year of implementation in order to simplify the fees structure. It should be noted that the proposed new regime will require additional enforcement activity to ensure compliance with the specified conditions.

Although not a statutory requirement, there is legal precedent to suggest that Street Trading ought not to provide a means of income for the authority, but needs to be administered on a cost recovery basis. This should be part of subsequent review of the fee structure.

The proposed fees are:

Walsall Town Centre consent	-	£2,650
Other Consent Initial Application	-	£ 530
Other Consent Annual Renewal	-	£ 400
Other Consent Short Term – 9 months	-	£ 400
– 6 months	-	£ 340
– 3 months	-	£ 260
– 1 month	-	£ 200

It is also proposed that all applications for the grant of a street trading consent shall be supported by a non-refundable administration fee of £50, the balance of

the fee to be paid on grant of the consent. The implementation of a non-returnable full fee has proved to be a deterrent for new applicants.

Also, it is proposed that where a consent is surrendered or revoked the consent holder be given a refund considered appropriate by the Council for the unexpired period. This should expedite early release of the site.

2) **Commercial Promotions**

Commercial promotions currently are only applicable to Walsall Town Centre. The charge is set on a two-tier tariff:

- £250 per day
- £700 per week

It is proposed that the current two-tier tariff be replaced:

- £250 per day
- £450 (two consecutive days)
- £600 (three consecutive days)
- £700 (four consecutive days)
- £750 (up to six consecutive days)

There is currently no provision for commercial promotions in the Districts and it is proposed that in the first year of implementation the fees to be charged for commercial promotions in the district centres be 20% of the fee applicable to Walsall Town Centre. This is in line with the differential applicable to Street Trading.

It is proposed that the fees applicable to Commercial Promotions be reviewed after the first year of implementation. There is no similar legal precedent for cost recovery as exists with Street Trading.

3) **Non-Commercial Promotions & Events**

Currently within Walsall Town Centre there is an application process for permission to hold such events. There is no charge for such applications. It is proposed that such arrangements continue and be extended to designated sites in District Centres.

4) **Shop Pavement Displays and Advertisements**

Under the Highways Act 1980, Walsall Council is entitled to charge reasonable costs for the administration of the licensing system and so has based fees on the resources required to administer not only the application process but also to ensure compliance with conditions by site inspections and if necessary by enforcement action.

It is anticipated that an extra officer will be required to administer the service.

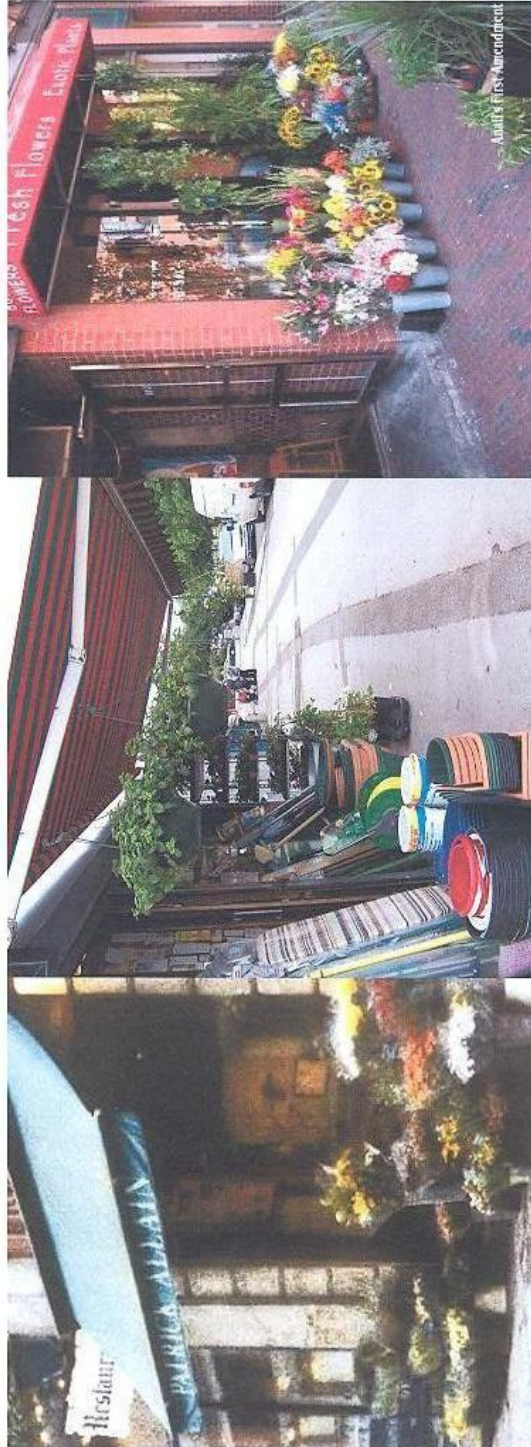
It is proposed that the annual fee for a shop display licence be £150.00 + VAT and a charge of £25 + VAT for a pavement advertisement licence, both renewable annually.

Proposed regulations for Trade Displays (illustrated at Appendix 11):

- All displays must be stable, must not extend further than 0.5 metres from the shop frontage (unless the Highway Authority grants an exception) and must not be more than 1 metre high. Additionally, in all cases, at least 1.8 metres of clear pedestrian passageway is to be maintained.
- Any trade display must consist of goods and materials which are not liable to be moved by external forces, such as the effects of the wind or from being lightly knocked.
- Trade displays must not be erected before 7.00am and must be removed by 8.00pm. (unless there are traffic regulation orders in place which specify alternative times).
- In all cases, displays are the sole responsibility of the individual business and the Council insists that third party public liability insurance be taken out to a minimum indemnity of £5,000,000.
- In no cases must displays lead to excavations or damage of any kind to be made to the highway.
- In no circumstances should any trade display interfere with required vision lines for traffic and pedestrians.
- In no circumstances should trade displays involve furniture, rolls of carpets or other flooring material, hardware / tools, electrical items or equipment / domestic appliances, or rails of clothes., building materials, bags / sacks containing vegetables or crates and trolleys.
- Goods on the highway are for display purposes only and items must not be sold from the highway.
- Applications for Walsall Town Centre would not be accepted under any circumstances.

Appendix 11

ILLUSTRATIONS OF SHOP DISPLAYS



Proposed regulations for Street Advertisements “A Boards” (illustrated at Appendix 13)

- Each shop or business should only display one A-board and all advertisements should be professionally presented and relate to the normal business carried out on the premises.
- Boards used must be of sound construction and, when extended, must not be higher than 1 metre and must not be wider than 600mm.
- The content of any text or images on any board should not be considered by Walsall Council to be offensive, indecent or defamatory.
- All boards must be located immediately adjacent to the building line and must not form an impediment to the public, especially those who may be blind or partially sighted.
- Under no circumstances should boards be located closer than 450mm to the main carriageway and, in all cases, at least 1.8 metres of clear pedestrian passageway is to be maintained.
- Boards must not be placed out before 7.00am and must be removed by 8.00pm.
- In all cases, boards are the sole responsibility of the individual business and the Council insist that Third Party public liability insurance be taken out to a minimum indemnity of £5,000,000.
- In no cases must boards lead to excavations or damage of any kind to be made to the highway.
- In no circumstances should any street advertisements interfere with required vision lines for traffic and pedestrians.

Appendix 13

ILLUSTRATIONS OF "A" BOARDS



Ringside Refreshments

Neachells Lane - Willenhall - West Midlands - WV13 3RG

20 June 2008

The Licensing Unit
Walsall MBC
Challenge Building
Hatherton Road
Walsall
WS1 1YG

Re: Street Trading Review Proposals - Mr Frank Smith – Representations

Personal Background

I first became involved in the business of street trading on a part-time basis almost fifty years ago, and worked in Walsall Town Centre in 1959, selling Walls hot-dogs from a push along trolley. This eventually became a full-time business and we now operate up to thirteen mobile units that are well known in the area trading as 'Mr Sizzle'.

For the last thirty years or so my business has operated from premises in Willenhall, and it is now set up as a family partnership. My wife is a partner, as are my daughter and two sons, who depend on the business for their livelihood. They now have families of their own, and although two of my grandsons have worked occasionally in the business, they are being encouraged to seek careers elsewhere.

Street Trading in Walsall – Background

Street trading in Walsall was unregulated until 1983, when the Council adopted the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. At the time that this Act came into use, it was widely accepted that the intention of the legislators was that licenses should be used to control street trading that was conducted regularly from static positions (usually in town centres), and consents were appropriate where trading was of a more occasional, itinerant nature, or where the trader moved from place to place, such as an ice-cream van.

In due course, and on the advice of their legal department, Walsall council implemented a system that issued licenses for the town centre static sites, and that is the system that has been in use for twenty five years, right up to the present time. It would be fair to say that Walsall council used the legislation in exactly the way that parliament intended.

I was eventually issued with four street trading licenses to operate in Walsall town centre; one in Bridgeman Street, one near The Bridge, and two in Park Street, but at the time of the last review in 2001, in order to assist the process, I volunteered to exchange the site in Bridgeman Street with the potato man, who was being relocated to Park Street and could not cope with the traffic restrictions. I have occasionally regretted this, because it resulted in my units in Park Street becoming very 'bunched'.

VAT Reg. No.
305 8072 75

Telephone
01902 634844
07850 634844

The Proposals

These are summarised and numbered 1-9 on a single sheet included with the bundle sent to me.

It is the first of these (and indirectly the second) about which I have the most to say, so I will save my comments on this until last. Initially therefore, I will comment on proposals other than the first two.

Proposal No. 3 – Revision of Locations and List of Sites with Maps

In this respect I refer only to the locations proposed for Walsall town centre. There was insufficient time (about 16 days) from my receipt of the bundle to allow me to examine the proposals for the districts in any detail.

Statutory notices have been posted at numerous (presumably appropriate) locations advising the public of the new or revised street trading sites and their right to make representations.

I found it difficult to identify which of the trading positions referred to in the various maps actually related to my own existing licenses, but I came to realise that at least one of the notices refers to the relocation of one of my existing sites to a new position. There are also several new street trading sites suggested in the town centre, which may or may not have an impact on my existing sites.

It seems unfair to me that the licensing unit has got this far with their recommendations without requiring any input from me, or presumably any of the other existing traders. This is not consultation; it more closely resembles proclamation.

I can hardly be confident that my views will be properly considered when they are not sought until long after the council has decided in principle to approve the new positions recommended by the licensing unit, and public notices with regard to the new and revised trading sites are already posted.

Nevertheless, my view is that I do not feel that I have been consulted in a timely manner regarding new and/or revised sites. I would have welcomed the chance to meet with licensing officers and perhaps walk through Walsall town centre with them whilst having a frank exchange of views on the merits of any proposed new or revised trading locations. I could have mentioned that my units in Park Street are too close together and sought to improve the situation; we might have found time to discuss other aspects of the review.

If what I have just described had taken place in February say, the officers would have had the benefit of comment, opinion and ideas from at least one experienced street trader *prior* to their own ideas being fully formed, which *might* have influenced their thinking. They *might* have modified or augmented their proposals. Their report of the 19 March *might* have contained different recommendations. This would have been meaningful consultation.

To clarify, I would still like to consult regarding the positions of my trading units.

Proposal No 8 – Control of the Appearance of Street Trading Units

I support this proposal in principle, but would ask to be properly consulted (ie *spoken to*), in the event that it is thought necessary to draw up written guidelines, and especially if there is the possibility of enforced compliance.

Proposal No 9 – Commercial Consideration in Setting Consent Fees

This is sensible, and I agree entirely that it is absolutely right that a street trader in Darlaston say, should pay a lesser fee for the privilege than a trader selling the same commodities from the same size unit in Park Street Walsall, which is a much busier place to trade and therefore likely to generate more in takings.

However, on a cautionary note, I feel obliged to mention that there is legal precedent that has determined that the provisions of Schedule 4 of the Miscellaneous Provisions Act must not be used by a council as a means of raising general revenue.

The total sum of money collected by a council in street trading fees must not be any more than the amount required to cover the cost of administering the street trading scheme, including the cost of enforcement and prosecution of traders operating illegally.

When contemplating this proposal, it might be useful to consider that one of the original justifications for allowing street trading (from way back) was that it allowed low cost traders onto the high street to bring low priced goods to people on low incomes.

I am proud of the fact that I still subscribe to this ethos. It is more than ten years since I increased any of my prices. I still operate a “Lunch for a £1” menu which includes, two sausages and chips, chicken nuggets and chips, or small burger and chips. And I can say quite definitely that the vast majority of my customers are low income families.

If the provision of kiddies rides should go out to competitive tender, then I believe that ultimately it is the kiddies who will pay.

Proposal No 1 – To Abandon Street Trading Licenses in Favour of Consents

The principal difference between a street trading licence and a street trading consent is that under the consent system there is no right of appeal for the consent holder in the event that the council change the conditions attached to the consent, or even revoke the consent entirely, whereas the holder of a licence has the right of appeal to the courts.

This is a fundamental change and is of far greater significance than any of the other proposals. It will have a profound effect on the rights of the traders who lose their licence as a result.

When I first learned of this proposal, and saw that the committee had already agreed to it in principle I was extremely surprised, shocked even, and I was struck once again by a feeling of injustice that I am only now being asked for my views.

My first thoughts were to wonder where the proposal had originated. I saw that paragraph 8.7 of the report said that this proposal took into account “the comments to change to the street trading consent system so that elected members can have more control on this activity”. This was puzzling, because I felt certain that the vast majority of people in Walsall (even members) would not be aware of the differences between licenses and consents, so who would make such comments? When I asked a licensing unit officer where the proposal had come from I was told they had looked at what most other local councils had done, and decided to follow suit.

I find all of this most unsettling, and I am worried that there might be an underlying reason for this proposal that will not be to my advantage.

Putting my personal concerns aside though, there are other perfectly good reasons why I believe that this proposed change is misconceived, and they are set out below.

First, this change is completely unnecessary. The present system for control of street trading in Walsall town centre has been operating for around twenty-five years. It was adopted after advice from the legal department and as has been noted, it embodies the true spirit of the legislation as intended by parliament.

Moreover, the system has functioned perfectly well for all of this time. If it had not done so, the desire for change might be understandable, but there is no history of problems being caused by licensing that would be alleviated by switching to a consent system. What we have is tried and tested – it works, and works well.

“Why try to fix something if it ain’t broke” is an old saying, but it seems particularly appropriate in this case.

Second, there is the simple injustice of this proposal. This is best illustrated by describing an imaginary, but plausible situation.

The worst nightmare of any street trader is that the local council might seek to revoke his licence (or consent), and as a result he will lose his livelihood. The council however, might feel for some reason that such drastic action is justified, and so issues a revocation notice to the trader.

Under the consent system, the council is under no obligation to provide the trader with any reason for the revocation, nor does it have to listen to any representations from the trader; there is no period of notice, and the trader must cease trading forthwith. He has no right of input at any stage. His livelihood is lost. There is no lawful right of appeal.

Of course, the trader could apply for a judicial review, but this is time consuming and extremely expensive, and may be beyond his means. Or he could appeal to the local ombudsman, a much cheaper alternative, but I am told quite a lengthy process. Either of these legal processes might in due course find in favour of the trader, and conclude that the council had behaved unreasonably, and order an appropriate remedy.

However, during all this time, the trader has been unable to work and has received no income. His trading unit might have been bought on hire-purchase and re-possessed. He could well be in no position to restart trading (if that was the prescribed remedy). What a sorry state of affairs this would be.

In contrast, consider the same council taking the same action for the same reasons against the same trader, but in this case the trader has a street trading licence.

The council would have to provide the trader with the reason why it was taking this action, and they would have a duty to consider any representations that the trader might wish to make. In the event that the trader was aggrieved he would have a right to appeal to a court, and the court could either uphold or refuse his appeal. This legal process could take several months.

The crucial difference is that in the latter case, the trader is permitted to carry on trading until his appeal is finally determined. His livelihood is uninterrupted if his appeal should succeed. Or if he loses he will have had time to think about alternatives. This is surely a much better scenario for all concerned than that under the consent system.

Of course this is all hypothetical, in twenty-five years of licensing in Walsall there has never been cause to settle a difference in court, which only serves to emphasise that this change is not really required. In any case, there is no good reason why a democratic organisation should want to avoid being held to account for its actions.

The third reason for resisting this proposal is because I believe that the street trading consent system is incompatible with Article 6 of the Human Rights Act 1998, which I understand became general law in the year 2000. I have attached a copy of an extract from the Act that includes the full text of Article 6, which deals with the right to a fair trial. The relevant passage says, *"In the determination of his civil rights.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"*.

This is not something about which I claim to be widely knowledgeable, in fact it is only recently that I have come to realise the significance of it, and I have done some limited research in an effort to extend my knowledge further.

As a consequence, I can say that it seems apparent that there is a growing body of legal opinion that supports the view that because of the lack of an appeal mechanism, the street trading consent system does not comply with Article 6, but the licensing system does.

During my research (which is far from complete), I found instances from far and wide of local authorities who acknowledged that the consent system was at odds with the Human Rights Act (HRA). These included North Somerset Council; Bradford MDC; Darlington BC; Uttlesford DC, and any borough covered by the London Local Authorities Act 1990.

I conversed with, and exchanged e-mails with, Mr Michael Perry, the assistant chief executive of Uttlesford DC., who is an honours graduate in law and is also a part-time deputy district judge. He is firmly of the opinion that the lack of an appeals mechanism means that the consents system fails to comply with Article 6 of the HRA.

I also spoke on the telephone to solicitor Fiona Robertson, who works in the legal department of North Somerset DC. She advised me that her council already operates a consent system, which in her opinion (shared by her work colleagues) does not comply. I have seen a council report where the members are advised that Article 6 will apply to the street trading consent system.

Darlington BC were advised in a report dated 15 April 2008 to consider changing its consent streets to licensed streets. I cannot say whether they did or not - as I said, my research was limited.

I have evidence to support everything that I have said here, but I am unable to collate it in the orderly fashion that I would prefer, because of the time constraints on producing this document. It is therefore not included herein. I am however, more than willing to share what I have with officers from the licensing unit. Please get in touch if you would like me to bring it in.

Thank you



Frank Smith

- (a) the lawful detention of a person after conviction by a competent court;
 - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
- 2 Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
- 3 Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
- 4 Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
- 5 Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

ARTICLE 6

RIGHT TO A FAIR TRIAL

- 1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
- 2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
- 3 Everyone charged with a criminal offence has the following minimum rights:
- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 7

NO PUNISHMENT WITHOUT LAW

- 1 No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal



Walsall Council

LOCAL NEIGHBOURHOOD PARTNERSHIP MEETINGS June & July 2008

REPORT OF HEAD OF PUBLIC PROTECTION

REVIEW OF STREET TRADING AND OTHER STREET ACTIVITIES

1.0 PURPOSE OF REPORT

- 1 To inform Local Neighbourhood Partnerships of the proposals approved by the Licensing & Safety Committee on 19th March 2008. The proposals are detailed below.
- 1.1 In approving the proposals the Licensing and Safety Committee also resolved that the report should be submitted for consideration by all Local Neighbourhood Partnerships. A copy of the report and the Licensing & Safety Committee's resolution are attached as Appendices 1 and 2 respectively.

2.0 RECOMMENDATION

- 2.1 Local Neighbourhood Partnerships are asked to consider the report and comment as they see fit on the proposals detailed below.

3.0 PROPOSALS

- 3.1 On 19th March 2008 the Licensing & Safety Committee approved the following proposals:
 - 3.1.1 To replace the current system of designations, with a simpler system of consent streets and prohibited streets to allow flexibility and greater control.
 - 3.1.2 To introduce a two tier consent system namely a mobile consent and a fixed location consent with conditions.
 - 3.1.3 To revise and extend the locations designated for street trading and other street activities both in Walsall Town Centre and District Centres.
 - 3.1.4 To introduce an application process for the provision of children's amusement rides.

- 3.1.5 To extend and introduce new guidelines for the types of activity permitted on the street in order to create greater diversity of trade and allow other activities such as amusements, street theatre, seasonal traders, events and exhibitions.
- 3.1.6 To give Local Neighbourhood Partnerships and members of the public a greater say in the provision and control of street activities by including them as consultees in the application process.
- 3.1.7 To control pavement shop displays and advertising on the highway through a strict licensing regime so as to avoid possible obstruction of the highway.
- 3.1.8 To control the appearance of street trading vehicles/units.
- 3.1.9 To take account of commercial considerations in setting fees for consents.

4.0 BACKGROUND

- 4.1 The proposals were formulated by Walsall Licensing Service following wide initial consultation with stakeholders including traders and the general public. Local Neighbourhood Partnerships were also consulted at this initial stage in September and October 2007.
- 4.2 The proposals are now brought before Local Neighbourhood Partnerships as part of the, more detailed, second stage consultation.
- 4.3 It is proposed that street activities be increased in Walsall town centre and extended to district centres. A list of proposed designated sites is attached as appendix 3. Plans of the proposed sites will be available at the Local Neighbourhood Partnership meetings and prior to the meeting can be viewed at the offices of the Licensing Service or local libraries.
- 4.4 An officer from the Licensing Service will be in attendance at Local Neighbourhood Partnership meetings to answer any questions and to record any initial comments.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services were consulted before recommending any proposals to the Licensing & Safety Committee.



Walsall Council

STREET TRADING REVIEW PUBLIC NOTICE

This is a public notice in respect of the current review of Street Trading & Other Street Activities:

DESIGNATED AREA

It is proposed that an area situated at:

be designated a multipurpose site for the following activities:

If you wish to make a representation to Walsall Council about this proposal you should do so in writing on or before 20th June 2008 to:

Licensing Unit at Walsall Metropolitan Borough Council, Challenge Building, Hatherton Road, Walsall, WS1 1YG or at licensing@walsall.gov.uk

Details of this proposal and other proposals resulting from the Review can viewed between 9:30am and 4:00pm (normal weekdays) at the offices of the Licensing Authority, Licensing Unit, Public Protection, Walsall Metropolitan Borough Council, Challenge Building, Hatherton Road, Walsall, WS1 1YG.



Walsall Council

STREET TRADING REVIEW

PUBLIC NOTICE

This is a public notice in respect of the current review of Street Trading & Other Street Activities.

Following initial consultation with the general public and other stakeholders it is proposed:

1. To replace the current system of designations, with a simpler system of consent streets and prohibited streets to allow flexibility and greater control.
2. To introduce a two tier consent system namely a mobile consent and a fixed location consent with conditions.
3. To revise and extend the locations designated for street trading and other street activities both in Walsall Town Centre and District Centres.
4. To introduce an application process for the provision of children's amusement rides.
5. To extend and introduce new guidelines for the types of activity permitted on the street in order to create greater diversity of trade and allow other activities such as amusements, street theatre, seasonal traders, events and exhibitions.
6. To give Local Neighbourhood Partnerships and members of the public a greater say in the provision and control of street activities by including them as consultees in the application process
7. To control pavement shop displays and advertising on the highway through a strict licensing regime so as to avoid possible obstruction of the highway.
8. To control the appearance of street trading vehicles/units.
9. To take account of commercial considerations in setting fees for consents.

IF YOU WISH TO MAKE REPRESENTATIONS ABOUT ANY OF THE ABOVE PROPOSALS TO WALSALL COUNCIL YOU SHOULD DO SO IN WRITING ON OR BEFORE 20th JUNE 2008.

AN INFORMATION PACK AND DETAILS OF HOW TO MAKE REPRESENTATIONS CAN BE VIEWED AT THE RECEPTION DESK.



Walsall Council

LICENSING UNIT

Your Ref:

Our Ref: dtb

Date: 02/09/2008

Please ask for: Mr Brookhouse

Direct Line: 01922 652682

Email: brookhousedh@walsall.gov.uk

Dear Sir/Madam

Review of Street Trading and Other Street Activities

I refer to the above and attach a list of proposals formulated by the Licensing Service following consultation with stakeholders and a report presented to the Licensing and Safety Committee on 19th March 2008.

If you wish to make a representation to Walsall Council about any of these proposals you should do so in writing on or before 20th June 2008 to:

Licensing Unit at Walsall Metropolitan Borough Council, Challenge Building, Hatherton Road, Walsall, WS1 1YG or at licensing@walsall.gov.uk

A copy of the report to the Licensing and Safety Committee on 19th March and the committee's resolution are attached. Also attached are plans of proposed sites. The implementation of any proposals relating to Walsall Town Centre will be subject to the temporary relocation of Walsall Market.

Please feel free to contact the Licensing Unit if you require further detail.

Yours faithfully

John Beavon
Trading Standards Manager

Enc.

List of Proposals

Report to Licensing and Safety Committee on 19th March

Resolution of Licensing & Safety Committee

Plans of Proposed Sites

List of Consultees

Appendix 19

DATE		CONSULTEE
June-July 2008		Local Neighbourhood Partnerships
EXISTING PERMIT HOLDERS		
23/5/2008 - 6/6/2008		
Balbir Singh	Sandra Smith	Paul Brown
Mr Craig Lee Donaldson	Sam Deeks	Balbir Singh Garcha
Shirley Greene	Beverly Allen	Mr C Baxter
Cllr William Tweddle	Mandy Timmins	Keith Mills
Mr Graham J Gethin	Mr Victor Robert Warner	Antony John McDonald
Colin McLuckie	Mr Frank Smith T/A 'Mr Sizzle'	Makhan Singh Moore
David George Brittain	Neil Johnson & Julie Johnson	Avtar Malhi
Nashtare Singh	Paul Brown & Phil Chatfield	Maxine Bedworth
Makhan Singh Moore		

ENFORCEMENT AGENCIES ETC		
23/5/2008 - 10/6/2008		
West Midlands Fire	West Midlands Police-Walsall	Ambulance Service X 3 (Bilston. Sutton Coldfield, Aldridge)
Trading Standards	West Midlands Police-Bloxwich	
Health & Safety		
Environmental Health	Licensing Enforcement	

COUNCIL SERVICES ETC		
28/5/2008 - 11/6/2008		
Social Services	Equality and Diversity Team	Regeneration-Development Control
Legal Services	Events and Festivals	Regeneration – Delivery Team
Markets Office	Market Traders Association	Town Centre Partnership
Lifelong Learning	Traffic Management	Town Centre Management
Estates	Bereavement Care	

TRADERS ASSOCIATIONS		
3/6/2008 - 4/6/2008		
Aldridge Traders Association	Willenhall Traders Association	Brownhills Traders Association
Bloxwich Traders Association	Darlaston Traders Association	Chamber of Commerce-Walsall

List of Consultees

NOTICES-LIBRARIES ETC		
23/5/2008 - 28/5/2008		
Aldridge	Beechdale	Birchills & North Walsall Surestart
Blakenall	Bloxwich	Brownhills
Childrens Library Service	Darlaston	First Stop Shop
Forest Gate	Licensing Unit	Local History Centre
Mobile Library Services	New Art Gallery	Pelsall
Pheasey	Pleck	Proposed Site Notices
Rushall	Walsall Leather Museum	Walsall MBC Website
Walsall Central	Walsall Museum	Walsall Viewfinder

MISCELLANEOUS STAKEHOLDERS		
4/6/2008 - 13/6/2008		
Brownhills British Legion	Darlaston Fellowship for the Disabled	Keith Middleton (Darlaston LNP)
Obesity Group	Pleck Community Watch	Pleck Residents Association
Walsall Disability Centre	Walsall Society for the Blind	

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

Appendix 20

CONSULTEE	REPRESENTATION	ACTIONS
West Midlands Police	i. Application process to include CRB check. ii. Employees also vetted. iii. Application to include previous names. iv. Photo ID cards to be implemented. v. Police comments to include matters other than fitness of applicant.	CRB check proposed in application process. CRB check proposed for assistants. Previous names included in CRB check. Photo ID cards proposed in application process. Police entitled to make representation on any relevant issue.
New Art Gallery	i. Objects to the proposed designated sites for gallery square viz. adjacent to Wharf Bar and BHS/Woolworth's entrance.	Comments noted, future problems can be addressed under the proposed review of designated sites on a regular basis.
Town Centre Manager	i. Proposed designated sites for Walsall Town Centre should not be within the area allocated for Walsall Market including the area allocated for its temporary relocation. ii. To ensure a varied and attractive mix of traders. iii. Traders to provide high quality stalls.	Arrangements regarding temporary relocation of Walsall Market agreed. Proposed in the Statement of Policy and Conditions. Proposed in the report, the conditions and application process.
Markets Manager	i. Concerns regarding positions due to temporary location of Walsall Market and that the stalls will be fixed throughout the week. ii. Concerns regarding space available for street trading from the proposed sites in Willenhall on market days. Also would object to street trading caterer since the market already has one. iii. Would object to a street trading caterer on market days in Darlaston (Friday & Saturday) since the market has two already.	Arrangements for the temporary relocation of Walsall Market agreed. Such issues addressed in the proposed consultation on individual applications. Such issues addressed in the proposed consultation on individual applications.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Walsall Trading Standards	i. Sites not to be transferred, sub let or franchised.	Proposed in the conditions.
	ii. Any staff to be direct employees of permit holder.	Proposed in the conditions.
	iii. Identity badges to be employed.	Proposed in the conditions.
	iv. Application process to be clear, concise and comprehensive.	See conditions.
	v. Delegated authority to be employed where possible to speed up processes for introduction/removal of sites.	Delegations proposed in the report.
	vi. Time limits for pre-booking of sites to prevent block booking and thereby promote fair competition for all.	To be kept under review and can be introduced if becomes an issue. Proposed delegation to Licensing and Safety Committee to add, remove and amend conditions.
	vii. Mechanism introduced for identifying the precise location of sites at all times.	Proposed in the report.
	viii. Review the current restrictions on prohibited goods and types of display.	Reviewed in the report.
	ix. Allow self selection of goods displayed on the highway.	Not adopted but to be kept under review.
	x. Compliance with all legal requirements be made a condition of any consent and that breach of a condition may be sufficient cause to jeopardise a consent.	Proposed in the conditions.
	xi. List of consultees to include all stake holders.	Proposed in the Statement of Policy and Conditions.
	xii. Representations to be in writing, supported by reasons and within set time limit.	Proposed in the Statement of Policy and Conditions.
	xiii. Application for variation of a consent to be introduced.	No statutory authority to vary therefore variations will require a new application.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
West Midlands Fire	i. There are no representations to be made by the Fire Authority from a fire safety point of view.	
Legal Services	i. A written statement of Policy and Conditions should be adopted to ensure transparency and consistency.	Proposed in the report.
Regeneration	i. Plan 23 – The relocation of the market will impact on this proposed location for a period of 2.5 years. There will be space available for exhibitions and displays but it will differ from the permanent location. However, we have no objection to the proposed position in the long term. ii. Plan 24 – The proposed location is not ideal as it will interfere with the rising bollard system in place. An equivalent location behind the bollards in St Paul's Square would be acceptable. iii. Plan 25 - In relation to St Paul's Square, the crossing have asked on a number of occasions to be given a license for exhibitions and so we would support this designation. iv. Plan 27 – The former public toilets have now been sold opening up the opportunity for the old Transport Offices to be brought back into use. Care should be taken to ensure that the proposed location does not interfere with any entrances or block windows. v. Plan 28 and Plan 30 – The relocation of the college and the construction of Tesco's will reduce the footfall in this area and will also potentially change the street layout. It is likely that these will become redundant when construction begins in summer 2009. The major footfall from students will change dramatically at this point.	Arrangements for the temporary relocation of Walsall Market have been put in place. Proposal incorporated in the report. Comments noted, future problems can be addressed under the proposed review of designated sites on a regular basis. Comments noted; future problems can be addressed under the proposed review of designated sites on a regular basis.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Regeneration Contd.....	vi. Plan 31 – no objection in the long term but the market relocation will impact on this site. Suggested temporary relocation to a site near Woolworths on Park Street for a period of 2.5 years. vii. Plan 34 – The current operator, Mr Sizzle, would prefer to be relocated to a site near Woolworths. The designated site should remain but will not be available during the period of the temporary relocation of the market. viii. Plan 43 – No objection in principle but bollards currently block access. The type of vendor should be carefully considered in this location given the prominence of the site near to the listed St Paul's church and the main Post Office. ix. Plan 44 – The proposed location will not be possible as it sits on top of a culvert. The culvert has weight restrictions in place and a recent report has identified weaknesses and therefore any new loading should be avoided. An alternative location could be found beside the civic centre link bridge on Darwall Street. See attached plan. The new location may require some ground works to enable access but it could work well.	Agreed under the arrangements for the temporary relocation of Walsall Market. Agreed under the arrangements for the temporary relocation of Walsall Market. Long term arrangements can be addressed at the proposed review of designated sites. Comments noted. The issues raised would be addressed under the individual application process which is subject to wide consultation with stakeholders. Proposal incorporated in the report.
Walsall Society for the Blind	i. Accept that improvements need to be made to the Walsall area but requests that notified of any changes in fixtures before erected so that the information can be circulated to clients in advance of changes to their local environment.	Proposal accepted. Society included in the list of consultees for individual applications.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Current Street Trader (Paul Brown)	Account should be taken of trader's turnover when setting fees.	Incorporated in the report.
Current Street Trader (Balbir Garcha)	i. Should be a process for varying/extending the products that can be sold by a permit holder. ii. Protection for existing licence holders. iii. Too many licence holders selling the same product. There should be more variety. iv. On site electricity should be provided for reasons of pollution and current fuel costs. v. Concerned that temporary relocation of Walsall Market will have an adverse effect on his business.	No statutory authority to vary therefore variations will require a new application. Proposed condition that applications for sites that are already occupied will not be considered. Incorporated in the Statement of Policy. Use of generators discouraged. Conditions propose that the use of generators require specific consent. Arrangements for the temporary re-location of Walsall Market have been agreed.
Trader (Keith Middleton)	i. Reasons to be given for refusal of grant or renewal of consent. ii. Agrees with consents since they give the flexibility to trial different sites and make adjustments if necessary. iii. Fees for district sites should be set at a level to attract applicants and then reviewed on a regular basis. iv. Review sites on a regular basis, particularly useful for introducing minor adjustments/changes. v. Street Display – ½ metre is insufficient as a general rule also there is more space available in pedestrianised areas. Should be a mechanism for determining applications on their own merits.	Proposed procedure requires that refusal can only be determined at a hearing where a reason for the decision will be given. Proposal incorporated in the report. Comment noted, can be addressed under the proposed review of Policy and Conditions on a regular basis if it becomes an issue.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Current Street Trader (Frank Smith)	i. Inadequate consultation regarding the proposed sites in Walsall Town Centre which may affect the sites currently occupied. Further consultation regarding the proposed sites in Walsall Town Centre is required.	Site meeting arranged for Mr. Smith. Representations incorporated in the report.
	ii. Supports the proposal to control the appearance of street trading units but further consultation necessary if written guidelines to be introduced especially if there is the possibility of enforced compliance.	
	iii. Supports the proposal that account be taken of commercial considerations in setting fees but emphasises that fees collected should be sufficient only to finance the service and not generate income for other purposes.	Addressed in the proposed fees.
	iv. Strongly objects to the proposal to replace the existing license system with a consent system. The consent system gives little legal protection to the street trader. This amounts to a breach of Human Rights.	Issue addressed in the report. Counsel's opinion taken.
	Following Walsall Town Centre site meeting 31/7/08:	
	i. Perimeter of all sites to be permanently marked.	Proposal incorporated in the report.
	ii. Location of all sites to be reviewed when Walsall market Re-located.	Proposal incorporated in the report.
	iii. All sites to be provided with electricity supply.	Proposal incorporated in the report.
	iv. Plan 38 is too close to planter.	Proposal incorporated in the report.
	v. Plan 22 OK	

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
(Frank Smith) contd.....	vi. Plan 37 is not existing site requires re-siting in line with Park Street Arcade in front of telephone box. Existing site is in front of open shop front premises and may suffer odours.	Proposal incorporated in the report.
	vii. Plan 35 adjacent to steps to M&S steps. Suggests relocation to outside BHS between Street Light and Finger sign.	Proposal incorporated in the report.
Express & Star	i. Current indemnity £5,000,000 why £10,000,000 for A boards.	Representation accepted and £5,000,000 throughout is proposed.
Local Neighbourhood Partnership (Aldridge South & Streetly)	i. Report to be noted.	
Local Neighbourhood Partnership (Brownhills & Aldridge North)	i. Low/no cost for community events.	Proposal incorporated in the report.
Local Neighbourhood Partnership (Blakenhall & Bloxwich)	i. There may be more suitable sites than those proposed. Possible site would be Market Place, Bloxwich on non market days.	Incorporated in the proposal to review designated sites on a regular basis.
	ii. Applications for community events should be low/no cost.	Proposal incorporated in the report.
	iii. Facilities for advertising community events on the highway should be provided.	Can be addressed under the proposed reviews on a regular basis.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Local Neighbourhood Partnership (Palfrey & Pleck)	i. Concern regarding obstruction of pavement.	Proposal incorporated in the report.
Local Neighbourhood Partnership (Pelsall & Rushall)	i. Proposed designated site not suitable. Do not want an alternative site.	Proposal incorporated in the report.
Local Neighbourhood Partnership (Darlaston)	i. Insufficient proposed designated sites. ii. Application fees to be set at a level to attract new traders.	Addressed under the proposed review of designated sites on a regular basis. Proposal incorporated in the report.
Local Neighbourhood Partnership (Pheasey & Paddock)	i. Representation on behalf of the residents of Skip Lane and Sutton Road that Skip Lane be designated a Prohibited street on the grounds that it is located in a residential, rural area and allowing street trading adversely affects the character and amenity of the area. ii. Cllr Bird raised the issue of re-designation of licensed street to prohibited streets being a breach of “human rights” and had raised this matter with Council’s Legal Services. iii. Streets listed in report as licensed are in wrong Ward or do not exist.	Proposal incorporated in the report. List updated and amended.

STREET TRADING REVIEW – REPRESENTATIONS & ACTIONS

CONSULTEE	REPRESENTATION	ACTIONS
Local Neighbourhood Partnership (St Matthews, Birchills & Leamore)	i. Street advertising – Disability forum to be included as a consultee for applications. ii. Fast track mechanism required for consultation on applications otherwise would create an unreasonable delay for applicants. iii. Streets listed in report as licensed are in wrong Ward or do not exist. Some wards left out altogether viz. Bloxwich West, Streetly, Willenhall North and Willenhall South. iv. Temporary relocation of Walsall Market	Proposal incorporated in the application process in the proposed Policy and Conditions. Agreed that this is an issue to be determined by the individual LNP's. List updated and amended. Assurance was given that proposals relating to Walsall Town Centre were subject to the temporary relocation of Walsall Market.
Local Neighbourhood Partnership (Willenhall)	i. That the report be noted ii. Review designated sites yearly. iii. LNP's to devise a fast track mechanism for making representations	Incorporated in the proposals, that reviews be at intervals "not exceeding" two years. . Agreed that this is an issue to be determined by the individual LNP's.