



# Walsall Council

## LICENSING AND SAFETY COMMITTEE

9<sup>TH</sup> SEPTEMBER 2009

### REPORT OF HEAD OF PUBLIC PROTECTION

#### STREET TRADING REVIEW – REPORT 4

#### STREET TRADING POLICY

#### **1.0 PURPOSE OF REPORT**

- 1.1 a) To 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) To 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
- c) To 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 This report is one of a series that identifies issues that were previously placed before the Licensing and Safety Committee in a combined report on 10<sup>th</sup> September 2008. The report was recommended by Licensing and Safety Committee for approval by Council on 3<sup>rd</sup> November 2008. It was considered however, that the wording within the report could have been clearer and the report was withdrawn for clarification of the recommendations.
- 1.3 Since then there have been other legal considerations to take into account and the effect of the European Services Directive on the Street Trading Policy. Those have been considered and are reflected in the provision of these reports together with any amendments proposed at Licensing and Safety Committee on 10<sup>th</sup> September 2008.

## **2.0 RECOMMENDATIONS**

2.1 Licensing & Safety Committee is asked to consider the report and recommend,

- a) for approval by Council the Statement of Street Trading Policy detailed at Appendix 3.
- b) for approval by Council that the Statement of Street Trading Policy be reviewed on a regular basis at intervals not exceeding two years.
- c) the establishment of a two tier consent system as detailed in the Statement of Street Trading Policy at Appendix 3.

2.2 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 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) amend the Street Trading Policy in accordance with future requirements of the EU Services Directive 2006/123/EC and report those changes to Licensing and Safety committee.
- c) In accordance with the resolution of Licensing & Safety Committee on 19<sup>th</sup> 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 The processes are already in place to treat these applications in the same way as applications under the Licensing Act 2003.

## **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 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.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Legal Services have been consulted before recommending any changes to Licensing and Safety Committee.

## **6.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 6.1 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.
- 6.2 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 19<sup>th</sup> March 2008.

- 8.3 Licensing and Safety Committee resolved that the report be submitted for consideration by Development Control Committee on 22<sup>nd</sup> April, 2008. Development Control Committee resolved that the report be noted and that members direct any detailed issues to the Trading Standards Manager.
- 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.

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 23<sup>rd</sup> May.

## 9.0 BACKGROUND

- 9.1 The first stage of the Review was reported to Licensing and Safety Committee on 19<sup>th</sup> March 2008 when it was resolved:

a) that the following be approved in principle:

i. the establishment of a two tier consent system as outlined in the report;

b) that the report be submitted for consideration by all Local Neighbourhood Partnerships;

- 9.2 In line with the proposal that the designation of licence streets be changed to consent to increase control over street trading activity. It is further 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.

## **10.0 CONTACT OFFICER**

John Beavon – Trading Standards Manager ext. 2214.

## **List of Attachments**

### **Appendix No.**

1. Copy of Resolution – Licensing and Safety Committee - 9<sup>th</sup> March 2008
2. Copy of Resolution – Development Control Committee – 22<sup>nd</sup> April 2008
3. Statement of Street Trading Policy

**Appendix 1**

**SPECIAL LICENSING AND SAFETY COMMITTEE**

Wednesday, 19<sup>th</sup> 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 Beiby  
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 22<sup>nd</sup> April, 2008 and not 1<sup>st</sup> 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 in 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:**

There are 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.

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 'natural persons' not legal entities.

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.