

**Time** 10.15 am **Public Meeting?** YES **Type of meeting** Licensing

**Venue** Council Chamber - 4th Floor - Civic Centre

## Membership

**Chair** Cllr Phil Page (Lab)  
**Vice-chair** Cllr Rashpal Kaur (Lab)

### Labour

Cllr Greg Brackenridge  
Cllr Celia Hibbert  
Cllr Jaspreet Jaspal  
Cllr Asha Mattu  
Cllr Anwen Muston  
Cllr Rita Potter  
Cllr Gillian Wildman

### Conservative

Cllr Wendy Dalton  
Cllr Jonathan Crofts  
Cllr Andrew Randle

Quorum for this meeting is three Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: [donna.cope@wolverhampton.gov.uk](mailto:donna.cope@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.moderngov.co.uk>  
**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
**Tel** 01902 555046

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Minutes of previous meeting</b> (Pages 1 - 4) [To approve the minutes of the previous meeting held on 28 September 2022 as a correct record].
4	<b>Matters arising</b> [To discuss any matters arising from the minutes of the previous meeting].
5	<b>Minutes - 7 September 2022 - Regulatory Sub-Committee</b> (Pages 5 - 6) [To approve the minutes of the Regulatory Sub-Committee held on 7 September 2022 as a correct record].
6	<b>Draft City of Wolverhampton Street Trading Policy</b> (Pages 7 - 102) [To approve the Street Trading Policy].
7	<b>Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2023 - 2024</b> (Pages 103 - 112) [To approve the proposed fees and charges for 2023-2024].
8	<b>Update on Private Hire Licensing Growth</b> (Pages 113 - 118) [To approve the ongoing approach to meet the demand for private hire driver licences].
9	<b>Driver Safety Enclosures Consultation</b> (Pages 119 - 148) [To approve a six-week consultation on Driver Safety Enclosures].

## Attendance

### Members of the Regulatory Committee

Cllr Phil Page (Chair)  
Cllr Rashpal Kaur (Vice-Chair)  
Cllr Greg Brackenridge  
Cllr Wendy Dalton  
Cllr Celia Hibbert  
Cllr Jaspreet Jaspal  
Cllr Asha Mattu  
Cllr Anwen Muston  
Cllr Rita Potter  
Cllr Jonathan Crofts  
Cllr Andrew Randle  
Cllr Gillian Wildman

### Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Paul Dosanjh	Service Manager -Trading Standards and Licensing Act
Donna Cope	Democratic Services Officer
Jas Kaur	Democratic Services Manager
David Abel	Solicitor
Angela Bernard	Solicitor

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## Part 1 – items open to the press and public

*Item No.*     *Title*

- 1 Apologies for absence**  
There were no apologies for absence.
- 2 Declarations of interest**  
There were no declarations of interest made.
- 3 Minutes of previous meeting**  
Resolved:  
That the minutes of the meeting of the Regulatory Committee held on 15 June 2022 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes - 29 July 2022 - Regulatory Sub-Committee**

Resolved:

That the minutes of the meeting of the Regulatory Sub-Committee held on 29 July 2022 be confirmed as a true record and signed by the Chair.

6 **Hackney Carriage Vehicle Licence Condition Update - Contactless Payments**

Greg Bickerdike, Licensing Manager presented the report: Hackney Carriage Vehicle Licence Condition Update - Contactless Payments. The report sought Committee approval for the requirement of a contactless payment facility in Hackney Carriages to be included as a condition of licence. The requirement for all Hackney Carriages to offer such facility had been approved by Committee on 19 January 2022 and by including it as a condition would help facilitate enforcement against non-compliant proprietors.

The report was debated by Committee, and the Licensing Manager and Commercial Regulation Manager responded to questions asked.

Resolved:

That Members of the Regulatory Committee:

1. Approved the proposed Hackney Carriage Vehicle Licence Conditions.

7 **Consultation on Taxi Licensing Conditions and Guidelines**

Greg Bickerdike, Licensing Manager presented the report: Consultation on Taxi Licensing Conditions and Guidelines. The report sought Committee approval for a consultation on updated licence conditions, guidelines, and vehicle policy, in anticipation of the Department for Transport (DFT) publishing its Best Practice Guidance.

It was noted that the consultation documents would be updated to reflect the final DFT guidance, and following a twelve-week consultation, would be brought back to Committee for approval.

The report was considered by Committee, and it was suggested that Private Hire Vehicle Operators and Managers were given training to ensure their processes and procedures were correct.

The Commercial Regulation Manager welcomed this suggestion, and it was agreed that such training would be delivered through the Private Hire Trade Group meetings.

The Chair, Councillor Phil Page moved the recommendations and the Vice Chair, Councillor Rashpal Kaur seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Approved a consultation on the taxi and private hire licence conditions.
2. Approved a consultation on new 'Guidelines for Hackney Carriage and Private Hire Vehicle Proprietors, Drivers and Private Hire Vehicle Operators'.
3. Approved a consultation on the vehicle licence requirements policy.

4. Noted that the consultation documents will be updated considering the Department for Transport's anticipated Best Practice Guidance prior to consultation.
5. Noted that equivalent documentation and policies will be consulted on for the licensing function of South Staffordshire Council, which is delegated to City of Wolverhampton Council.

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## Attendance

### Members of the Regulatory Sub-Committee

Cllr Phil Page (Chair)

Cllr Anwen Muston

Cllr Wendy Dalton

### Employees

Greg Bickerdike

Licensing Manager

David Abel

Senior Solicitor

Angela Bernard

Solicitor

Donna Cope

Democratic Services Officer

## Part 1 – items open to the press and public

*Item No.*     *Title*

- 1        **Apologies for Absence**  
There were no apologies for absence.
  
- 2        **Declarations of interest**  
There were no declarations of interest.
  
- 3        **Exclusion of press and public**  
Resolved:  
That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraphs 1 and 3 of Schedule 12A to the Act relating to any individual and to the financial or business affairs of any particular person.
  
- 4        **Review of a Private Hire Vehicle Operator's Licence**  
The Chair invited Greg Bickerdike (Licensing Manager), NW and MA into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

It was noted that the Company Directors were not in attendance despite being in email correspondence with the Council, and that MA had no authority to be present

during the proceedings. Therefore, due to the likely disclosure of exempt information, MA withdrew from the meeting.

Dave Abel, Senior Solicitor, advised members that NW was the Manager of the Company, not a director or Licence Holder, and that her name was mentioned within the report, making her a witness to the incidents that had occurred.

Following a discussion on the matter, Members agreed to proceed with the hearing in the absence of the Licence Holder and to hear from NW as a witness.

Greg Bickerdike, Licensing Manager, outlined the report regarding a review of a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Regulatory Sub-Committee by an authorised employee of the council for further consideration to be given as to whether the Operator was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

All parties were invited to question the Licensing Manager on the report. The Licensing Manager responded to questions asked.

The Chair invited NW to make representations.

NW discussed the incidents that had taken place and detailed the circumstances that had led to them. She admitted that mistakes had been made and she was sorry.

All parties were invited to question NW on her submission. NW responded to questions asked. She acknowledged that staff errors had occurred and explained that changes had been implemented to ensure they would not happen again.

The Chair invited NW to make a final statement. NW did so.

Dave Abel, Senior Solicitor, outlined the options available to the Sub-Committee.

Greg Bickerdike and NW left the room to allow the Sub-Committee to determine the matter.

Greg Bickerdike and NW were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Senior Solicitor.

Resolved:

That having considered all of the documentation before them and having heard the representations from those in attendance, the Regulatory Sub-Committee was not satisfied that the Operator was a fit and proper to hold a Private Hire Vehicle Operator's Licence and therefore decided to revoke the licence pursuant to Section 62 (1) (c) and (d) of the Local Government (Miscellaneous) Provisions Act 1976.



CITY OF  
WOLVERHAMPTON  
COUNCIL

# Regulatory Committee

11 January 2023

<b>Report title</b>	City of Wolverhampton Draft Street Trading Policy Consultation Response and Recommendations	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director City Housing and Environment	
<b>Originating service</b>	Environmental Health	
<b>Accountable employee</b>	Emma Caddick	Service Manager
	Tel	01902 554320
	Email	Emma.caddick@wolverhampton.gov.uk
<b>Report to be considered by</b>	CHELT	13 December 2022

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### Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the final version of the City of Wolverhampton Street Trading policy as laid out in Appendix 2 of the report.

### Recommendations for noting:

The Regulatory Committee is recommended to note:

1. The responses to the public consultation on the Draft Street Trading Policy and proposed pitches, which are presented in Appendix 1 of the report.
2. The amendments made to the Draft Street Trading Policy, which are presented in Appendix 1 of the report.

## **1.0 Purpose**

- 1.1 To inform Committee of the outcome of the consultation on the City of Wolverhampton Draft Street Trading Policy and proposed new street trading pitches.
- 1.2 To recommend that Regulatory Committee approve the final version of the City of Wolverhampton Street Trading policy for implementation on 3 April 2023.

## **2.0 Background**

- 2.1 On 15 June 2022 the Regulatory Committee approved a 12-week public consultation on the City of Wolverhampton Council Draft Street Trading Policy.
- 2.2 Approval was also given to the proposed new, pre-determined street trading consent locations, which are presented in Appendix 1 of the report and for redesignation of the control and administration of the promotional pitches in the City Centre from the Business Improvement District (BID) to City of Wolverhampton Council's Markets Service.
- 2.3 The public consultation in relation to the draft Policy ran from 7 July to 30 September 2022. A range of methods were used to communicate with interested parties and included amongst others:
  - A. an online consultation
  - B. a written update and meeting with Councillors
  - C. a meeting with local businesses and the City Centre BID
  - D. three meetings with existing street traders.
- 2.4 A consultation took place between 22 July and 18 August 2022 in relation to the proposed new, pre-determined street trading consent locations. Businesses and residents in the vicinity of the pitches were advised about the proposals and were encouraged to comment on the consultation for the proposed pitches.
- 2.5 A meeting was held with the City Centre Business Improvement District Board in relation to the redesignation of control of the promotional pitches in the City Centre from the BID back to the Local Authority.

## **3.0 Progress**

- 3.1 Detailed information relating to the consultations and the subsequent feedback can be found in Appendix 1: Street Trading Draft Policy Consultation Responses.
- 3.2 The questions asked and a summary of the responses to the consultation are included within the table s5.3 of Appendix 1. All responses have been considered and the Council's response/action taken to the feedback is included within the table (s5.3).

- 3.3 S5.3, Appendix 1 also includes the responses to the consultation relating to the proposed locations of new, pre-determined street trading consent locations, and feedback in relation to the changes to the control and administration of the promotional pitches in the City Centre.
- 3.4 The Draft Street Trading Policy has been reviewed in light of the consultation and has been amended to accommodate some of the feedback given.
- 3.5 Following the responses to the consultation relating to the proposed new, pre-determined street trading consent locations, the decision has been made by the Head of Commercial Regulation to designate all locations. It has however been determined that the consent locations in Victoria Street and School Street will only be temporary pitches for use during events rather than continuously used, until such a time as there is sufficient footfall to support their full-time use.
- 3.6 It is proposed that the City Centre promotional pitches continue to be redesignated to Local Authority control as was approved by Regulatory Committee on 15 June 2022, and that this shall be in effect as of 1 April 2023.
- 3.7 Approval of the City of Wolverhampton Council Street Trading Policy will be required prior to a review of consent fees for street trading, which will be calculated on a cost recovery basis in line with the agreed policy. Should the policy be agreed, a further report will be brought to Regulatory Committee regarding the consent fees.

#### **4.0 Financial implications**

- 4.1 The fees for street trading have been kept at their current level for more than eight years. The Committee have previously agreed reductions and fee-free periods to help traders through, and to recover from the Covid-19 pandemic. The draft policy will be reviewed prior to amendment of consent fees, which will be calculated using a cost recovery basis.
- 4.2 The cost of introducing, administering, and enforcing street trading consents will be recovered through the application fee and will be delivered within the budgets for the Street Trading function. This will be monitored as part of the routine quarterly revenue monitoring.

[SB/29112022/K]

#### **5.0 Legal implications**

- 5.1 Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982 and involves the sale and exposing or offering for sale any article (including living things) in a street, road, footway, beach, or other area to which the public have access without payment.
- 5.2 On 24 May 1983 the Council's former Policy and Resources Committee agreed to adopt schedule 4 of the Act. This allowed the Council to comprehensively control street trading within the borough (now City).

- 5.3 This was subsequently adopted by Full Council on 6 July 1983, when it was resolved to designate all streets within the Borough (now City) as consent streets. This means that any trader is required to apply for street trading consent if they wish to operate from the highway or land to which the public have access with to without payment.

[AB/24-11-2022/105]

## **6.0 Equalities Implications**

- 6.1 The Public Sector Equality Duty (under the Equality Act 2010) places a duty on Local Authorities to have due regard to achieve the objectives set out under s149 of the Equality Act 2010, namely the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 6.2 Market traders through their consent have the same duty to ensure that they are acting in line with the Public Sector Equality Duty and within the Equality Diversity and Inclusion Policy.
- 6.3 An equality assessment of the policy has been undertaken and is attached as Appendix 3.
- 6.4 Several positive equality outcomes have been identified and included within the policy including:
- A. the Council will favourably consider traders who make allowances for disabled customers
  - B. the Council will favourably consider traders who can offer culturally diverse trade lines
  - C. the requirement for consent holders to comply with the Public Sector Equality Duty will be included within the consent conditions

## **7.0 Health and Wellbeing Implications**

- 7.1 When assessing each application for a street trading consent, a key consideration will be how the health of the public in Wolverhampton can be protected and promoted as far as reasonably practicable. Particular attention will be paid to the promotion of the health of children and young people in Wolverhampton.
- 7.2 Consideration will be given to things that have a negative public health impact for example the locality of fast-food units near to schools and gyms. The policy specifically outlines that the sale of food or drink by means of a mobile unit such as an ice cream seller is prohibited within 50 metres of a school or religious building.
- 7.3 The policy includes a requirement to ensure that the food business operator complies with the requirements of Retained Regulation EC No. 852/2004 (food hygiene standards) particularly, Chapter III Requirements for movable and/or temporary premises. To ensure that businesses maintain high standards a requirement has been included within the

policy that a Food Hygiene Rating Scheme score of 4 or 5 must be in place or obtained following an inspection by an Environmental Health Officer.

## **8.0 All Other Implications**

8.1 There are no other implications arising directly from this report.

## **9.0 Appendices**

9.1 Appendix 1: Street Trading Draft Policy Consultation Responses

9.2 Appendix 2: Street Trading Policy

9.3 Appendix 3: Equalities Assessment

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City of Wolverhampton Draft Street Trading Policy Consultation  
Response and Recommendations

**Regulatory Committee Report**

**Appendix 1 - Street Trading Draft Policy Consultation Responses**

## **1. Introduction**

City of Wolverhampton Council undertook a non-statutory public consultation exercise on the following in scope elements for the review of street trading:

1. draft street trading policy;
2. updated street trading consent conditions;
3. pre-determined consent locations;
4. return control of promotional spaces to the City of Wolverhampton Council.

This report summarises the opinions and views of key stakeholders (internal and external), presented during the consultation, by way of individual online survey submissions, written responses and in-person consultation sessions.

## **2. Timelines**

There is no statutory requirement to have a policy for street trading and therefore there is no statutory time period for consultation. However, the Council recognise the importance of the views from key stakeholders and undertook the consultation for the draft street trading policy from 7 July 2022 to 30 September 2022 (time period total 12 weeks).

The consultation on the pre-determined consent locations was undertaken 22 July 2022 to 18 August 2022 (time period total 4 weeks).

## **3. Overall format of consultation**

The aim of the consultation was to provide the general public, existing street trading consent holders, street trading associations, local businesses, business improvement districts and key decision makers with an opportunity to provide their views about the proposals to adopt a street trading policy for all Wolverhampton wards.

The Council in developing its strategy for consultation has in addition, taken account of best practice adopted by other councils relating to street trading policy adoption.

The consultation comprised a range of methods of communicating to interested parties about the proposals. These are outlined below. The work was split between an external audience and internal channels.

## **4. The forms of consultation / information provision**

### Other Councils

Walsall Council

Birmingham City Council



Internal services involved:

City Transport  
Enforcement  
Environmental Health  
Equalities  
Highways  
Legal  
Licensing  
Markets  
Planning  
Public Health  
Regeneration  
Safeguarding  
Street Scene  
Trading Standards  
Waste

Ward members:

All ward members contacted via bulletin and invited to an online question and answer session.

Online consultation

Using the Council's online consultation hub Citizen Space:

<https://consultation.wolverhampton.gov.uk/cwc/wolverhampton-street-trading/>

<https://consultation.wolverhampton.gov.uk/cwc/wolverhampton-street-trading-new-locations/>

Direct mailing (letter, email or both)

Existing street trading consent holders  
Street trading associations  
All businesses within the area concerning the pre-determined consent locations  
Business Improvement Districts  
Molineux catering team  
LSD promotions (independent market and events promotion)

Key stakeholders:

West Midlands Police  
West Midlands Fire Service  
Counter Terrorism

In-person Consultation Sessions

A range of public consultation sessions were also held at a venue or online:

### **Street Traders and Trader Associations**

Date & time: Friday 15 July 2022, 16:00 – 18:00

Venue: Council Chambers, Civic Centre, St Peter's Square,  
Wolverhampton WV1 1SH

Date & time: Sunday 21 August 2022, 09:30 – 10:30

Venue: Zoom

Date & time: Wednesday 21 September 2022, 19:00 – 20:00

Venue: Zoom

### **Wolverhampton Business Improvement District (BID)**

Date & time: Tuesday 12 July 2022, 15:30 – 16:30

Venue: (BID AGM) Casino 36, 56-58 Temple Street,  
Wolverhampton WV2 4AQ

Date & time: Thursday 18 August, 13:00 – 14:00

Venue: Microsoft Teams

### **Local Businesses**

Date & time: Monday 1 August 2022, 13:00 – 15:00

Venue: Wolverhampton City Archives, Whitmore Hill,  
Wolverhampton WV1 1SF

### **Ward Members**

Date & time: Thursday 18 August 2022, 17:00 – 18:00

Venue: Microsoft Teams

## 5. Consultation responses overall

Respondents were requested to make representations on the proposals by online questionnaire, with emails / direct letters also invited.

The summary of feedback and the Council's response are outlined in Section 5.3.

### 5.1 Internal and key stakeholder responses

Consultee Service	Representative/s	Date of comments	Quality assurance / comments returned
Fire Service	Fire Safety Officer and Licensing	30/03/2022	WMFS are not statutory consultees for street trading licenses. Unless it impacts upon the Licensing Act 2003, it does not fall within the scope of WMFS enforcement or consultation activity at present.
Police	Wolverhampton City Centre Inspector	14/04/2022 / 05/05/2022	Comments made regarding mitigation to violent persons, Protect Duty to the policy and comment to bin provision.
Counter Terrorism	Counter Terrorism Security Advisor	27/09/2022	Advice provided on vehicle mitigation measures. A new addition has been made to <i>Appendix C - Street Trading Consent Conditions</i> : "Vehicles will not be permitted adjacent to a street trading unit unless permission has been granted by the Markets General Manager. Consent holders will have to comply with measures advised by a Council Officer of the police."
Safeguarding	Service Manager, Safeguarding and Exploitation	10/05/2022	Advised inclusion of DBS and a condition that traders are to complete Safeguarding and Exploitation training.
Legal	Senior Solicitor	05/05/2022	Comments added to Transfer of Consents. Comments added to Enforcement Actions. Additions added to paras 10 (occasional consents) & 2.3 (clarity to standard conditions).
Highways	Service Lead, Traffic and Road Safety	27/04/2022	Comments added in relation to towbars.
Planning	Section Leader	04/05/2022	No comments or additions to make to Draft Policy, Appendix 2 & Appendix 3.
Street Scene	Environmental Place Based Development Manager	27/04/2022	No comments or additions to make to Draft Policy, Appendix 2 & Appendix 3.

Waste	Waste and Recycling Development Manager	03/05/2022	Comments added to Policy in relation to waste bin provision by traders.
Regeneration	Regeneration Manager	28/04/2022	No comments or additions to make to Draft Policy, Appendix 2 & Appendix 3.
Markets	Markets General Manager	Throughout process	Comments added throughout policy and appendices addressed prior to working group circulation.
Enforcement	Section Leader, Compliance	05/05/2022	Comment added regarding stabilizing legs on trailers.
Equalities	EDI Advisor	05/05/2022	Advice provided relating to Public Sector Equality Duty and suitability of applicant (traders giving consideration for disabled customers preferred).
Trading Standards	Service Manager, Trading Standards	03/05/2022	Addition made to Enforcement Actions in policy.
Public Health	Senior Public Health Specialist	05/05/2022	Comment added regarding rewording of the consideration of the health of the public in section Protection and Promotion of the Public's Health in Wolverhampton
	Director of Public Health	20/07/2022	Comments made on Vehicle Mitigation Measures
Environmental Health	Team Leader, Environmental Health	29/04/2022	Comments added to clarify minimum 4-star rating requirement, evidence for Food Safety training, gas / electrical certificates provision and last inspection report (previous Local Authority).
Licensing	Section Leader, Licensing	11/05/2022	Comments added in relation to evening consents.
Urban Traffic Control	Team Leader, Urban Traffic Control	24/10/2022	Comments made in relation to the Site Assessment (obstruction of utilities / highway infrastructure; impact on cycling); Traffic Regulation Orders (access control bollards); physical safety and trader liability for structures; change reference of service to City Transport.
Transport Strategy	Service Lead, Transport Strategy	24/10/2022	Agreement with Urban Traffic Control's comments, nothing further to add.

## **5.2 Ward members responses**

Fifteen ward members attended the online, drop-in consultation session; Councillor Moran, Councillor Hyatt, Councillor Dalton, Councillor Russell, Councillor Page, Councillor Jaspal and Councillor Singh asked questions on various topics, whereby Officers provided answers and took comments provided on board, where applicable.

### 5.3 Consultation responses summary

Policy or Survey reference	Amend / inclusion / suggestion / survey answer	Contributor	Date provided	Council response / how will the draft policy be updated?
<b>Section 8.0 Key Considerations when Assessing an Application – Needs of the Area</b> <b>Reference: multiple tradelines</b>	<p>How are the Council to assess / monitor duplicate street trading tradelines?</p>	Street Trader	15/07/2022	<p>An Assessment Criteria will be created which will provide CWC Officers with a method to consistently and fairly assess all application criteria, including tradelines.</p>
<b>Section 8.0 Key Considerations when Assessing an Application – Additional Workers</b> <b>Reference: ID Cards</b>	<p>High turnover of staff on some units would make cards costly and impractical. Could there be a new assistant “trial period” prior to obtaining a card?            Can ID Cards be for the consent holder / one vendor only, to just be displayed on request?</p>	Street Trader	15/07/2022	<p>New starters could be issued with a temporary ‘trainee’ card at their employment inception and during their training period before obtaining an individual card once past their probation. But it will be a requirement for all workers to display an ID card. A two-week grace period will be allowed during new starter training period before an ID card check will be required. This has been added to the policy.</p>
<b>Section 8.0 Key Considerations when Assessing an Application – Suitability of the Applicant</b> <b>Reference: DBS Checks</b>	<p>High turnover of staff on some units would make immediate checks and cards costly and impractical. Could there be a ‘new assistant trial period’ prior to obtaining a check? Can ID Cards be for the consent holder / one vendor only? (To be displayed on request).</p> <p>One response alleged such checks would be discriminatory against anyone with any convictions.</p>	Street Trader Survey responses	15/07/2022	<p>As the Council cannot request DBS checks for businesses, and as businesses perform their own employee checks, it is important that all street traders can evidence they are licensed by the Council, and all staff will require a DBS check and ID card. This requirement will be for all types of street traders, including mobile consents and match day consents.</p>

	Other responses referred to the checks being an employer's responsibility and not the Council's.			A two-week grace period will be allowed during new starter training period before a basic DBS check will be required. <i>Section 21.0 Interim Arrangements – Implementing the Policy</i> has been amended to outline the 2-week week “grace period” for DBS checks. <i>Appendix D - Guidelines On Relevant Convictions</i> contains detailed information on types of convictions for each case to be decided on its own merits.
<p><b>Section 13.0 Temporary Relocation</b></p> <p>Page 21</p>	Clarity is required, e.g., street works which deems relocation absolutely necessary. If a suitable alternative cannot be found, would there be a suspension of fees? Without clarity it is vague and open to interpretation	Street Trader	15/07/2022	<p>Clarification has been added to <i>Section 13.0 Temporary Relocation</i> and <i>Appendix C – Street Trading Consent Conditions: Should a pitch become temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council will not be liable for any claims for loss of earnings etc. If agreement cannot be reached on relocation, then consideration needs to be given by the trader in terms of giving notice for the consent and by the Council in terms of revoking the consent.</i></p> <p><i>If the Council offer an alternative pitch then there will be no suspension of consent fees.</i></p>
<b>Section 15.0 Applications for Grant or Renewal – Consultation</b>	Concern over Business Improvement Districts / shops objecting to the location of a long standing street trader; causes uncertainty that business will influence a decision to move a trader on.	Street Trader	15/07/2022	The Council has provided assurance to street traders on many occasions, and prior to this consultation, that the street trader locations are a Council decision, and although businesses (shops) maybe consulted on a consent, businesses do

				not have decision making power regarding a trader's location.
<b>Section 8.0 Key Considerations when Assessing an Application – Prevention of Nuisance</b> <b>Reference: Waste disposal.</b>	Very minimal waste is generated, this is often removed from site and disposed of domestically.	Street Trader	15/07/2022	Food traders are responsible for the disposal of their own waste in accordance with legislation. The policy has been amended with this statement for consistency.
<b>Special events and occasional markets</b>	The Council ought to amend and introduce an “inclusion policy” with the written definition of including all annual street traders.	Street Trader	21/08/2022	Following due consideration, the policy shall not be amended to include this suggestion.  Reason: the contractual arrangements fall within the remit of City Events Team.
<b>Section 0.7 Types of Street Trading Consents</b> <b>Reference: Evening Consents</b>	Can the evening consent be reverted to the original time of 18:00? Can it be extended until 06:00 to cater for the late-night customers that exit the Gorgeous nightclub?	Street Trader	21/08/2022	Following due consideration, the policy shall not be amended to include this suggestion.  Reason: due to street cleansing timetable.
<b>PLM (private land match day) Consents</b>	PLM consent for Molineux match days for further consideration.	Street Trader	21/08/2022	Consents can only be for match days. Consideration will be given during the SAG process as to whether traders will be allowed to trade for events.
<b>Section 8.0 Key Considerations when Assessing An Application – Suitability of the Trading Unit and Appendix B</b>	What is the timeframe for new unit designs? Consideration should be given to financial commitments on carrying this out, as street traders may not be able to put aside funds. Survey responses ranged from “3 – 6 months” to “10 years” transition period.	Street Trader Survey responses	21/08/2022	The timeframe will be a committee decision, but the Commercial Regulation Manager recommends at least 18 – 24 months for existing traders to transition their units. New applicants' units will have to meet the criteria straight away.



				<i>Section 21.0 Interim Arrangements – Implementing the Policy</i> has been amended to outline the transition period.
<b>Appendix C – Street Trading Consent Conditions</b> <b>Reference, Survey Question:</b> <b>The condition relating to the transfer of the consent to a third party has been removed, applicants instead will be required to complete a new application form.</b>	The responses received did not relate to the question asked. Instead, the comments were around business ownership.	Survey responses	30/09/2022	The decision to sell the business on lies with the business owner. The decision to grant a consent for a specified pitch lies with the Council. Consents are for a 12 month period and a new application would be required for any change in consent holder. <i>Section 16.0 Variations</i> has been amended to clarify that “a variation application can be used to inform the Markets Service of a change of current consent holder’s details, such as name, address and contact details”
<b>Reference, Survey Question:</b> <b>Safeguarding and Counter Terrorism (ACT Awareness) training will become mandatory for all street trading consent holders and any additional workers working with them. If you are an existing or prospect consent holder, when and how would you prefer to receive your training (online or in person)?</b>	Not the job of the trader. Delivered in person	Survey responses	29/09/2022	Due to the nature of street trading and the fact that individuals can apply for a consent at any time, it won’t be practical or cost effective to undertake training in person with a training provider with a minimum number of delegates. Training delivered online to an individual is therefore deemed the most appropriate delivery method. It is the responsibility of all citizens to be vigilant and understand the signs of a terrorist attack.
<b>Appendix C Street Trading Consent Conditions - Conduct</b> <b>Reference Survey Question:</b> <b>Consent holders must comply with the Public Sector Equality</b>	Should be personal belief and choice	Survey responses	29/09/2022	The Authority believes that all consent holders should consider how their behaviour affects people who are protected under the Equality Act 2010.

<b>Duty. If you object to this change, please state why.</b>				
<b>Section 8.0 Key Considerations when Assessing an Application – Suitability of the Applicant Reference, Survey Question: All food traders will be expected to maintain a 4-star rating following an inspection from Environmental Health. If you object to this change, please state why.</b>	Responses were split between requiring 5-stars and that the proposal discriminated against street traders.	Survey responses	29/09/2022	The Council has no power to require a minimum food rating from businesses. The Council issues the consents for street trading and are therefore able to control the quality and standard of the street trading food provision.
<b>Section 8.0 Key Considerations when Assessing an Application – Needs of the Area</b>	With regards to this paragraph, I would expect that the impact of a trading outlet selling a same / similar goods or products within 200 metres would need to be considered in the city centre in the same way as any other location. I would therefore welcome the removal of the text (excluding the city centre) to reflect the difficult trading conditions all businesses continue to face post pandemic no matter where their location. The city centre should be considered with the same importance and impact on existing outlets as other areas.	Wolverhampton Business Improvement District (BID)	20/09/2022	The text “(excluding the City Centre)” has been removed.
<b>Appendix A – Pre-determined Consent Locations</b>	Please can all the location information be reviewed as many of the retail units referred to by way of identifying the location for each of the trading pitches is out of date especially for the Dudley Street and Non-Dudley Street locations. A plan	Wolverhampton Business Improvement District (BID)	20/09/2022	This list was for initial reference as part of the policy consultation. <i>Appendix A - Pre-determined Consent Locations</i> will be replaced by a map of all existing consent locations which will be published on the City of Wolverhampton

	of the location of the trading locations would have really assisted in understanding the impact of the changes proposed in the consultation document.			Council website once the policy is implemented.
<b>Suggestion: Flower Seller Pitch</b>	We would welcome the injection of a vibrant sense of colour back into our city centre streets by the introduction of a Flower seller – would this be possible to identify a city centre location for this? We would consider Dudley Street / Queen Square, Victoria Square or the New Square (Bell Square) might offer a good location.	Wolverhampton Business Improvement District (BID)	20/09/2022	A flower seller could apply for any of the existing designated pitches within the city centre. Should they want to sell goods from an area that isn't currently designated, they can apply for a street trading consent which will be assessed.
<b>Appendix A – Pre-determined Consent Locations Reference: Victoria Street Pitches</b> 25	Appendix A identifies one trading pitch adjacent to Queens Arcade which we would respectfully ask that the trading lines for this location are sympathetic to existing business outlets. Whilst we welcome the public realm improvements, we do not wish to add competition on to the disruption for existing businesses in the area who have already faced significantly reduced footfall and trade in an already difficult post pandemic trading period.	Wolverhampton Business Improvement District (BID)	20/09/2022	Should a consent be applied for at that location, they would be subject to the assessment framework that is being introduced into the policy.
<b>Appendix A – Pre-determined Consent Locations Reference: (Queen Square) Evening Consent Location</b>	Within Appendix A there is no specific location identified for the evening pitch at Queen Square which is a longstanding pitch in frequent use. Whilst we are aware of the location of the pitch being close to the man on the horse statue in Queen Square we would recommend that this pitch	Wolverhampton Business Improvement District (BID)	20/09/2022	The Council are aware that the current evening consent holder, located on Queen Square has to move around if there are events on in that area. Regarding the discolouration from grease on the paving at the pitch location, we've referred the matter to

	<p>location would be better utilised for the positioning of the Late-Night Safe Haven. This location close to the Man on the Horse Statue would be better utilised and would offer a more visible/ prominent location for this fundamental resource making it more visible to a wider number of passers-by in the evening economy – therefore supporting a safer night-time economy for all. This location would also better facilitate the safe transfer of Safe Haven clients to the nearest taxi ranks.</p> <p>I also note that the cleansing required close to the evening pitch needs to be enhanced to remove discolouration from grease on the paving at the pitch location.</p>			<p>street cleansing and will speak to the consent holder regarding this.</p>
<p><b>Section 8.0 Key Considerations when Assessing An Application – Suitability of the Trading Unit and Appendix B</b></p>	<p>We welcome the opportunity to add vibrancy and character to our High Street through the introduction of individual and bespoke trading units. The timescales in which this should happen should be within the next 3-6 months - to inject individuality into the street scene but also to allow a reasonable time for existing stall holders to consider the design of their units.</p> <p>Whilst the preamble of the committee report emphasises bespoke designs, I think the wording contained within the draft consultation document itself could be stronger to more effectively encourage this. The design brief could also be amended to inspire individuality, vibrancy and to add a</p>	<p>Wolverhampton Business Improvement District (BID)</p>	<p>20/09/2022</p>	<p>The wording to this part of the policy has been amended to encourage vibrancy and individuality of unit designs. The timeframe will be a committee decision, but the Commercial Regulation Manager recommends at least 18 – 24 months for existing traders to transition their units. New applicants’ units will have to meet the criteria straight away. The additional criteria for traders in Dudley Street and Queen Street set out in <i>Appendix C – Street Trading Consent Conditions</i>, are functional requirements of the units as part of the conditions and are deemed separate to the design brief set out in <i>Appendix B – Design Brief for Units</i>. Therefore, no change will be made.</p>

	<p>sense of individual identity to our street scene.</p> <p>We would like to recommend that the additional criteria for traders in Dudley Street and Queen Street set out in Appendix C also be highlighted in the initial paragraph of the design brief of Appendix B for clarity of the requirements?</p>			
<p><b>Reference: Promotional Spaces (City Centre)</b></p> <p style="text-align: center;">Page 27</p>	<p>Wolverhampton BID Company Ltd currently manages the 4 promotional spaces in the city centre. We have effectively managed these spaces since 2015, initially having a service level agreement in place (2015 – 16) between ourselves and the City of Wolverhampton Council to manage these 4 spaces to add vibrancy and interest into the street scene and ensure the spaces are effectively and appropriately managed in accordance with the requirements of terms and conditions produced by the Council. We have invested significantly in terms of time, administration, promotion, and organisation of the management of the spaces with the role being undertaken by the BID team.</p> <p>As a BID Company any income we receive whether it be through the BID levy or income from the management of the promotional spaces we guarantee that this is utilised to support additional city centre events and activities to drive footfall,</p>	<p>Wolverhampton Business Improvement District (BID)</p>	<p>20/09/2022</p>	<p>The management of the spaces are to remain as proposed. All the positives raised by the BID can be achieved from management within the Markets Service.</p> <p>Closer controls and effective management can be provided with an approach consistent to the whole City. The Street Trading function is excluded from the BID, none of the street traders benefit directly from or contribute to the BID Levy. It is therefore preferable to keep the two separate.</p>

encourage dwell time and to always support our city centre businesses. Due to our remit, we absolutely guarantee that income received through the management of the promotional space would always be utilised to benefit the city centre. We would be concerned that if the Council were to remove these services from the BID's management, that the Council would not be able to ringfence any income received via the city centre's promotional spaces to support the city centre vibrancy in the same way.

We maintain an up to date booking system, respond and encourage bookings, meet the requirements of the terms and conditions, provide maps and access route maps to all enquiries and update these wherever necessary.

We have an established relationship with promoters who are keen to utilise the promotional spaces at Queen Square and Dudley Street, having built these relationships over the last 7 years.

For each booking the BID's Ambassador service meet and greet each promoter and to ensure they are located in the correct location and that they are operating within the requirements of the terms and conditions for the space. I appreciate that the Council could introduce this

service too to ensure the effective management of the street scene, this is already part of the Ambassador's team engagement role.

Whilst we appreciate that the City Council are the highway authority, wherever required we seek clarification and consult with the relevant council officer for more bespoke promotional activities in terms of weight loads and access requirements. However, we know that the number of times we require this input from the City Council is limited and therefore we do not unnecessarily burden the Council's highways team with enquiries due to our in-depth knowledge of the spaces, terms and conditions and other city centre operational activities. We would be keen to introduce a further promotional space close to the Queens Building at Railway Drive/ Victoria Square as we see this as a prime location to inject vibrancy and interest to footfall arriving into the city from all areas of the Interchange, whether it be via the bus station, trains station or soon to be complete, metro.

We have noticed that since the pandemic the promotional space bookings have predominately been from charities who have struggled to reach their customer base. This has resulted in reduced income as the charity rate is applied to bookings and means that income is close to one

	<p>third of what it had achieved pre-pandemic in 2019.</p> <p>We therefore respectively ask that the Council consider supporting the city centre's vibrancy and sustainability by continuing to enable the Wolverhampton BID Company to manage the promotional spaces. We would like to proceed with the management of the spaces on a similar basis to that of the 2015 – 2016 Service Level Agreement.</p>			
<p><b>Regulatory Committee report May 2022</b></p> <p>Page 30</p>	<p>Lastly, whilst we welcome the review of Street Trading arrangements, we would like to note that contained within Appendix 5 of the committee report associated with the Street Trading Consultation document reference was made to early stakeholder consultation that had occurred in May 2022. I must advise, whilst we were listed as one of the organisations that had fed into this early stakeholder consultation we were not involved in any early consultation and were not formally informed that this consultation was happening until 9<sup>th</sup> June 2022.</p>	<p>Wolverhampton Business Improvement District (BID)</p>	<p>29/09/2022</p>	<p>This was an error in the Committee report where the Council stated that consultation with the BID had taken place in May 2022. The Council acknowledge that the BID were consulted in the second stage of the process (June 2022)</p>
<p><b>Promoting the street trading offering to encourage footfall</b></p>	<p>Can the Council promote the city's street trading offer to help support it?</p>	<p>Street Trader</p>	<p>21/09/2022</p>	<p>The Council support the suggestion of promoting the street trading offering. The Markets General Manager regularly promotes the town centre Markets on social media and can also promote street trading as part of regular communications operations.</p>



The table below outlines revisions that the Council have made to the policy or its appendices at the close of the consultation period, the reasons for which have emerged during the review process.

Policy or Appendix Reference	Amend / inclusion	Date	Reason
<b>Appendix C – Street Trading Consent Conditions</b>	Addition: “The unit must be maintained at an acceptable standard throughout the duration of the consent. Should the consent holder be advised by an Authorised Officer of the City Council, of any repairs or works required to the unit, these should be carried out at the timescale agreed.”	04/10/2022	Following analysis of the responses to the proposed new unit design criteria, and review of the conditions, it was noted that there was no condition relating to the upkeep of the unit. This has been subsequently added to ensure units are maintained at a high standard throughout the city and throughout the duration of a consent.

## 5.4 Draft street trading policy online survey

A total of seven people completed the online questionnaire for the proposed draft street trading policy.

### Topline demographic information

#### Gender

Male	43%
Female	14%
Not answered	14%
Prefer not to say	29%

#### Disability

Disability	14%
No disability	29%
Not answered	14%
Prefer not to say	43%

#### Age

35 - 44	14%
45 - 54	14%
55 - 64	30%
65+	14%
Not answered	14%
Prefer not to say	14%

### Survey questions and responses

1. **To what extent do you think street trading plays an important role in attracting people to Wolverhampton City Centre and Bilston and Wednesfield Town Centres?**

Very important	71%
Somewhat important	29%
Not important	0%
No opinion	0%

- 
2. **The draft policy sets out a trading unit design brief, with the intention of encouraging attractive, unique unit designs. What transitional period should be allowed for implementing the proposed unit design criteria for exiting consent holders?**

Less than 3 months	0%
3 - 6 months	14%
6 months - 1 year	29%
1 year	14%

2 years	0%
Other. Please state.	43%

'Other' responses ranged from three to ten years.

**3. In assuring the public that street traders are safe and responsible individuals, should Disclosure and Barring Service (DBS) checks apply to existing consent holders?**

Yes	43%
No (if No, explain why)	57%

'No' responses:

One response alleged such checks would be discriminatory against anyone with any convictions.

Other responses referred to the checks being an employer's responsibility and not the Council's.

**4. Safeguarding and Counter Terrorism (ACT Awareness) training will become mandatory for all street trading consent holders and any additional workers working with them. If you are an existing or prospect consent holder, when and how would you prefer to receive your training?**

Online video training (accessible any time)	14%
Delivered in person at a designated venue (daytime - before 5.00pm)	0%
Delivered in person at a designated venue (evening - after 5.00pm)	29%
This question is not applicable to me	43%
Other. Please state	14%

'Other' responses included that this was not the job of the street trader.

**5. Thinking now about the draft policy document layout and structure, how clear is the document to read and understand?**

Very clear	0%
Somewhat clear	42%
Not clear	29%
No opinion	29%

No other relevant comments provided.

**The conditions relating to consents have been revised and some changes have been made. Notable changes to the conditions are listed in the following [four] questions.**

**For each notable change, please state if you have any objection and why:**

- 5. The requirement for all street trading units to be plain white or silver has been removed.**

I have no objection to this change	100%
I object to this change	0%

- 6. The condition relating to the transfer of the consent to a third party has been removed, applicants instead will be required to complete a new application form.**

I have no objection to this change	57%
I object to this change	43%

'I object to this change' responses:

The responses received did not relate to the question asked. Instead, the comments were around business ownership.

- 7. Consent holders must comply with the Public Sector Equality Duty.**

I have no objection to this change	86%
I object to this change	14%

Objections related to personal choice.

**8. All food traders will be expected to maintain a 4-star rating following an inspection from Environmental Health**

I have no objection to this change	71%
I object to this change	29%

Responses were split between requiring 5-stars and that the proposal discriminated against street traders.

---

**9. Do you have any other comments about the draft policy or consent conditions that you would like to add?**

Yes	0%
No	100%

End Survey.

---

**5.5 Pre-determined consent locations survey**

A total of six people completed the online questionnaire for the proposed pre-determined street trading consent locations.

**Topline demographic information**

**Gender**

Male	33.3%
Female	33.3%
Prefer not to say	33.3%

**Disability**

Disability	0%
No disability	67%
Prefer not to say	33%

**Age**

35 - 44	17%
45 - 54	33%
55 - 64	17%
Prefer not to say	33%
Not answered	14%
Prefer not to say	14%

## Survey questions and responses



1. Do you think there should be pre-determined consent locations on Victoria Street and School Street (locations labelled A – D [on the accompanying map])? If you have answered No for any location, please tell us why, clearly indicating the location reference in your response:

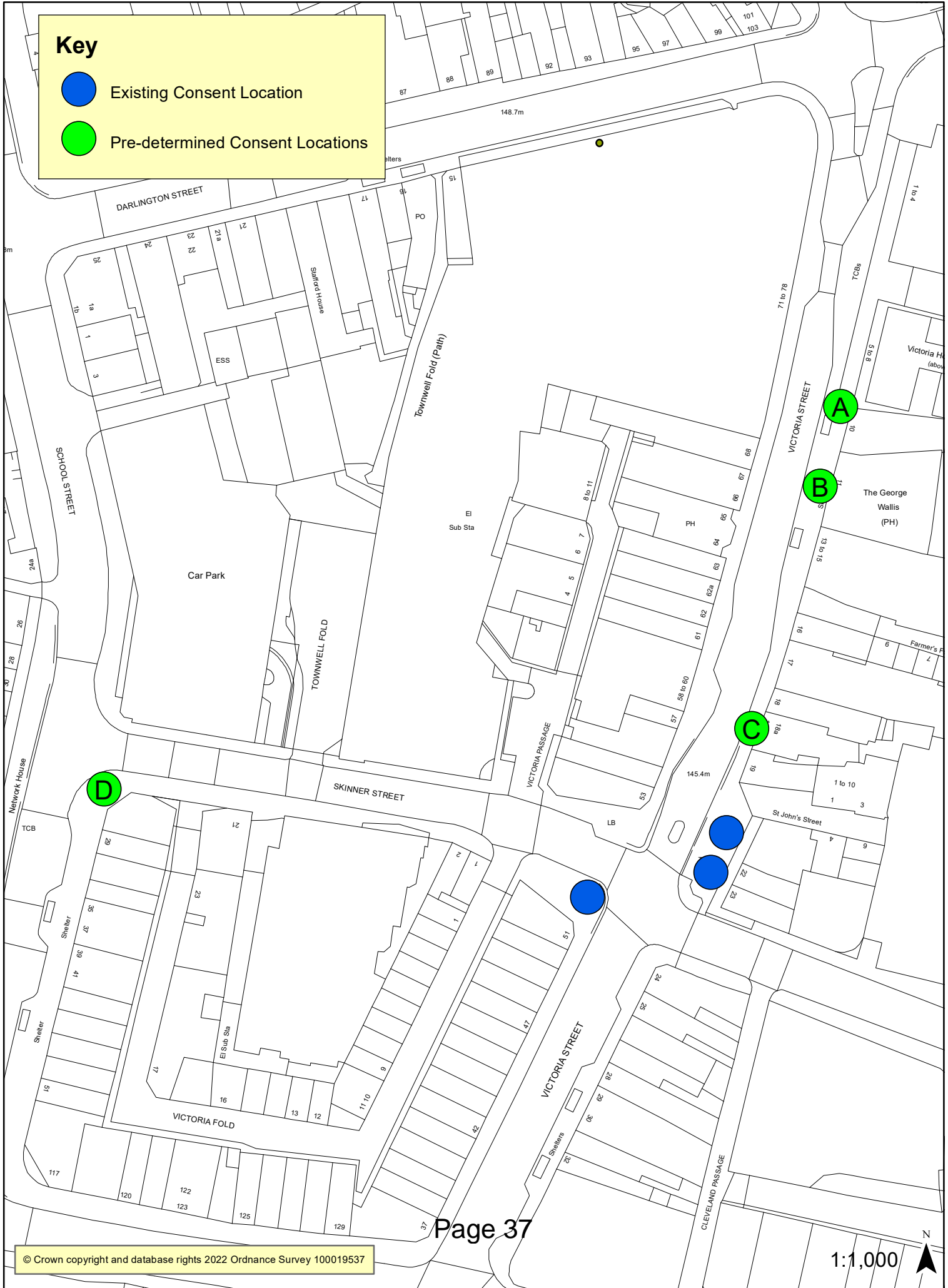
<b>Location A</b>	
Yes	33%
No	67%
<b>Location B</b>	
Yes	33%
No	67%
<b>Location C</b>	
Yes	33%
No	67%
<b>Location D</b>	
Yes	33%
No	67%

Responses naturally expressed concerns over other competing businesses. Current lack of footfall in the city caused concern that additional permanent trading pitches would have an adverse effect on existing businesses.

One response suggested using the pitches as evening consents.

**Key**

-  Existing Consent Location
-  Pre-determined Consent Locations

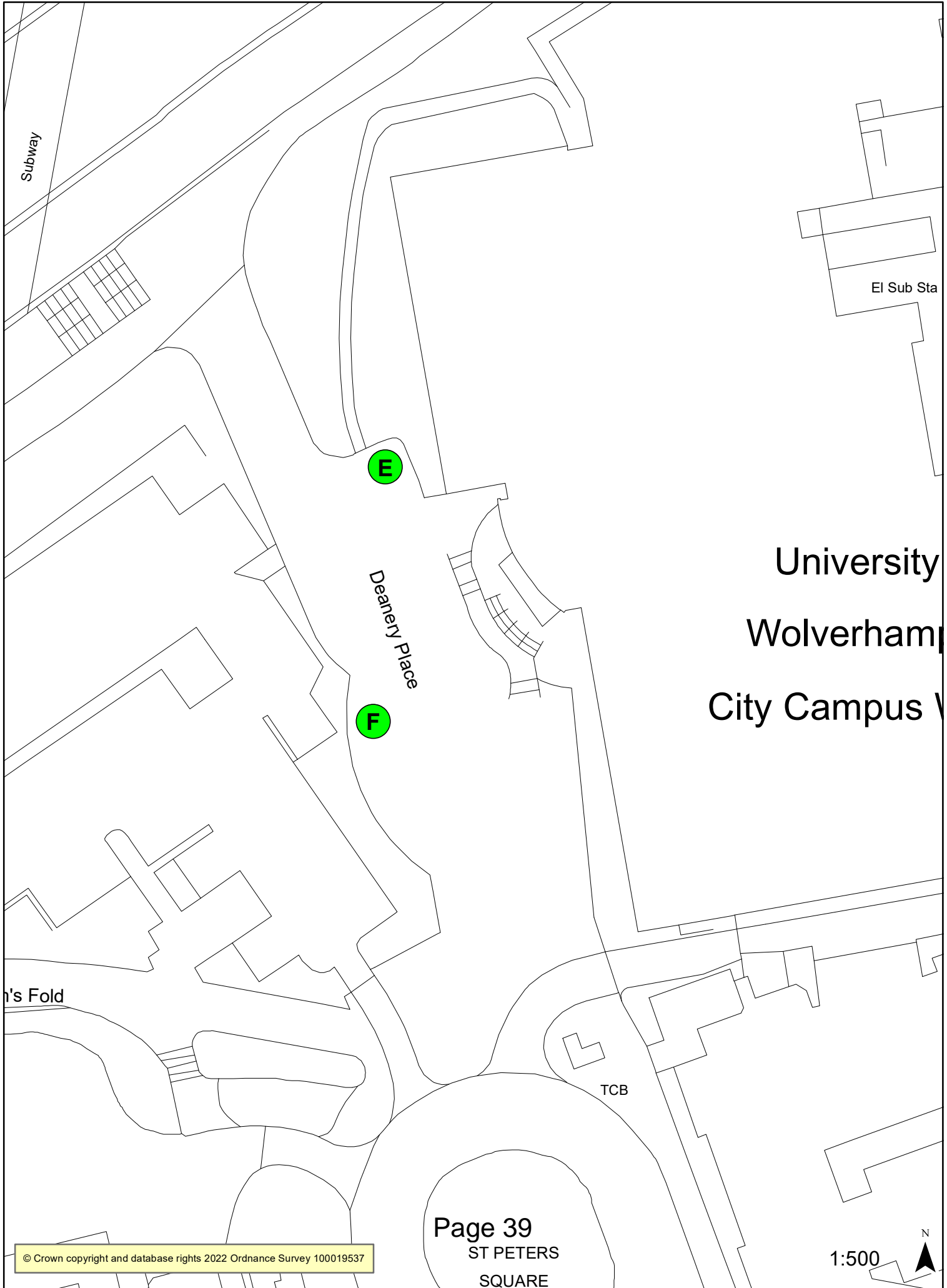


2. Do you think there should be pre-determined consent locations on Deanery Place (locations labelled E – F [on the accompanying map])? If you have answered No for any location, please tell us why, clearly indicating the location reference in your response:

<b>Location E</b>	
Yes	67%
No	33%
<b>Location F</b>	
Yes	67%
No	33%

While it was generally supported, it was raised that the pitch being nearer to the subway on match days may help footfall.

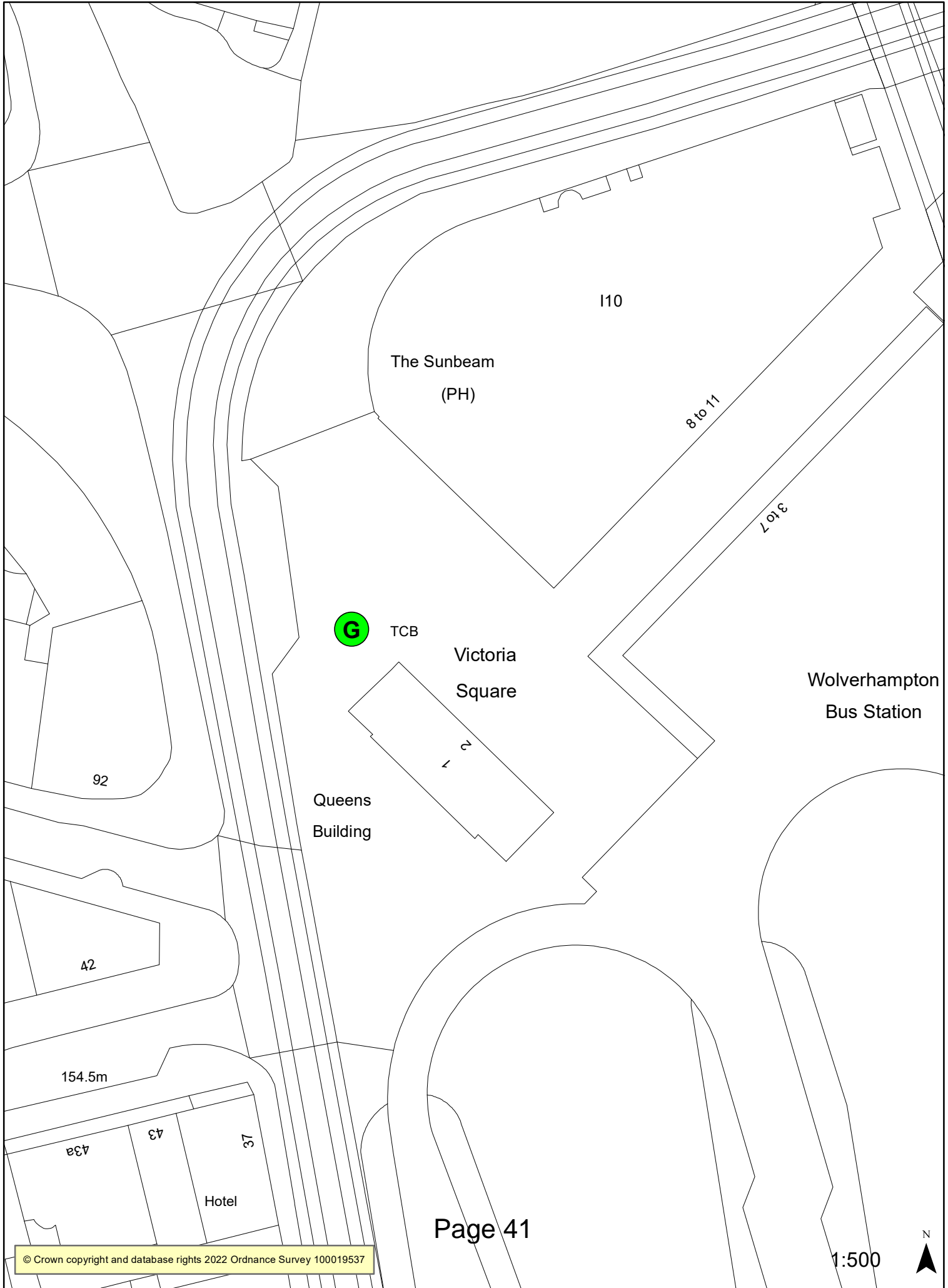




3. Do you think there should be pre-determined consent locations on Pipers Row (location labelled G [on the accompanying map])? If you have answered No for any location, please tell us why, clearly indicating the location reference in your response:

Location G	
Yes	50%
No	50%

Concerns raised around potential effects on existing businesses already affected by roadworks. Others noted there was previously a consent in this area and this permits it to return.



**4. Do you have any other comments about the proposed pre-determined consent locations that you would like to add?**

Yes	83%
No	17%

Concerns raised over the effect the proposed consent locations may have on their businesses.

End Survey.

# Street Trading Policy

Draft for Regulatory Committee

April 2023



# Contents

<b>1.0</b>	<b>Introduction</b>	<b>6</b>
<b>2.0</b>	<b>Purpose of the Policy</b>	<b>6</b>
<b>3.0</b>	<b>Definition of Street Trading</b>	<b>7</b>
<b>4.0</b>	<b>Why Do We Have Street Trading?</b>	<b>8</b>
<b>5.0</b>	<b>Types of Streets</b>	<b>8</b>
	Prohibited Streets	8
	Licensed Streets	8
	Consent Streets	8
<b>6.0</b>	<b>Street Trading Within Wolverhampton</b>	<b>9</b>
<b>7.0</b>	<b>Types of Street Trading Consent</b>	<b>9</b>
	Annual Street Trading Consents	9
	Temporary/Occasional Street Trading	9
	Peripatetic Consents	9
<b>8.0</b>	<b>Key Considerations When Assessing an Application</b>	<b>10</b>
	Public Safety	10
	Prevention of Crime and Disorder	10
	Prevention of Nuisance	11
	Visual Amenity	11
	Needs of the Area	11
	Protection and Promotion of the Public's Health in Wolverhampton	11
	Suitability of the Applicant	12
	Additional Workers	12

Suitability of the Trading Unit	13
Power	14
Advertising	14
Barriers and Furniture	14
Hours of Trading	15
Selling the Right Goods	15
Site Assessment	16
Other Criteria	16
<b>9.0 Consent Application, Renewal and Surrender</b>	<b>17</b>
Surrendering a Consent	17
<b>10.0 Special Event and Occasional Market/Fair Street Trading</b>	<b>17</b>
<b>11.0 Promotional Spaces</b>	<b>18</b>
<b>12.0 Letting and Sub-letting Pitches</b>	<b>18</b>
<b>13.0 Temporary Relocation</b>	<b>19</b>
<b>14.0 Fees and Charges</b>	<b>19</b>
Payment of Fees for Annual Consents	19
<b>15.0 Applications for Grant or Renewal</b>	<b>20</b>
Who Can Apply?	20
Making An Application	20
Insurance	21
Food Units	22
Receipt of Application and Fees	22

Consultation	23
Renewal	23
<b>16.0 Variations</b>	<b>24</b>
<b>17.0 Conditions for Consent Holders</b>	<b>24</b>
<b>18.0 Enforcement Actions</b>	<b>25</b>
<b>19.0 Appeal Against Revocation</b>	<b>26</b>
<b>20.0 Refusing Applications</b>	<b>26</b>
<b>21.0 Interim Arrangements – Implementing the Policy</b>	<b>27</b>
<b>22.0 Conditions, Complaints, and Offences</b>	<b>28</b>
Conditions	28
Complaints	28
Offences	28
<b>23.0 Definitions</b>	<b>29</b>
Roundsman	29
News Vendor	29
Pedlar	29
<b>Appendices</b>	<b>30</b>
Appendix A – Assessment Criteria	31
Appendix B – Design Brief for Units	34
Appendix C – Street Trading Consent Conditions	36
Appendix D – Guidelines on the Suitability of Applicants	45





## 1.0 Introduction

The City of Wolverhampton Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as “the Act”.

The Council recognises the contribution street trading can make to the local economy and to the facilities offered to people who visit, live and work in Wolverhampton. Street trading supports the City of Wolverhampton Council’s priorities:

- Thriving economy in all parts of the city
- More local people in good jobs and training

The aim of this Street Trading Policy is to create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder, and nuisance.

This policy will be reviewed in 2024/25 and then formally every five years; where any significant amendments are considered necessary, these will be made by the Authority function of the City of Wolverhampton Council after appropriate and relevant consultations have taken place. Minor amendments that do not impact on the aim and objectives of the policy, e.g., due to changes in legislation, review of design brief etc will be made in line with the delegation scheme.

An Equality Assessment on this policy has been undertaken.

## 2.0 Purpose of the Policy

This policy sets out the criteria and guidance that the City of Wolverhampton Council (hereafter referred to as “the Council”) will use as the regulatory framework for street trading. This policy also clarifies the requirements around special events and occasional markets. It gives prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them. The aim of this policy is to ensure that we deal with applications in a consistent, fair, and proportionate way.

The policy recognises the importance of street trading to the local economy and the character of the area whilst trying to ensure that location and activities do not cause obstruction, nuisance, or annoyance.

## 3.0 Definition of Street Trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as: *"the selling or exposing or offering for sale of any article (including living thing) in a street"*. The Act defines the term 'street' as including: *"Any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980"*.

The broad definition of 'street' ensures that other 'streets' located on private land such as gardens, car parks, forecourts etc are captured under the legislation and are included within the scope of this policy.

The Act in paragraph 1(2) of Schedule 4 states that the following types of trade are not street trading:

- a pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871
- anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment, or order
- trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980
- trading as a news vendor
- trading carried on at a premises used as a petrol station
- trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop
- selling things or offering or exposing them for sale as a roundsman



## 4.0 Why Do We Have Street Trading?

Street trading encourages a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads, and existing customer footfall. Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Wolverhampton.

Street trading supports The City of Wolverhampton's priorities of:

- Thriving economy in all parts of the City
- More local people in good jobs and training

The introduction of this policy will promote the ethos of the licensing objectives introduced by the City of Wolverhampton Council:

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- The protection of children from harm

## 5.0 Types of Streets

Streets may be designated as either 'prohibited', 'licensed' or 'consent streets' for the purpose of street trading. Definitions:

### Prohibited Streets

If a street is designated as a prohibited street, then a criminal offence is committed by any person engaging in street trading in that street. There could be several reasons for wishing to designate a street as prohibited. For example, the street may not be wide enough to facilitate a trader or the Council may wish to restrict trading in a particular location. There are currently no prohibited streets in Wolverhampton.

### Licensed Streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Wolverhampton.

### Consent Streets

Designating a street, a consent street, enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Wolverhampton are designated as consent streets.

## 6.0 Street Trading Within Wolverhampton

The City of Wolverhampton Council has designated all streets within Wolverhampton as consent streets. This enables trading to take place on all streets within the City, subject to approval by the City Council. Although the City Council will consider all applications for street trading to take place in any street within Wolverhampton there are pre-determined consents for several sites around the City. A list of the sites and their location can be found on the [City of Wolverhampton Council website](#).

This policy refers at times to the City Centre. This is defined as the area of the City within the inner ring road (A4150) Where an applicant wishes to trade on private land or land that is not Highway Maintained at Public Expense (HMPE), a consent will not be granted by the Council unless the applicant provides written permission from the landowner showing they have permission to trade.

Street trading consents are issued by the City of Wolverhampton Council.

## 7.0 Types of Street Trading Consent

### Annual Street Trading Consents

This consent enables the consent holder to trade up to seven days a week at a particular pitch within the City Council area. Annual street trading consents may run from 1 April until 31 March the following year. Consents can be applied for part way through the year, but they will only run until 31 March. An annual consent will not be granted for periods of less than four weeks.

This type of consent permits trading Monday to Sunday 07:00 hours until 21:00 hours. Annual evening consents permit trading Monday to Sunday 21:00 hours until 05:00 hours.

### Temporary/Occasional Street Trading

This type of consent will last for one trading day, for a particular pitch in Wolverhampton and permits trading 08:00 hours until 18:00 hours. No more than 30 consents will be issued per pitch, per trader, per financial year.

### Peripatetic Consents

This type of consent is for the sale of food or drink by means of a mobile unit such as an ice cream seller. This consent permits trading Monday to Sunday 08:00 hours until 20:00 hours.

No trading is permitted within 50 metres of:

- any entrance or exit to an educational establishment
- any retail shop or unit
- any religious premise or building
- or any licensed premises

This consent is not valid within the perimeter of any Council park, recreation ground or open space.

Not more than one consent holder is permitted to trade in a particular street at any given time.

No trader may remain static for more than 60 minutes in one location and must not return to the location within two hours.



## 8.0 Key Considerations when Assessing an Application

The following criteria apply to all types of street trading:

### Public Safety

- The proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. This includes consideration of access and egress on to site, any potential breach of Traffic Regulation Orders and any breach of a Statutory Authorities apparatus.
- All locations will require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.
- Applicants will be required to provide risk assessments in relation to their businesses.
- Risk assessments must take into consideration flammable substances, storage of flammable substances etc.

- The risk assessment will include control measures identified to reduce the risk of the vehicle being used as a measure of attack and measures to mitigate against violent persons.

### Prevention of Crime and Disorder

- The proposed activity should not present a risk of crime and disorder.
- Risk assessments must also take into consideration the handling of cash and the time of trading.
- Any utensils or cutlery must be kept safe and away from access to it by members of the public.

## Prevention of Nuisance

- Activities at the site must not cause a nuisance, annoyance, or disturbance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time the City Council receives complaints that a nuisance, annoyance or disturbance is occurring, the Council is duty-bound to investigate and, if complaints are found to be justified, may decide to take enforcement action, including withdrawal of the consent. Information will be shared with partner agencies for safeguarding purposes.
- A refuse bin suitable to contain the type and quantity of waste produced must be kept on site for static consents.
- The refuse bin will be the responsibility of the applicant or employees to clean at the end of each trading day.
- It will be the responsibility of the applicant to arrange waste removal and disposal (including the disposal of cooking oil) in accordance with current legislation.

## Visual Amenity

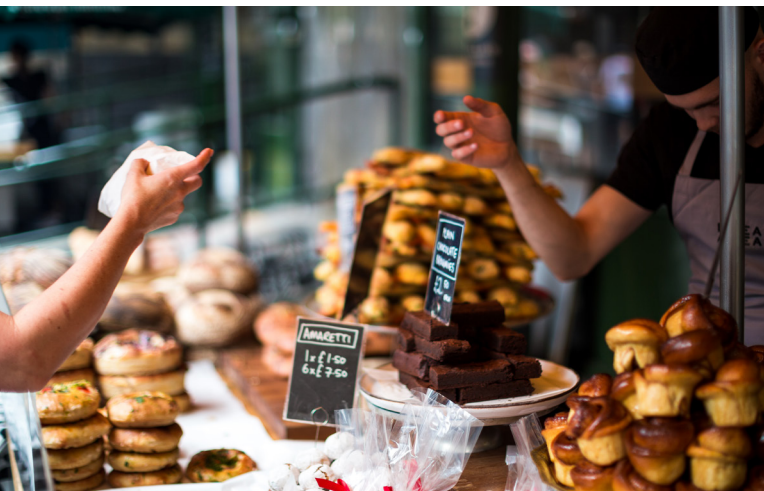
- The Council expects a high standard of presentation and appearance from its street traders. Consideration as to any visual obstruction or clutter resulting in the detriment to the street scene or local environment.
- The appearance of the unit must be clean and tidy and free from any rust or damage.
- Units must be clean at all times.
- The recommended pitch size is approximately 2m x 1.5m.
- Any potential damage to highway surfaces, planters, trees and any other street furniture will be considered.

## Needs of the Area

- The sufficiency of other trading outlets selling the same or similar goods/products within 200 metres will be taken into consideration when deciding applications.
- The suitability of the tradeline for the allocated pitch.
- Planning criteria concerning the compatibility of street trading with the street environment.

## Protection and Promotion of the Public's Health in Wolverhampton

- When assessing each application, a key consideration will be how the health of the public in Wolverhampton can be protected and promoted as far as reasonably practicable.
- Particular attention will be paid to the promotion of the health of children and young people in Wolverhampton.



## Suitability of the Applicant

- A basic disclosure check will be required for the applicant and any employees, which may be no more than one month old when submitted to the Council. **Appendix D** outlines the guidelines on the relevance of convictions when applying for a street trading consent.
- Proof of right to work in the UK will be required.
- An applicant's history of street trading will be taken into consideration e.g., whether previous street trading consents have been used appropriately, whether deadlines have been adhered to and the reliability of the applicant in paying fees and charges.
- Whether any applications to other local authorities have been refused or revoked.

If trading in food or drink:

- provide a declaration that you have registered as a food business.
- provide evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high-risk foods.
- applicants will be inspected by our Environmental Health Team once consent has been granted.

- applicant's will be required to obtain a minimum 4-star rating from the Environmental Health team, should you not receive the minimum star rating, your consent may be revoked/refused (this includes temporary traders).
- applicants will be expected to have an awareness of the CIEH's guidance on outdoor and mobile catering if selling food.

## Additional Workers

- Any additional persons working from the unit must have submitted an additional worker form to the Markets Service.
- An additional worker will be someone who will be working for more than seven days.
- Additional workers will be required to provide evidence of right to work in the UK and two passport sized photographs.
- Additional workers will be required to apply for a basic disclosure check two weeks after starting employment.
- All additional workers must pay a fee for an Identification badge (ID) to be issued to them after two weeks of starting employment. Before that time, additional workers will be required to wear a badge temporarily identifying them as a new worker.
- ID badges must be worn and visible to members of the public whilst trading.
- The Markets Service must be notified in writing on circumstances where temporary cover of trading has been arranged, this cannot exceed seven days.



## Suitability of the Trading Unit

- The design and appearance of the unit must be agreed by an officer from the Council before consent will be granted.
- The vehicle, trailer, or unit (now referred to as a 'unit' within this policy) to be used should be of a high-quality design (that complies with the Council's design brief – **Appendix B**), build, be harmonious with the character of the locality, add to the quality of the street scene and comply with the legal requirements for the activity proposed.
- The design brief will apply to all annual consents that are requested for longer than 12 weeks.
- The design brief does not strictly apply to annual consents of less than 12 weeks or for occasional consents or special events. However, the design brief should be used for guidance.
- A high-quality design means: materials used are of high quality; a design that that is attractive and may be unique.
- The unit may be inspected by an Officer from the Council prior to consent being issued.
- The unit will comply in all respects with any legal requirements relating to the activity proposed.
- The unit shall be of such a design that it facilitates timely and efficient removal. The unit must be removed each evening unless it is permitted to remain in situ.
- The unit shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Units and ancillary equipment and stock must be contained within the unit.
- Towing bars should be either removeable, retractable or suitably covered to avoid becoming an obstruction of the highway or a trip hazard.
- Prior to any consent being issued or in cases where a consented trader wished to change the unit, prior approval must always be sought from the Council. Proposals must include all display equipment and any attached, projecting, or free-standing elements.
- Applicants who wish to use a contained vehicle for street trading will be required to submit a valid MOT certificate on application and renewal.
- A risk assessment will be undertaken, and control measures identified to reduce the risk of the vehicle being used as a measure of attack.
- Contained vehicles are required to provide valid motor vehicle insurance to cover the period of the consent.
- Trailers or mobile vehicles that have had Gas, LPG or electric installed must provide gas safety certificates and electrical installation certificates.
- Where the proposed street activity is from a fixed position (static site), a map of the exact location for the unit will be required detailing the size of the unit.



- The map should be to a scale of at least 1:1250 scale clearly outlining the proposed trading location in red and its proximity to other similar retail outlets (shops etc) or roads nearby.
- Three colour photographs of any unit that will be used for the street trading activity showing the front, rear and side of the unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.
- The design brief will be kept under review and where appropriate will be subject change.
- The Council will favourably consider traders who make allowance for disabled customers (e.g., wheelchairs). However, this will not be a mandatory condition.

### **Power**

- City Centre units will be powered by electricity through a plug and use process. The trader must set up a contract directly with the energy suppliers.
- Prior approval must be attained from the Markets Service in relation to the use and type of generators.
- Generators will be permissible only when no other power source is available. Any trailing cables must be protected or so sited as to prevent a tripping hazard. Generators if permitted must be encased in an appropriate cover and secured to prevent movement of the unit. Generators should be positioned to minimise disturbance to residents or businesses from noise or fumes. Where generators are required, silenced generators or acoustically insulated generators must be sourced.
- The use of the generator must be incorporated into the applicant's risk assessment

### **Advertising**

- Advertising must only relate to goods offered for sale on the business.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the unit or kiosk without express consent of the Council.
- 'A' boards will be permitted to cover the tow bar of the unit only, Approval must be sought from the Markets Service prior to use. The use of any additional 'A' boards or any other display board/structures must be in accordance with Wolverhampton's policy.
- Any advertisement in relation to alcohol and cigarettes (except for seasonal temporary consent), of a political or sexual nature, or gambling will be prohibited.

### **Barriers and Furniture**

- Permission must be sought from the Council should you wish to have any barriers, tables, chairs, planters etc on site when applying for a static consent. This may fall under a different legislation or process.
- Barriers for safety purposes will only be allowed on a consent pitch where they have been specifically included within the unit's consent approval.
- Any barriers proposed shall not constitute a nuisance or danger under the Highways Act 1980, must not impede the free flow of pedestrians or traffic and must not restrict the pavement to inhibit social distancing (if it is required).

## Hours of Trading

Trading hours will be set on the basis of promoting the following purposes:

- preventing crime, disorder, and antisocial behaviour
- avoiding disturbance due to noise, smell, or any other matter the Council considers appropriate
- protecting public safety
- preventing obstruction of the highway
- having regard to location and operating hours of business activity
- protecting and promoting the public's health

## Selling the Right Goods

The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent. The quality of goods and innovative approach will be considered.

Quality of goods refers to traders making the proper (and legal) checks to ensure their goods are safe for use or consumption. In addition, the use of recyclable materials in the product or packaging or the reduced use of packaging to minimise plastic or other waste will be favoured.

Innovative products refer to goods that are not readily available within the high street marketplace.

Anyone applying for a unit must clearly state the nature of the proposed goods.

The goods must not:

- cause a nuisance, disturbance, or annoyance to nearby properties/people, including cooking smells, smoke, noise, litter, and additional cleansing requirements for the Council
- cause or contribute to crime and disorder – including the selling of fake or counterfeit goods
- have a negative public health impact e.g., the locality of fast-food units near schools, and gyms etc



## Site Assessment

In determining whether street trading in a particular area is appropriate, the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- Any loss of amenity caused by noise, traffic, smell etc
- existing traffic orders e.g., waiting restrictions
- any potential obstruction of pedestrian, vehicular, cycle or disabled access
- any obstruction to the safe passage of pedestrians and wheelchair users
- any nuisance/interruption to pedestrian flow or maintenance of appropriate social distancing
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises
- in terms of any land that is not Highway Maintained at Public Expense (HMPE) permission needs to be obtained from the landowner and submitted with the application e.g., private land

## Other Criteria

The following must also be adhered to:

- the consent holder must adhere to all directions given by the police or an Authorised Officer of the Council
- the consent holder will at no time have the exclusive right to trade from the street or any part of it
- street trading can take place in the area outlined in the consent and on days and hours detailed in the consent
- the consent holder may only trade in goods that are outlined on the consent
- a copy of the consent shall be made immediately available upon request to an Authorised Officer of the Council or the police
- all street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness
- no units are permitted to be left in situ overnight; the unit must be removed at the end of each trading day
- evidence that waste is being disposed of, in accordance with relevant legislation
- failure to comply with any of these requirements may result in refusal to issue or renew consent obstruction, or revocation of an existing consent
- an assessment framework has been developed and can be found at **Appendix A**. The framework can also be used on any one street where we receive more applications for an annual consent than availability of suitable locations (that comply with the street trading consent criteria). All applications will be considered on the basis of the highest score awarded through the assessment framework



## 9.0 Consent Application, Renewal and Surrender

Application or renewal applicants must submit a new application or a renewal application for an annual or occasional consent at least eight weeks before the date they wish to start trading. This is to enable the Council to consult with partner agencies. Failure to do so may result in a delay in being able to trade.

Consent holders will be reminded that their consent is due to expire at least eight weeks before the expiry date. This is done to assist the trader; the Council accepts no liability if the trader does not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent, to submit their application prior to the expiry of their consent and to update the Council should their contact details change.

### Surrendering a Consent

Where the trader wishes to surrender a consent, they must give the Council 21 days written notice.

Notice must be sent to:  
City of Wolverhampton Council  
Markets Service  
Temple Street  
Wolverhampton  
WV2 4AN

## 10.0 Special Event and Occasional Market/Fair Street Trading

Special event street trading consent is where there are two or more street trading consents to be issued to the traders at that event, and where the event is organised by a single person/organisation.

The organiser of the special event will apply to the Council for an occasional consent and request their event to be considered a 'special event' where street trading is taking part at the event. The event organiser will provide full details of each trader attending the event and inform each trader that they must apply to the Council for an occasional consent.

Occasional consents will be issued by the Council to individual traders on their successful application to the Council. All applications must be made eight weeks prior to the event taking place.

Any event where there are five or more units will be deemed to be a market and will be subject to an application for and the granting of a licence issued by the Markets Service. Street trading consent is not required for licensed markets.

## 11.0 Promotional Spaces

The Council has designated several pitches within the City Centre and Bilston for use as promotional pitches. These pitches can be booked on a daily or weekly basis. Applicants must provide full details of what they will be promoting and how they intend to promote it alongside their application.

Promotional consents will be issued by the Council to individual traders on their successful application to the Council. All applications must be made eight weeks prior to the event taking place.

## 12.0 Letting and Sub-letting of Pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances. Street traders must make full use of their consent. The Local Authority will assess whether a consent holder has made full use of their consent. Street traders shall notify the Council in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Council of the date upon which

they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the Council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/periods are applied for.



## 13.0 Temporary Relocation

Should a pitch become temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council will not be liable for any claims for loss of earnings etc. If agreement cannot be reached on relocation, then

consideration needs to be given by the trader in terms of giving notice for the consent and by the Council in terms of revoking the consent.

If the Council offer an alternative pitch then there will be no suspension of consent fees.

## 14.0 Fees and Charges

The City of Wolverhampton Council set fees and charges for street trading. Fees and charges are reviewed annually. There will be two fees:

1. application fee (non-refundable)
2. consent fee

Please visit: <https://www.wolverhampton.gov.uk/licences/street-trading> or contact the Markets Service on 01902 551155 to find out what the current fees and charges are for street trading. When making an application the application fee must be paid in advance and is non-refundable. Methods of payment are described on the invoice. The requirement to pay fees for the consent on or before the due date specified by the Council forms one of the conditions of the consent.

Where a consent is surrendered, the Council will remit or refund, as they consider appropriate, the whole or part of any consent fee paid for a grant or renewal of the consent subtracting any administration costs or any costs incurred in delivering the street trading service.

### Payment of Fees for Annual Consents

Annual consent fees are published on the City of Wolverhampton Council's website. The consent will run from 1 April until 31 March the following year. If an applicant makes an application during this period, the consent will cease on 31 March in the financial year that it was applied for or the length of time the annual consent is requested provided it expires before 31 March in the same financial year. Match day consents run from 1 August to 31 July.

Payment of fees for temporary/occasional consents are published on the City of Wolverhampton Council's website. For Occasional consents the applicant will need to pay prior to the consent being granted.

## 15.0 Applications for Grant or Renewal

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted or renewed where:

- enforcement action is pending or has previously been undertaken and proved against the applicant
- the holder is currently in arrears with any charges
- the location is unsuitable
- there is a potential risk to public safety
- the activities are likely to cause a nuisance, disturbance, or annoyance to neighbouring properties
- the applicant is unsuitable
- an applicant has failed to appropriately use previous consents
- the unit is unsuitable
- it may cause or contribute to crime and disorder

This list is not exhaustive.

### Who Can apply?

To apply for consent a person must be:

- an individual or business
- 17 years of age or over
- legally entitled to live and work in the UK

### Making an Application

All applications must be made online by visiting: <https://www.wolverhampton.gov.uk/licences/street-trading>

Applicants must complete the Council's prescribed application form in full, with all the required information, before it will be considered. All documents must be provided immediately on request. Failure to provide all documents will result in the application being refused.

If you are unable to apply online, require the application in an alternative format or have any queries relating to application form accessibility then contact the Council's Markets Service on 01902 551155.

A non-refundable application fee (based on the cost of administering the application) will be made upon submission of the application.

The application form must be submitted along with the following:

- a basic disclosure check no more than one month old
- photographic identification (e.g., Passport, photo card driving licence)
- an electronic photograph of the applicant(s)
- an electronic photograph of any assistant(s)
- clear and legible plan of site (if static application) on a scale 1:1250
- photographs of the trailer, unit, or vehicle proposed for use from all sides



- valid MOT certificate for the required vehicle (where applicable)
- valid motor vehicle insurance for the required vehicle (where applicable)
- valid Gas Certificate (any gas works carried out on the unit)
- valid safety certificate for any electrical works carried out
- Portable Appliance Testing (PAT) certificate
- the make and model of any generator to be used (if applicable)
- if a food unit - proof of food registration
- proof of right to work in the UK for the applicant and any assistant/s working under the consent
- additional worker forms and evidential checks (if relevant)
- written permission to trade from site (if private land)
- written permission to trade from parks and open spaces
- employer's liability insurance (minimum £5 million) where relevant will be required
- a copy of the public and employers' liability insurance schedule will need to be provided at the time of grant of the consent



## Insurance

Insurance requirements are as follows:

- the Council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade
- the insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached, or its sum altered as to provide less than the minimum value
- if the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the Council evidence that public liability insurance is continuous for the period of the consent
- traders are responsible for insuring their vehicles and their contents; the Council accepts no responsibility for any damages or losses

## Food Units

All food businesses must be appropriately registered with their Local Authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the Council may contact Environmental Health to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low-risk business will be determined by the Environmental Health Team), may be considered safe to trade whilst awaiting inspection by their Local Authority or in other circumstances. All other traders that sell or provide food must have a National Food Hygiene Rating of a 4 or 5. Where a rating drops below a 4 or where there is significant food hygiene or food safety breach whilst a consent is in place, the consent may be suspended or revoked. Applicants and consent holders should notify the Markets Service of any changes to their National Food Hygiene Rating.

Upon receipt of the complete application the Markets Service will consider the application in line with the key considerations outlined in Section 8 of the policy and conduct a consultation as detailed in this section of the policy.

Once the application is complete and has been accepted, the Council will either:

- determine to grant the consent as applied for and attach standard conditions
- determine to grant the consent with specific conditions or a variation to the application
- determine to refuse the consent

Where it has been determined to grant the consent, before the consent is issued the following must be provided:

- the appropriate fee
- evidence that waste is being disposed of, in accordance with relevant legislation

Where a consent is refused the Council will notify the trader in writing detailing the reason for refusal.

## Receipt of Application and Fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant non-refundable application fee has been paid.

The application must be completed in full. Incomplete applications will be rejected.

Failure to follow the application process may result in the consent being refused or delayed.

Applicants are encouraged to submit their applications no later than eight weeks before the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.

## Consultation

In determining a street trading consent, the Council may decide it is appropriate to consult with various people or groups. The Council will consider relevant representations.

The Council may consult the following people before determining a consent:

- West Midlands Police
- West Midlands Fire Service
- City Transport,  
City of Wolverhampton Council
- Planning Division,  
City of Wolverhampton Council
- Parks Division,  
City of Wolverhampton Council
- Business Improvement Districts
- businesses in the immediate area
- relevant services at the City of Wolverhampton Council e.g.,  
Trading Standards, Environmental Health, Waste Management etc
- any other person or body deemed necessary

Information obtained from these people/bodies will be considered during the application process and will help determine whether a consent should be granted.

## Renewal

The Council has adopted an assessment framework which can be viewed at **Appendix A**, with a limited presumption of renewal for a maximum of one 12-month period running from April to March the following year that the consent was granted. This will only be considered if there has been full compliance (and in the absence of contra indicators) with the consent conditions in the first year or part of.

On any renewal application after this maximum 24-month period, a full competitive reappraisal will take place. This is only a presumption of renewal and not a guarantee. There may be circumstances in which a renewal is not granted. Aside from failures to comply with consent conditions, examples include where changes to the locality since the original consent was granted mean that a first consent would not, at the time of renewal, have been granted for trading in that location, or otherwise where the Council's criteria for granting a consent are no longer met.



## 16.0 Variations

During the period of the consent, should applicants wish to add, or change any terms of their consent; e.g., time, commodities, trailer or vehicle, applicants can make this request by applying to vary their consent. The variation application will carry an associated application fee.

The application will go through a 10-working day consultation period, where the Markets Service will consult with the appropriate responsible authorities who they see fit depending on the nature of the application. Wolverhampton City Centre variation applications will be consulted with businesses within close proximity of the area of the consent.

A variation application cannot be used to change the location of the existing site; this would require a new application.

A variation application can be used to inform the Markets Service of a change of current consent holder's details, such as: name, address, and contact details. Holders of a consent will be required to pay an administration fee to make these minor changes.

## 17.0 Conditions for Consent Holders

Each application will be determined on its own merit, however each consent granted will be subject to the standard conditions and any other conditions the Markets Service deems necessary for the promotion of the licensing objectives.

The Markets Service will have powers to impose such conditions that have been agreed through mediation with responsible authorities or interested persons.

## 18.0 Enforcement Actions

Where the conditions of the consent are breached, and it is deemed appropriate, necessary, and proportionate for enforcement action to be taken then the following disciplinary process will apply. The process is:

### First offence

The consent holder will be verbally warned on site by an Authorised Officer of the Council and a written warning will be issued and placed on the trader's file.

### Second offence

Should the consent holder commit a further breach of the conditions within six months of the first offence, a final written warning will be issued and placed on the trader's file.

### Third offence

Should a consent holder commit a further breach within 12 months of the second offence, the consent holder will be asked for a written submission relating to the breaches. A Senior Authorised Officer of the Council will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a serious offence or there is a significant breach of the conditions to be considered as serious misconduct or such as to impact significantly on the following:

- public safety
- prevention of crime and disorder
- prevention of public nuisance
- the protection of children from harm

Then immediate suspension of the consent will occur which will trigger a review of the consent by a Senior Officer with a potential outcome being revocation. Written submissions for both the Markets Service and the consent holder will be sought prior to a decision being made.

Where circumstances change or there are serious concerns regarding a consent, Officers will compile a report for consideration by a Senior Officer. A copy of this report will be provided to the consent holder in advance of its consideration in order that they are able to provide any explanation or justification to support their position within a reasonable time (14 days). The matter will be determined after the 14 days whether a response has been received or not. The Senior Officer will consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

It should be noted that in addition to the removal of a consent the Council reserves the right to consider any other enforcement action in line with the Black Country Regulators Operating Framework.



## 19.0 Appeal Against Revocation

There is no statutory right of appeal against a decision to revoke a consent however an appeal may be made to the Council's Head of Regulation in writing within ten working days of the written revocation. After considering the original evidence (new evidence or material will not be permitted) the Head of Regulation will make a decision in writing on whether to uphold the appeal (with or without conditions) or not to uphold the appeal.

Head of Regulation  
City of Wolverhampton Council  
Civic Centre  
St Peter's Square  
Wolverhampton  
WV1 1SH

## 20.0 Refusing Applications

The Council may refuse to grant or renew a consent. Where a consent is refused, the Council will advise the applicant in writing and notify them of the reason for the refusal.

## 21.0 Interim Arrangements – Implementing the Policy

Existing street traders will be given an 18 month grace period to meet the design brief set out in **Appendix B** of the policy.

Traders will also be given a two week period before applying for a basic DBS check for any new employees. In the interim period they will be expected to have a temporary identification badge and be supervised.

In relation to first applications under this policy, the Council has introduced internal appeals process to Senior Officers against a potential adverse decision on a consent application. The Council will consider, as part of its review of the policy during its first 12 months of operation, whether this right of appeal will continue in relation to subsequent applications for grant or renewal of consents.

The right to appeal will be triggered when an applicant is informed that the Council is minded to refuse an application. The applicant may appeal to the Head of Regulation within five days of the potential refusal. The matter will then be considered through the appeal process below.

If the potential refusal of a consent application relates to a street where there are more applicants than suitable locations, then all applicants will be informed that the Council is minded to grant or refuse their application but that a final decision will not be made until the appeal period has lapsed. Applicants may then appeal to the Head of Regulation within five days of the potential refusal. If an appeal by any applicant is made in this time, then all applicants will be informed that an appeal has been made and that a panel of Senior Officers will review all applications for that street and that the outcome of their decision will be final. The matter will then be considered through the appeal process below.

The appeal will take the form of a review of the decision-making process. The submission of new material by traders or officers will not be permitted unless at the request of the panel.

The appeal process comprises:

- panel of two Senior Officers of the City of Wolverhampton Council (not connected with making any decision related to street trading)
- panel to consider the application that has been refused and if relevant, all other applications that were made for the same street
- panel to defer decision making if further evidence required from officers or trader.
- panel to determine whether the “minded to” decision to refuse was appropriate in the light of information provided and decide which applicants on a given street shall be refused and which will be given a consent

During the implementation phase of the policy, applicants will be able to access:

- support to relocate to a different site if unsuccessful in gaining a consent during the implementation of the policy
- detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location
- face-to-face discussion with unsuccessful traders to try and identify other suitable locations provided all other criteria are satisfied

## 22.0 Conditions, Complaints, and Offences

### Conditions

General standard conditions will be attached to every consent. These are found at **Appendix C**. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.

### Complaints

Complaints will be fully investigated in accordance with the Council's Complaints Policy and consent holders will be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

Complaints can be made:

- Online: <https://www.wolverhampton.gov.uk/contact-us/customer-feedback/make-complaint>
- Email: [customerfeedback@wolverhampton.gov.uk](mailto:customerfeedback@wolverhampton.gov.uk)
- Telephone: 01902 551901/01902 553215
- In person by visiting the Civic Centre at the address below
- In writing addressed to the Complaints Manager, City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton WV1 1RL

### Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they engage in street trading in a consent street without first obtaining authorisation from the Council.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.





## 23.0 Definitions

### Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

### News Vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals.
- and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
    - (i) exceed one metre in length or width or two metres in height.
    - (ii) occupy a ground area exceeding 0.25 square metres: or
    - (iii) stand on the carriageway of a street.

### Pedlar

A pedlar is “any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse, or other beast of bearing or drawing burden, travels and trades on foot and goes from town to town or to other men’s houses, carrying or selling or exposing for sale any goods, wares, merchandise immediately to be delivered, or selling or offering his skill in handicraft” (Section 3 Pedlars Act 1871).



# Appendices



## Appendix A – Assessment Criteria

### Street Trading Consent Application and Renewal Assessment Framework

The assessment criteria within this assessment framework are described more fully in the Policy and the Policy will be used in conjunction with the information below to guide the consideration of specific criteria. This assessment framework will be used for both applications and renewals except for a renewal occurring within 12 months of the grant of the original application. In this case renewal will normally occur for one further 12-month period if the original terms of the consent have been adhered to and there are no other circumstances that make the original application no longer appropriate e.g., changes in road layout. This will occur without the need for a renewal form to be completed.

A scale of 0 to 5 will be used, with 0 being poor evidence, and 5 being excellent evidence of meeting the assessment criteria. The final score will be made by the Market Services Team after analysing the information put forward by the consultees.

Assessment Criteria	Specific Factors Linked to the Criteria (Additional Guidance)	Score	Comments
1. Public safety	<ul style="list-style-type: none"> <li>Adverse comment made by Highways Authority or any other relevant consultee in terms of location.</li> </ul>		
2. Prevention of crime and disorder	<ul style="list-style-type: none"> <li>Adverse comment made by Police or any other relevant consultee in terms of increased risk.</li> </ul>		
3. Prevention of nuisance	<ul style="list-style-type: none"> <li>Consideration of proposed activity and how that may impact on neighbouring residences and businesses.</li> </ul>		
4. Public Health Impact	<ul style="list-style-type: none"> <li>Consideration of how the health of the public can be protected and promoted.</li> </ul> <p><i>Officer may consider the type/quality of food offer. Provision of healthy food rather than junk food. Proximity to schools/education settings.</i></p>		

<p><b>5. Suitability of applicant</b></p>	<ul style="list-style-type: none"> <li>• Relevant Conviction (as per guidelines within the policy)</li> <li>• Previous history of reliable payment of fees</li> <li>• Previous history of compliance with any street trading consent</li> </ul> <p><i>A poor payment history or a history of non-compliance for any consent previously held with the City of Wolverhampton Council will likely result in a low score. If the applicant is in debt in relation to a street trading consent with the City of Wolverhampton Council at the time of renewal/new application, then it is likely that the renewal/application will not be granted.</i></p>		
<p><b>6. Suitability of trading unit</b></p>	<ul style="list-style-type: none"> <li>• Compliance with the design brief (applicable for consent over 12 weeks in any financial year)</li> <li>• Appropriate size for proposed location</li> <li>• High quality design</li> <li>• Agreed removal of unit after trading</li> <li>• All goods, ancillary equipment and stock kept within unit</li> </ul> <p><i>Where the unit does not comply with the design brief the application is likely to be refused unless the application is for a food unit where some modifications may be considered for technical operation. The design brief does not apply to occasional consents or annual consent for a duration less than 12 weeks but should still be used as guidance.</i></p>		
<p><b>7. Power</b></p>	<ul style="list-style-type: none"> <li>• All units to be compatible with being powered by electricity</li> <li>• If a generator is proposed for use outside city centre evidence must be provided that no alternative power supply is available and cannot be made available</li> </ul>		
<p><b>8. Advertising</b></p>	<ul style="list-style-type: none"> <li>• Advertising only relates to goods on sale</li> <li>• Advertising is not illuminated and is contained in unit</li> </ul>		

<p><b>9. Hours of Trading</b></p>	<p>Trading hours promote:</p> <ul style="list-style-type: none"> <li>• Preventing crime, disorder and antisocial behaviour</li> <li>• Avoiding disturbance due to noise, smell or other matter</li> <li>• Protecting public safety</li> <li>• Preventing obstruction of the highway</li> <li>• Having regard to location and operating hours of business activity</li> </ul>		
<p><b>10. Cumulative Impact</b></p>	<p>Consideration of the location of other traders in the area and type of goods already sold.</p>		
<p><b>11. Selling the right goods</b></p>	<ul style="list-style-type: none"> <li>• Quality of goods</li> <li>• Innovative products</li> <li>• Goods do not cause nuisance</li> <li>• Goods do not contribute to crime and disorder</li> <li>• Goods do not have a negative health impact</li> </ul>		
<p><b>12. Site assessment</b></p>	<ul style="list-style-type: none"> <li>• Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving</li> <li>• Any loss of amenity caused by noise, traffic, smell etc, e.g., Existing traffic orders e.g., waiting restrictions. It is accepted that this may not be known when new applications are first being made under this policy. All traders will therefore be given a score of 3 as stipulated under section 8 of the policy. The applicants awarded the highest score in the assessment framework in a competitive scenario will be chosen and a location identified on that street.</li> <li>• Any potential obstruction of pedestrian, vehicular or disabled access</li> <li>• Any obstruction to the safe passage of pedestrians and wheelchair users</li> <li>• Any nuisance/interruption to pedestrian flow or social distancing</li> <li>• The safe access and egress of customers and staff from the pitch and immediate vicinity</li> <li>• Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises.</li> </ul>		

## Appendix B – Design Brief for Units

### Street Trading Design Brief for Units

#### Unit Proportions

- The unit must be of a size and design approved by the City of Wolverhampton Council. Applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.
- It is recognised that units may not be a uniform shape and uniqueness is supported but will generally only be considered if the unit is compliant with the other conditions outlined in this design brief.

#### Unit Design

- Units must be of a high quality, bespoke design that enhances its surrounding environment. The proposed unit design should inspire vibrancy and add a sense of individual identity to our street scene. The unit design must be agreed by the City of Wolverhampton Council. (It is suggested traders do not purchase a unit until the proposed design has been agreed by the Council).
- The unit must not have protruding signage from the top, side or any element of the unit.

#### Colour

- The colour of the unit must be approved by the City of Wolverhampton Council.
- Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

#### Signage

- Signage must be painted (or attached via vinyl sticker) onto the unit. 'A' boards maybe permitted in accordance with Wolverhampton's policy.
- Graphics must directly relate to the business. Where graphics associated with branding/logos are considered too dominant then these will not be considered acceptable.
- Temporary signage or product pictures are not permitted on any elevation and must be contained on the product/menu board or within the trading unit.
- Product/menu boards must be sited internally or on shutters.
- All signage designs must be approved by the City of Wolverhampton Council as part of the street trading consent application process.

### **Siting of Stock & Trading Area**

- Goods cannot be displayed outside the areas of the unit e.g., via build-outs, externally hung on the unit, sited on the public realm around the unit, or by any other means.
- All produce/stock must be located and displayed within the unit.
- Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g., tiered shelving for flowers).
- The unit should aim to have at least three opening or glazed elevations. Subject to above, signage can be used to help enhance blank elevations.

### **Canopies**

- No goods can be hung or displayed on or from the canopy. Canopies should only be located on the serving or opening size of the unit, for shading purposes only.
- Canopies should not project any more than 1 metre from the unit.
- The design and appearance of the canopy will be approved by the Council as part of the wider unit design.

### **Waste**

- Commercial waste must be stored within the unit.
- Food units should aim to have a public waste bin sited next to the unit. This should be black and managed by the trader with waste removal being in accordance with relevant legislation.
- The need for such a waste receptacle will be considered on a case-by-case basis acknowledging that there may be instances where the provision of a waste receptacle will be required.

### **Lighting**

- The unit must not have external lighting.

## Appendix C – Street Trading Consent Conditions

### Local Government (Miscellaneous Provisions) Act 1982 Street Trading Consent Conditions

#### General

Under the terms of the above legislation, the Council may, at any time vary the conditions of a street trading consent. The legislation further states that the street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

Upon grant of a street trading consent a street trader will be required to comply with the following terms and conditions which are attached to the consent. Any breach of the attached conditions may result in the revocation of the consent.

#### Consent Details

Two types of consents will be issued:

1. one for display purposes that excludes the consent holder's address (display consent) and,
2. one that includes the consent holder's address (official consent)

The display consent must be displayed in a prominent position in the unit at all times.

The consent shall be produced whenever required by a Police Officer or any Officer duly authorised by the Council.

The consent holder shall within 14 days of a change of address, notify the Markets Service and return the official consent for amendment.

If a consent holder does not trade/intend to trade for a period in excess of 14 consecutive days they must inform the Markets Service.

The consent holder shall comply at all times with all legislation in respect of their trade, particular regard to Planning, Food Hygiene, Health and Safety and Control of Pollution matters including (where applicable) limitations on the use of chimes or other types of loud speaker. Such compliance shall be not only in respect of their unit but also the premises at which the same is kept.

A notice to surrender the consent, of 28 days, must be given in writing to the Markets Service. An appropriate apportioned refund of the annual consent fee will be paid to the consent trader as soon as practicable after the surrender date. This condition does NOT relate to Mobile 'B' consents where no fee refund is available.



## Trading Location

The street trading consent allows trading from the allocated pitch unless otherwise stated; the pitch area is defined on any map that accompanies the issued consent.

The unit, its parts and commodities for sale must be contained within the marked boundaries of the pitch, the boundaries being either physically marked and/or detailed on any map that accompanies any issued consent.

Use of tables and chairs by street traders is prohibited unless permission is granted under the Highways Act 1980 s.115(e). (A separate application process applies for this permission. Please contact Licensing Services for further information).

Bins shall be provided for the use of customers of food-based traders.

Should a pitch become temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council will not be liable for any claims for loss of earnings etc. If agreement cannot be reached on relocation, then consideration needs to be given by the trader in terms of giving notice for the consent and by the Council in terms of revoking the consent.

If the Council offer an alternative pitch then there will be no reimbursement of consent fees.

## Trading Unit

The unit must be of a size and design approved by the Markets Service.

The unit must be maintained at an acceptable standard throughout the duration of the consent. Should the consent holder be advised by an Authorised Officer of the City Council, of any repairs or works required to the unit, these should be carried out at the timescale agreed.

The consent holder shall ensure that a current price list of articles sold is prominently displayed on the unit at all times.

Towing bars should be either removeable, retractable or suitably covered to avoid becoming an obstruction of the highway or a trip hazard.

Prior approval must be attained from the Markets Service in relation to the use and type of generators.

Generators will be permissible only when no other power source is available. Any trailing cables must be protected or so sited as to prevent a tripping hazard. Generators if permitted must be encased in an appropriate cover and secured to prevent movement of the unit. Generators should be positioned to minimise disturbance to residents or businesses from noise or fumes. Where generators are required, silenced generators or acoustically insulated generators must be sourced.

All gas cylinders should be stored within a 30-minute fire resistant construction within the trading unit only accessible by an external opening.

Waste water, grease, debris etc must not be disposed of by use of the public drains. Should any blockages take place and cleaning be required the consent holder will be liable for the cost incurred. If you have a discharge consent from the relevant 'water undertaker' e.g., Severn Trent, then a copy should be provided to the Markets Service.

All rubbish etc within 20 metres of the allocated pitch generated from the consent holders' trade must be removed at the end of each day and disposed of via a registered waste carrier or facility.

Vehicles will not be permitted adjacent to a street trading unit unless permission has been granted by the Markets General Manager.

The consent holder shall ensure that at no time they will cause:

- i) Obstruction of the street or shop entrances or danger to persons using the same.
- or,
- ii) Nuisance or annoyance to persons using the street, or traders, shopkeepers, or otherwise.

The consent holder will be responsible for any damage caused to the electricity supply bollards where applicable and for payment of the standing charge and all electricity used.

The consent holder will be responsible for any damage caused by trading activities to the pavement etc, including marks on the surface area, any work required to replace or clean the areas will be charged to the consent holder.

The consent holder must carry public liability insurance of the current sum (as stated on the application form) required to indemnify the Council for a claim or number of claims from any incident throughout the period of the consent.

All consent holders should carry out a health and safety check on the unit, access and egress arrangements and equipment on a regular basis. A copy of the documented check should be available for inspection at the unit during operational hours.

Traders should undertake a risk assessment to include control measures identified to reduce the risk of the vehicle being used as a measure of attack, and measures to mitigate against violent persons. Consent holders are required to comply with any mitigation measures advised by an Authorised Officer of the City Council or the police.

## Trading Hours

The trader must restrict trading to the days and hours as outlined on the consent at the time of grant and/or renewal. Loading and unloading will be restricted to the hours of the appropriate Traffic Regulation Order in force at the time or by direction of West Midlands Police or other Authorised Council Officer.

Any trading involving hot food or drinks between 23:00 hours and 05:00 hours will also require a separate application under the Licensing Act 2003.

The consent holder shall ensure that, whilst trading, their current identity badge is worn at all times.

## Trade Lines

This consent applies to retail sales only and applies to person(s) and the unit and commodities to be sold, as entered on the street trading consent.

Consent holders shall not offer for sale or display any articles or goods or anything whatsoever which is indecent or is likely to be offensive. The consent holder must immediately withdraw from sale any such articles or goods if required to do so by a Police Officer or any Officer duly authorised by the Council.

Consent holders shall ensure that they make proper and legal checks to ensure that their goods are safe for use and consumption.

Consent holders are permitted to apply for an addition or amendment to their trade line. The application must be made on the prescribed form.

## Conduct

The consent holder and any assistants should ensure that, whilst trading, their current identity badge is worn at all times.

The consent holder and any assistants employed by them shall ensure the public are treated fairly and with courtesy.

A consent holder must notify the Markets Service in writing within 14 days of being convicted of any criminal offence.

The consent holder shall not permit any person under the age of 17 years to engage in street trading activities.

The consent holder must comply with the Public Sector Equality Duty.

## **Fees**

The consent fees applicable to the consent shall be paid either in full at the time of consent issue or by instalments by prior arrangement with the Markets Manager. The method of payment required will be agreed by the Markets Service at the time of application.

The trader must maintain this payment agreement and the fees must be paid in full by 31 December each year, in order for the Markets Service to invite renewal.

Traders that do not keep up with repayments will be required to pay the fee at the time of application in future.

## **Additional Conditions for Food Traders**

Foodstuff traders are required to have their unit periodically inspected and approved by an Environmental Health Officer.

All foodstuff traders will be expected to obtain a minimum 4-star rating following an inspection from Environmental Health.

All foodstuff traders and any persons employed in the unit must have received appropriate food hygiene training or instruction.

## **Additional Criteria for Traders in Dudley Street, Queen Street and Bilston Street Relating to the Trading Unit Design**

The height of opening shutters needs to be a maximum of 2.3 metres.

Wherever possible a clear glass aspect to the trailer is required with signage and advertisements kept to a minimum.

Trailer to be located within 300mm of an electrical bollard.

Shutters are not to overhang outside the designated pitch. Also, open shutters must remain within the pitch.

Counter height min 900mm.

Goods are not to be displayed directly on the paving min 900mm high counter required, enclosed on all sides with approved panels.

All trading units must display the following information on the unit:

- the trading name
- the product(s) on sale
- the price list for the product(s) on sale
- the consent to trade to be displayed in a prominent position within the interior of the unit
- no additional advertisements should be placed on the exterior of the unit

All consent holders must adhere to Traffic Regulation Orders restricting the movement of vehicles during operational hours and co-operate with the Markets Manager during the loading/unloading process each market morning and evening.

All consent holders must comply with any reasonable request from the Markets Manager or Authorised Officer of the Council.

### **Additional Conditions Applicable to B (Mobile) Consents**

No trading is permitted in any area within a  $\frac{3}{4}$  mile radius of any Wolverhampton City Council market.

No trading is permitted within 50 metres of:

- any entrance or exit to an educational establishment
- any retail shop or unit
- any religious premise or building
- or any licensed premises
- any other street trader

Not more than one consent holder is permitted to trade in a particular street at any given time.

No trader may remain static for more than 60 minutes in one location.

The trader must not return to the same location within two hours.

This consent is not valid within the perimeter of any Council car park, recreation ground or open space.

### **Additional Conditions Applicable to Consent Holders on 'Private Land'**

Consent holders trading on private land must be able to provide permission from the land owner that they have consent to trade from the site on the request of an Authorised Officer of the Council.

The Council may revoke this consent at any time.

Breach of any one or more of the above conditions or otherwise relating to their trade may render the consent holder liable to revocation of this consent.

Please note that any street trading consent issued as a result of this application is issued to the named applicant and no other person. When the applicant ceases to trade, they must inform the Council's Markets Service with immediate effect.

### **Standard Conditions - Street Trading - Temporary/Occasional Street Trading Permit**

These conditions are attached to every temporary/occasional street trading permit.

The conditions may only be removed or varied following an application determined by the Council.

The consent must be displayed in a prominent position and must be produced immediately upon request from an Authorised Officer of the Council or the police.

The consent is only valid at the specific location(s) and on the day(s) and time(s) shown on the front of the licence.

The consent holder shall display a complete price list of any goods sold.

The consent holder shall take out, and maintain at all times, public liability insurance cover with a minimum liability of £5 million.

The consent holder will be responsible for the good conduct, cleanliness, litter and safety of the consented area at all times.

The consent holder shall ensure that no waste liquids are discharged onto the public highway.

The consent holder shall make proper arrangements for the storage and removal of all refuse and litter generated by their trading activities. Council litter bins should not be used to deposit this waste. Unit holders shall cooperate with all proper arrangements specified for refuse collection and disposal.

The consent holder shall not cause disturbance, nuisance or undue interference or inconvenience to persons using a street, or annoyance to any business or resident.

Street trading shall not be carried out in a way which causes a risk to the safety of persons using a street or to any business or resident.

Street trading may only be carried on in a location with sufficient space. It must not be carried on in a way that causes an obstruction to pedestrians or traffic.

Consent holders must remain within the pitch area trading or performance and must not canvass pedestrians outside this area.

Consent holders must not distribute free printed matter without a consent issued by the City Council. A copy of the consent must be available for inspection at the pitch.

The public highway must not be interfered with, changed, damaged or altered in any way.

The consent holder shall, at all times, make sure that all electrical, mechanical, and any other equipment whatsoever associated with street trading shall be placed, installed, maintained, and operated in accordance with the provisions of the Health & Safety at Work etc. Act 1974. Certification of safety may be required by the authority on demand. Failure to provide safety certificates may result in the authority requiring the equipment to be removed immediately.

Where a consent holder wishes to provide entertainment, they must ensure that a Premises Licence or Temporary Event Notice granted under the Licensing Act 2003 is in place that authorises this activity.

No alcohol or tobacco products are to be sold from a temporary street trading pitch.

Details of any unit, trailer and/or display to be used must be provided with the application and traders must adhere to any recommendations given by the Markets Service on the trailer/unit/display(s) size, layout, livery, etc.

The minimum consent period is one day and is subject to availability.

If the consent holder is unable to trade for any reason, they must inform the City Council at the earliest opportunity.

All goods and other equipment must be completely removed from the highway at the end of the hours permitted by this licence unless written exemption is given by the Authority.

The licence holder must comply with any direction given by an Authorised Officer of the Council, their agents, the police, or other member of the emergency services. This may include directions to immediately remove items.

Should a pitch become temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council will not be liable for any claims for loss of earnings etc. If agreement cannot be reached on relocation, then consideration needs to be given by the trader in terms of giving notice for the consent and by the Council in terms of revoking the consent.

If the Council offer an alternative pitch then there will be no suspension of consent fees.

The licence holder shall indemnify the Council from any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this licence.

The fee payable for a temporary street trading consent application is non-refundable and may be reviewed at any time by the Council.

Occasional/Temporary Street Trading Consents will normally only allow traders to operate between 08:00 hours and 18:00 hours, any variation to this must be requested when the application is made and if granted will be clearly displayed on the consent.

The consent holder must pay the City Council any monies payable for the removal of waste, or damage to property as a result of the trading taking place.

The consent holder must comply with the Public Sector Equality Duty.

### **Additional Conditions for Traders Licensed for the Hot and Cold Food Commodity**

The consent holder will ensure that the food business operator complies with the requirements of Retained Regulation EC No. 852/2004 (food hygiene standards) and in particular Chapter III Requirements for movable and/or temporary premises.

The consent holder must have a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the unit, trailer, or vehicle.

All foodstuff traders and any persons employed in the unit must have received appropriate food hygiene training or instruction.

PLEASE NOTE: Failure to comply with these conditions may result in enforcement action, leading to the street trading consent being revoked or an application to renew being refused.

The Council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.

This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading.

**Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e., for each day of trading without consent.**



## Appendix D – Guidelines on the Suitability of Applicants

### Guidelines on the Suitability of Applicants

#### General Principles

The primary aim of this policy is public protection. To help in achieving that aim, the Council will consider the suitability of applicants to be authorised as street traders.

Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a consent unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- whether the applicant has been convicted of any relevant offence
- whether the applicant has been the subject of any relevant enforcement action
- any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- any previous revocation of a street trading consent (and the reasons for the revocation)

For the purposes of this policy, relevant offences include unspent convictions and cautions, for offences involving dishonesty, the use and supply of controlled drugs, violence and offences of a sexual nature, will be included in the consideration of whether the applicant is a suitable person to hold a consent.

A person with a conviction for a relevant offence will be expected to have remained free of conviction for a period of time, before an application is granted. Some discretion may be exercised if the offence is isolated, minor in nature and there are mitigating circumstances. However, the overriding consideration will always be the protection of the public.

Notwithstanding the above, the Council is aware of its duty not to restrict its discretion and it shall permit representations from the applicant explaining why it may, nevertheless, be appropriate to receive consent.

## Guidelines on the Relevance of Convictions

Each case will be decided on its own merits.

1. The Council will assess whether:

- (a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,
- (b) a person who wishes to be registered as an assistant to a street trading consent holder or to continue to be registered as an assistant to a street trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

In making that assessment, the Council will consider the previous convictions of such persons.

2. In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:

- (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

3. The following examples provide a general guide on the action to be taken where relevant convictions and cautions are evident:

(a) Offences Involving Violence

Applicant with convictions for offences involving violence will be considered carefully. Depending on the nature and seriousness of the offence, when applicants have convictions for causing grievous bodily harm, wounding, assault, or even more serious offences involving violence. In general, a period of three to ten years free of convictions should elapse before an application will be granted.

(b) Drug Related Offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, will not necessarily prevent an applicant from obtaining a street trading consent, provided the applicant has at least ten years free of convictions.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than ten years before the date of the application.

(c) Sexual Offences

Applicants with any unspent sexual related offences will not normally be granted a street trading consent.

(d) 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 his assistant to be honest and trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty.

Convictions for isolated minor offences will not necessarily prevent an applicant from obtaining a street trading consent but in cases involving serious theft or fraud, at least seven years should elapse before an application is granted.

When offences of dishonesty have been accompanied by violence, at least ten years free of conviction should elapse before an application will be granted.

(e) Motoring Convictions

In most cases, 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 of a very serious nature. In those cases, an applicants would be expected to show a period of at least seven years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

(f) Formal Cautions and Fixed Penalty Notices (FPNs)

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and Fixed Penalty Notices as though they were a conviction before the courts.

In all cases, each individual application will be decided on its own merits.

### **Disclosure and Barring (DBS)**

All application forms must be accompanied by a basic disclosure as the Council must be satisfied that applicant is a suitable person. Apply for basic disclosure online: <https://dbscheckonline.org.uk/individuals>

If any unspent convictions or cautions are declared, depending on their nature, then the Council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading consent.

The application will not proceed until the suitability of the applicant has been determined.

### **Appeal Against Refusal**

There is no statutory right of appeal against a decision to not issue a consent however an appeal may be made to the Head of Regulation within ten working days of the refusal. After considering the original evidence (new evidence or material will not be permitted) the Head of Regulation will make a decision in writing on whether to uphold the appeal (with or without conditions) or not to uphold the appeal.

Head of Regulation  
City of Wolverhampton Council  
Civic Centre  
St Peter's Square  
Wolverhampton  
WV1 1SH

You can get this information in large print, braille,  
audio or in another language by calling 01902 551155

**wolverhampton.gov.uk 01902 551155**

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City of Wolverhampton Council, Civic Centre, St. Peter's Square,  
Wolverhampton WV1 1SH

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## Equality Analysis Template.

<b>Directorate:</b> City Environment / Place  <b>Service Area:</b> Markets / Street Trading	<b>Lead Officer:</b> Emma Caddick  <b>Date completed:</b> 01.04.2022
<b>Service / Function / Policy / Procedure to be assessed:</b> Street Trading policy creation and implementation.	
<b>Is this:</b> New / Proposed <span style="float: right;"><input checked="" type="checkbox"/> Y</span> Existing/Review <span style="float: right;"><input type="checkbox"/></span> Changing <span style="float: right;"><input type="checkbox"/></span> (Please tick appropriate box)	<b>Review dates:</b> Last reviewed: 21 November 2022 Next review: April 2025

### Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.

**What are the aims and objectives/purpose of this service, function, policy or procedure?**

Although there is no statutory requirement to have a policy for street trading, the implementation of a policy will provide a transparent delivery framework for City of Wolverhampton’s street trading offer. It will aim to create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder, and nuisance.

The policy will seek alignment with public realm objectives and outputs, and work to contribute to the creation of a high-quality and vibrant visitor destination by setting out a flexible approach to capture trade line diversity.

Implementation of a street trading policy will:

- Clearly set out the **applicant suitability criteria**
- Clearly set out the **application consideration criteria** (including consideration of diverse trade lines)
- Provide traders with a more **flexible design criteria** (encouraging unique and vibrant unit designs from both existing and new traders)
- Set out the regularity of trader **compliance checks**
- Include **Hostile Vehicle Mitigation measures** as required by Counter Terrorism Police (for the appropriate consent areas of the City)
- Clearly set out the street trading framework to inform a **fee review** (ensuring fees cover the council's costs appropriately)

Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment		No
Advancing equality of opportunity	Yes	
Fostering good community relations		No

If not relevant to any of the three equality duties and this is agreed by your Head of Service, the Equality Analysis is now complete - please send a copy to the Equality & Diversity Team. **If any of the three equality duties are relevant**, a Full Equality Analysis will need to be undertaken (PART B below).

### PART B: Full Equality Analysis.

#### Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

<p><b>What outcomes are sought and for whom?</b></p>	<p><b>Policy implementation outcome / objective</b>  The policy outlines the trading consent application consideration criteria.</p> <p><u>Attracting culturally diverse trade lines</u>  Within the section 'Selling the Right Goods', it is stated that the "quality and innovative approach will be considered". Although not explicitly stated, in particular, the Council will look favourably on any culturally diverse trade lines (e.g. food) during it's consideration process.</p>
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	<p><u>Consideration of physically disabled customers</u>  Within the consent application consideration criteria, it is intended to explicitly stated that the Council will favourably consider traders who make allowance for disabled customers (e.g. wheelchairs). However, this will not be a mandatory condition.</p> <p><b>User accessibility for application forms</b>  Applications are to be submitted online with all required evidence as a complete application. Where online accessibility is an issue for an applicant or the application is required in an alternative format, the policy outlines information for who the applicant can contact in such circumstances.</p>
<b>Are there any associated policies, functions, services or procedures?</b>	<p>Policy: Street Trading policy.</p> <p>Function: Consent applications are considered by Markets.</p>
<b>If partners (including external partners) are involved in delivering the service, who are they?</b>	Not applicable.

Page 95

## Step 2 – What does the information you have collected, or that you have available, tell you?

**What evidence/data already exists about the service and its users?** (in terms of its impact on the ‘equality strands’, i.e. race, disability, gender, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

<p><b>Diversity of the street trading offer</b>  Existing street traders in Wolverhampton City Centre, Bilston and Wednesfield comprise mostly food offering of ice cream, hot/cold sandwiches, hot dogs, burgers, chips, doughnuts, jacket potatoes. Match day traders comprise mainly food as listed above or football merchandise.</p> <ul style="list-style-type: none"> <li>• In Wolverhampton City Centre there is currently one regular trader offering Caribbean cuisine, one regular trader offering Asian food and one regular trader offering noodles. There is one match day trader offering Indian food and one match day trader offering Caribbean cuisine.</li> <li>• In Bilston there is currently only one trader offering Indian food.</li> <li>• In Wednesfield there is currently only one trader offering Asian food.</li> </ul>
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As delegated authority over street trading, Markets would like to increase the variety of food offering, to limit duplication of trade lines and provide customers with more choice.

**Current consent conditions – unit specifics**

Current consent conditions state unit specifics relating to the height of opening shutters and minimum counter height, but no mention of requesting consideration for disabled customers. It is anticipated that the new policy will address this gap.

**Has there been any consultation with, or input from, customers / service users or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

**1. Consultation group 1 (April 2022)**

Service
Police
Safeguarding
Legal
Highways
Planning
Street Scene
Waste
Regeneration
Markets
Enforcement
Equalities
Trading Standards
Public Health
Environmental Health
Licensing

**2. Consultation group 2 (May 2022)**

Group
Councillors
Existing street traders
MASTA (Trader Association)
NABMA (Trader Association)
Chamber of Commerce

Wolverhampton BID
Bilston BID
Wednesfield Business Group
LSD Promotions
Retail areas / groups (City Centre, Molineux, Bilston, Wednesfield)

### 3. Regulatory Licensing Committee (June 2022)

Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?

Page 97

consultation survey will be published as part of the Group 2 consultation process.

### Step 3 – Identifying the negative impact.

#### a. Is there any negative impact on individuals or groups in the community?

	<p><b>Barriers:</b></p> <p>What are the potential or known barriers/impacts for the different 'equality strands' set out below? Consider:</p> <ul style="list-style-type: none"> <li>• <b>Where</b> you provide your service, e.g. the facilities/premises;</li> <li>• <b>Who</b> provides it, e.g. are staff trained and representative of the local population/users?</li> <li>• <b>How</b> it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?</li> </ul>
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- **When** it is provided, e.g. opening hours?
- **What** is provided, e.g. does the service meet everyone's needs? How do you know?

\* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.

**Solutions:**

What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:

- Other arrangements that can be made to ensure people's diverse needs are met;
- How your actions might help to promote good relations between communities;
- How you might prevent any unintentional future discrimination.

Equality Themes	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
<b>Age</b> (including children, young people and older people)	N/A	N/A	N/A
<b>Disability</b> (including carers)	The Council will favourably consider traders who make allowance for disabled customers.	Although it will not be made a mandatory consideration criteria, it may put some traders off if they feel their unit does not consider disabled customer access, resulting in them being put off from submitting an application.	Ensure the policy does not detail any required criteria.
<b>Gender</b> (men and women)	N/A	N/A	N/A
<b>Race</b> (including Gypsies & Travellers and Asylum Seekers)	The Council will favourably consider traders who can offer culturally diverse trade lines.	Several traders already offer popular trade lines such as hot dogs, burgers and doughnuts. Future applicants with similar trade lines may result in refusal.	There is an appeal process in place for refused applications.

<b>Religion or belief</b> (including people of no religion or belief)	N/A	N/A	N/A
<b>Gender Re-assignment</b> (those that are going or have gone through a transition: male to female or female to male)	N/A	N/A	N/A
<b>Pregnancy and Maternity</b>	N/A	N/A	N/A
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)	N/A	N/A	N/A
<b>Marriage and Civil Partnership</b>	N/A	N/A	N/A
<b>Human Rights</b>	N/A	N/A	N/A

### Step 4 – Changes or mitigating actions proposed or adopted

Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure? What changes or mitigating actions are proposed?

The policy will be newly implemented.

The service will be aware of their consideration obligations as part of the function, in line with the policy requirements.

### Step 5 – Monitoring

How are you going to monitor the existing service, function, policy or procedure ?

Monitor:

- Total number of application submissions
- The trade lines within the total application submissions (granted and refused)
- Number of granted consents
- Number of refused consents
- Number of appeals

### Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale

Equality Analysis approved by:

Head of Service:

Date:

Please send an electronic copy of the Equality Analysis to the Equality & Diversity Team:

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<b>Report Title</b>	Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2023 - 2024	
<b>Wards affected</b>	All	
<b>Accountable Director</b>	John Roseblade	Director of City Housing & Environment
<b>Originating service</b>	Licensing Services	
<b>Accountable employee</b>	Paul Dosanjh	Service Manager, Trading Standards & Licensing Act
	Tel	01902 556056
	Email	<a href="mailto:paul.dosanjh@wolverhampton.gov.uk">paul.dosanjh@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	None	

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### Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the proposed fees and charges for General Licensing as set out in Appendix 1 with effect from 1 April 2023.

## **1.0 Purpose**

- 1.1 To submit for consideration proposed fees and charges for 2023 - 2024 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

## **2.0 Background**

- 2.1 The Council is empowered under statute to levy fees for the issue of local licences and permits.
- 2.2 The Council policy is to review its fees on an annual basis and introduce increases or decreases in line with the cost of providing the service. There is a requirement to pay due regard to the Council's social and economic policies.

## **3.0 Proposals for 2023 - 2024**

### **3.1 General licensing**

- 3.2 Certain licences, permits and registrations are subject to local control for fees and charges.
- 3.3 The additional fees and charges for acupuncture, tattooing, electrolysis, semi-permanent skin colouring and cosmetic piercing were approved by Councillor at the 10 July 2019 Licensing Committee. It is proposed that the existing fees and charges for acupuncture, tattooing, electrolysis, semi-permanent skin colouring and cosmetic piercing remain unchanged. These are detailed at Appendix 1.
- 3.4 It is proposed that the existing fees and charges for General Licensing for the current year 2022 - 2023 remain unchanged for the coming year 2023 - 2024. These are detailed at Appendix 2.
- 3.5 The scrap metal fees included at the end of Appendix 2 are for information only as the setting of those fees are an executive function.
- 3.6 It is proposed that the Animal Welfare fees agreed by Councillors at committee on 28 November 2018 remain unchanged for the coming year 2023 - 2024. These are detailed at Appendix 3.

## **4.0 Financial implications**

- 4.1 It is proposed that the existing fees and charges for General Licensing for the current year 2022-2023 remain unchanged for the coming year 2023 - 2024.
- 4.2 Should the Licensing Committee agree with the recommendations in this report it is anticipated that the proposed discretionary fees and charges in Appendix 1 will ensure a cost-neutral service.

- 4.3 The premises and businesses that hold these types of licences had been adversely affected by Covid-19 including lockdowns and restrictive business practices. These business are now being affected by the general economic downturn. It is recognised that many businesses have experienced financial difficulties during the pandemic and recovery period. It is, therefore, proposed to continue the scheme whereby the cost of licence renewals can be spread over a 3-6 month period, where necessary.  
[SB/20122022/J]

## **5.0 Legal Implications**

- 5.1 Generally, the Council is able to recover the cost of issuing and administering a licence. Unless controlled by statute, the Council will set fees and this will normally be on a cost recovery basis only. This will have been considered in previous reports.
- 5.2 Dependent on appropriate legislation, there is often a requirement to publish a change in fees, and it is deemed reasonable to publish before any changes are to take effect.
- 5.3 Section 6(1)(b) of the Safety of Sports Grounds Act 1975 (the Act) enables the Secretary of State to make regulations authorising Local Authorities to determine fees for safety certificate applications and these regulations include The Safety of Sports Grounds Regulations 1987 (the Regulations).
- 5.4 Regulation 8 provides that “a local authority may determine the fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a safety certificate but such a fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority in respect of the application.”  
[AB/12-12-2022/107]

## **6.0 Equalities implications**

- 6.1 There are no equalities implications arising from this report.

## **7.0 Climate change and environmental implications**

- 7.1 There are no climate change and environmental implications arising from this report.

## **8.0 Schedule of background papers**

- 8.1 Non-Statutory Licensing Committee – 19 January 2022 – Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2022-2023.

## **9.0 Appendices**

- 9.1 Appendix 1- Fees and charges for acupuncture, tattooing, electrolysis, semi-permanent skin colouring and cosmetic piercing
- 9.2 Appendix 2 - General licensing fees
- 9.3 Appendix 3 - Animal welfare fees

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**APPENDIX 1****Fees and Charges for Acupuncture, Tattooing, Electrolysis, Semi-Permanent Skin Colouring and Cosmetic Piercing 2023 – 2024**

<b>Registration</b>	<b>EXISTING CHARGE 2022 – 2023 £</b>	<b>PROPOSED CHARGE 2023 – 2024 £</b>
Premises registration	105	105
Practitioner registration	105	105
Temporary practitioner registration	47	47
Administrative change of details (no inspection)	10.50	10.50
Re-issue of registration document	10.50	10.50

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## GENERAL LICENSING FEES AND CHARGES SUBJECT TO LOCAL CONTROL

LICENCE		EXISTING CHARGE 2022 – 2023 £	PROPOSED CHARGE 2023 – 2024 £
<b>1. Dangerous and Wild Animals</b>			
(i)	Initial	505	505
(ii)	Full	260	260
(iii)	Random Inspections	175	175
<b>2. Sex Establishments</b>			
(i)	Initial (Shop or Cinema)	2,500	2,500
(ii)	Renewal (Shop or Cinema)	2,000	2,000
(iii)	Initial SEV	3,380	3,380
(iv)	Renewal SEV	2,830	2,830
(v)	Initial Joint (Shop/Cinema/SEV)	3,750	3,750
(vi)	Renewal Joint (Shop/Cinema/SEV)	3,250	3,250
(vii)	Transfer	500	500
(viii)	Variation	At cost	At cost
<b>3. Highways Act 1980</b>			
(i)	Table and chairs	25	25
(ii)	A-Boards	25	25
(iii)	Goods on the highway	25	25
<b>4. Clean Neighbourhoods and Environment Act 2005</b>			
(i)	Distribution of free printed matter	300	300
(ii)	Additional badges	45	45
(iii)	1 day consent (up to 2 persons)	50	50
(iv)	7 day consent (up to 2 persons)	100	100
(v)	New small/medium business consent (2 days)	No charge	No charge

<b>LICENCE</b>		<b>EXISTING CHARGE 2022 – 2023 £</b>	<b>PROPOSED CHARGE 2023 – 2024 £</b>
<b>5.</b>	<b>Mini-bus permits and disc (5 years)</b>		
	(i) Initial	25	25
	(ii) Renewal	25	25
	(iii) Replacement	25	25
<b>6.</b>	<b>The safety of sports ground act 1975</b>  To enable full cost recovery	£70 per hour plus newspaper advert costs	£70 per hour plus newspaper advert costs
<b>7.</b>	<b>The fire safety and places of sport act 1987</b>  To enable full cost recovery	£70 per hour plus newspaper advert costs	£70 per hour plus newspaper advert costs
<b><i>For information purposes only</i></b>			
<b>8.</b>	<b>Scrap metal dealers act 2013 (3 years)</b>	<b>£</b>	<b>£</b>
	(i) Collectors	180	180
	(ii) Additional collectors copy of licence	50	50
	(iii) Site	500	500
	(iv) Additional site	275	275
	(v) Variation of licence	55	55



**FEES AND CHARGES FOR ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

**Initial fee for a new/renewal animal application**

<b>1 Year</b>	<b>2 Years</b>	<b>3 Years</b>
£173.00	£173.00	£173.00

Licence expiry can be up to 3 years; the duration of licence will be determined via environmental health or vet upon inspection

**Vet fees**

Some animal application types require a veterinary inspection these costs will be payable directly to the veterinary and additional to the licence fee.

Breeding dogs
Hiring out horses

**Fees payable upon grant**

Compliance and enforcement fees will be payable upon grant of licence.

<b>1 Year</b>	<b>2 Years</b>	<b>3 Years</b>
£100.00	£134.00	£167.00

**Additional licence type**

If applying to be registered for more than one activity there is an additional fee of £67.00 per additional licence type.

**Fees to amend licence**

Re-evaluation of premises	£67.00
Variation of Licence <b>without</b> inspection	£28.00
Variation of Licence <b>with</b> inspection	£61.00
Transfer of Licence	£26.00

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CITY OF  
WOLVERHAMPTON  
COUNCIL

## Regulatory Committee

11 January 2023

<b>Report title</b>	Update of Private Hire Licensing Growth	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Greg Bickerdike	Licensing Manager
	Tel	01902 554030
	Email	Greg.Bickerdike@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None.	

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### Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the ongoing approach to meeting the demand for private hire driver licences.

## 1.0 Purpose

- 1.1 To inform the Committee of the national shortage of licensed drivers, the extraordinary demand for private hire driver licences and the procedures in place to prioritise residents of Wolverhampton.
- 1.2 To seek approval of the ongoing approach to tackling the demand for private hire driver licences.

## 2.0 Background

- 2.1 This report refers exclusively to private hire drivers, not hackney carriage drivers nor dual (hackney carriage and private hire) driver licences. Wolverhampton cannot issue these other licence types to residents of other areas.

## 3.0 Shortage of drivers

- 3.1 Should an application not meet the Council's standards, it can refuse to grant a licence, but the Council may not legally refuse to accept an application for a private hire driver licence based on an applicant's residence in another local authority area. As such, it is required to process applications from across the country.
- 3.2 Using the Department for Transport's (DfT) 'Taxi and private hire vehicle statistics, England: 2022', the following table on private hire drivers has been collated:

Financial Year	English authorities (excluding London)	English authorities	Change across English authorities (excluding London)	Change across English authorities
2012-13	88,457	155,432	N/A	N/A
2014-15	86,274	164,964	-2,183	9,532
2016-17	100,725	218,437	14,451	53,473
2017-18	111,417	225,062	10,692	6,625
2018-19	121,800	228,577	10,383	3,515
2019-20	123,753	235,345	1,953	6,768
2020-21	114,779	220,127	-8,974	-15,218
2021-22	115,906	215,975	1,127	-4,152

- 3.3 The following should be noted:
- A. There are 322 English licensing authorities in the data.
  - B. DfT data is missing for 2013-14 and 2015-16.
- 3.4 Since the peak of 2019-20, the number of private hire drivers nationally has been in decline. This is causing significant problems for users of licensed vehicles, particularly in

the night-time economy, as the demand is not being met, leading to increased waiting times in city centres across the country. The longer that passengers are left to wait for a vehicle, the more likely that they become a victim of crime.

- 3.5 The national shortage of drivers is believed to have been triggered primarily by the direct and indirect consequences of COVID. Whilst the number of drivers licensed has dropped by 20,000, the actual number of drivers working is difficult to accurately predict and is expected to be far lower. Many drivers left the trade altogether during the lockdown era, some did not renew their licence due to the uncertainty of the industry and others now spend part of their time doing other related work such as food or parcel deliveries.
- 3.6 This has left private hire vehicle operators short of drivers, resulting in many operators applying to Wolverhampton for a licence, as Wolverhampton has access to the largest pool of drivers under the Local Government (Miscellaneous Provisions) Act 1976. Operators licensed under that Act may only use drivers licensed under that Act.
- 3.7 London is an anomaly throughout much of this report as it has its own separate legislation, Private Hire Vehicles (London) Act 1998. Operators licensed in London under that act may not subcontract bookings to operators licensed under the Local Government (Miscellaneous Provisions) Act 1976, nor use drivers licensed under that act. There are only 23 drivers licensed in London, primarily with one operator who makes bookings directly through a Wolverhampton licence. This is relevant, as there is unlikely to be increased demand in applications from in London.

#### 4.0 Increase in demand

- 4.1 There are 286 operators now licensed in Wolverhampton up one-third from 215 a year ago. The number of drivers these operators have vary between operator-drivers (i.e. one) to several thousand.
- 4.2 Using the Department for Transport's (DfT) 'Taxi and private hire vehicle statistics, England: 2022', the following analysis has been undertaken:

Year	PHV drivers	England rank for PHV drivers	Change in PHV drivers	England rank for increase in PHV drivers	% of non-London PHV drivers	% of English PHV drivers	% of non-London growth	% of English growth
2012-13	835	32 <sup>nd</sup>	N/A	N/A	1%	1%	N/A	N/A
2014-15	852	26 <sup>th</sup>	+17	71 <sup>st</sup>	1%	1%	0.3%	0.1%
2016-17	4,989	3 <sup>rd</sup>	+4,137	2 <sup>nd</sup>	5%	2%	22.2%	7.2%
2017-18	8,799	2 <sup>nd</sup>	+3,810	1 <sup>st</sup>	8%	4%	29.9%	29.9%
2018-19	13,850	2 <sup>nd</sup>	+5,051	1 <sup>st</sup>	11%	6%	39.4%	39.4%
2019-20	17,836	2 <sup>nd</sup>	+3,986	2 <sup>nd</sup>	14%	8%	44.6%	29.0%

2020-21	16,497	2 <sup>nd</sup>	-1,339	321 <sup>st</sup>	14%	7%	N/A	N/A
2021-22	19,317	2 <sup>nd</sup>	+2,820	1 <sup>st</sup>	17%	9%	30.4%	30.4%

4.3 The following should be noted:

A. There are 322 English licensing authorities in the data.

B. DfT data is missing for 2013-14 and 2015-16.

C. Statistics for 2020-21 are anomalous due to the uncertainty of COVID on the trade, resulting in drivers not renewing their licences and a lack of new applications.

D. London's trade contracted in 2017-18, 2018-19, 2020-21 and 2021-22. Therefore, Wolverhampton's share of the national growth is the same.

E. Wolverhampton's trade contracted in 2020-21, due to the COVID pandemic.

4.4 Since 2017-18, Wolverhampton's net increases to the number of drivers in England has been around a third of England's gain. As such, Wolverhampton is playing an unequivocal role in attracting and increasing the number of private hire drivers in the trade.

## 5.0 2022-23 Growth

5.0 Because of the shortage of drivers, Wolverhampton has been inundated with applications from across the country, in part due to slow processing times and high fees in their home authority. This has created a backlog of applications.

5.1 The service is struggling to meet demand. As of 15 December 2022, there are 2,634 applications in the queue, which is approximately a two month wait. There are currently 1,924 applications which have been processed but are awaiting information from the applicant. There are 927 drivers who are awaiting a hearing to determine their application.

5.2 Excluding London, the largest increase on record is 5,051 drivers for 2018-19, which was Wolverhampton. This is likely to be broken by Wolverhampton again this financial year; as of 15 December 2022, Wolverhampton has 26,745 drivers, an increase of 7,428.

5.3 Assuming numbers of drivers have increased to pre-pandemic levels, the Council's share of private hire drivers (excluding London) is currently 21.6%, up from 17% in 2021-22. However, given that there are three more months, it is likely that the increase will approach 10,000, which is double the previous largest increase in a single year.

5.4 Excluding London, Wolverhampton's projected growth in drivers this financial year is greater than the growth of all other English licensing authorities combined over any of the last five years.

- 5.5 The Council must cautiously grow the service to meet demand and compliance needs, by balancing the risks of overemployment with poor customer service by a short-staffed service.
- 5.6 The Council has recruited 20 employees into the service this year, to meet this demand. More licensees also leads to more compliance work and more licence reviews, which requires appropriately trained decision makers.
- 5.7 There is a risk that the service will over-expand, as it is impossible to judge when the demand for new licences will plateau.
- 5.8 Due to the cost-of-living crisis, there is likely to be an increase in applications from those who are concerned about job security and wish to obtain a licence as a hedge against redundancy.
- 5.9 There is currently a queue of 5,000 for the driver training programme. This is approximately five months work, including the current two-month backlog. However, there is a risk that as the backlog reduces, demand increases proportionally due to the short waiting times for processing. Once the backlog is cleared, correct and complete applications will be issued for collection the next working day.
- 5.10 To mitigate the risk of over recruitment and potential redundancies, the Council will continue to use agency resource to eliminate the backlog of applications. Agency resources are trained to the same high standard as full time employees, no short cuts are taken. Public safety remains of paramount importance.

## **6.0 Wolverhampton Licence Holders**

- 6.1 The Council prioritises the needs of its local trade to ensure that there are sufficient drivers, particularly for its night-time economy. As such, these applicants are contacted and given priority booking for training. There are dedicated officers in both the vehicle and driver teams who process applications from Wolverhampton residents every day.

## **7.0 Financial implications**

- 7.1 A future paper is to propose the further significant reductions in the fee for private hire licenses. This is due to the surplus generated for existing applicants and this surplus must be used for Licencing purposes.. The service should aim to be cost neutral. However, these reduced fees which will likely be lower than anywhere else in the country, could result in even greater demand for licences from Wolverhampton.
- 7.2 A separate report will be brought to Committee in March 2023 for consideration on reduced licence fees.

[SB/20122022/B]

## **8.0 Legal implications**

- 8.1 There are no legal implications arising from this report.

[AB/12-12-2022/109]

## **9.0 Equalities implications**

9.1 There are no equalities implications arising from this report.

## **10.0 All other Implications**

10.1 There are no other implications

## **11.0 Schedule of background papers**

11.1 Department for Transport's (DfT) 'Taxi and private hire vehicle statistics, England: 2022'. Available at <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022>



<b>Report title</b>	Driver Safety Enclosures Consultation	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Greg Bickerdike	Licensing Manager
	Tel	01902 554030
	Email	Greg.Bickerdike@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None.	

---

### Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve a six-week consultation on the regulation of driver safety enclosures in licensed vehicles.

## **1.0 Purpose**

- 1.1 To seek approval from the Regulatory Committee for a six-week consultation on Driver Safety Enclosures.

## **2.0 Background**

- 2.1 Following the death of a Private Hire Driver, the Private Hire Trade Working Group have expressed a desire for Driver Safety Enclosures (DSE).
- 2.2 Whilst this Committee has already permitted vehicle proprietors to install CCTV within their vehicle, if it complies with the Council's Taxi CCTV Policy, newer equipment is now available to protect drivers.
- 2.3 This novel equipment is not covered by Licensing Services' current policies. These are typically rigid plastic enclosures which are installed in a vehicle, to segregate the driver from the passengers.
- 2.4 The Council acknowledges the protective features of these products but recognises that amateur installation and/or unapproved products result in increased risks, particularly in relation to road traffic collisions.

## **3.0 Progress**

- 3.1 The Vehicle Licence Requirements Policy (Appendix 1) has been updated with draft amendments in sections 2.1 and 5. These amendments seeks to regulate the installation of DSE in licensed vehicles.

## **4.0 Consultation**

- 4.1 Due to the profile of this issue in the media and trade, a shortened six-week consultation is requested.
- 4.2 The following will be consulted:
  - A. Service users (licence holders and applicants)
  - B. The Hackney Carriage Trade Working Group
  - C. The Private Hire Trade Working Group
  - D. Other licensing authorities
  - E. National Association of Licensing Enforcement Officers (NALEO)
  - F. Institute of Licensing (IoL)
  - G. Black Country Magistrates' Court
  - H. Department for Transport (DfT)
  - I. West Midlands Police

J. Disabled groups

K. Equality Diversity and Inclusion Team

## **5.0 Financial implications**

5.1 There are no financial implications associated with this report. The consultation will be run via the Council's consultation hub. Driver safety enclosures will be purchased by licence holders and not the Council.

[SB/12122022/Z]

## **6.0 Legal implications**

6.1 The policy requires that enclosures:

A. Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.

B. Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.

C. Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.

D. Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.

[AB/12-12-2022/108]

## **7.0 Equalities implications**

7.1 Please see Equalities Analysis in Appendix 2.

## **8.0 All other Implications**

8.1 The production of solid plastic Driver Safety Enclosures will have a negative contribution to climate change; however this is accepted as reasonable given the benefits of the safety equipment.

## **9.0 Schedule of background papers**

9.1 Vehicle Licence Requirements Policy, Regulatory Committee - 17 March 2021

9.2 Taxi CCTV Policy, Regulatory Committee - 9 June 2021

## **10.0 Appendices**

10.1 Appendix 1: Draft Vehicle Licence Requirements Policy for Consultation

10.2 Appendix 2: Equality Analysis

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# Vehicle Licence Requirements Policy

Licensing Services

Version 1.2

Created: 29 July 2021

Revised: 5 December 2022

## Contents

Contents.....	2
1. Hackney Carriage Vehicle Licence Requirements.....	3
1.1 Currently Approved Hackney Carriage Vehicle Model .....	3
1.2 Hackney Carriage Vehicle Standards .....	4
1.3 Hackney Carriage Licence Replacements .....	4
2. Private Hire Vehicle Licence Requirements.....	5
2.1 Private Hire Vehicle Requirements .....	5
2.2 Private Hire Vehicle Signage Requirements .....	7
2.3 Private Hire Vehicle Licence Replacements .....	8
3. Vehicle Licence Proprietor Transfers.....	9
4. Wheelchair Accessible Vehicles .....	10
5. Driver Safety Enclosures (DSE).....	11
6. Private Hire Executive Vehicle Policy .....	12
6.1 Exemption Requirements.....	13
7. Stretched Limousine Licensing.....	15
8. Advertising Policy .....	16
9. Private Registration Numbers.....	17
10. Approved MOT Testing Stations .....	18

# 1. Hackney Carriage Vehicle Licence Requirements

A Hackney Carriage Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

New applications can only be made for new vehicles, with no more than 500 delivery miles.

## 1.1 Currently Approved Hackney Carriage Vehicle Model

### Citroen

- Dispatch Combi
- Dispatch HDI 120 9-S
- Dispatch L2 H1 Level 2
- Euro
- L7
- Relay L3 H2
- SVA Taxi

### Fiat

- Eurocab
- Scudo
- TW200

### Ford

- Procab
- Tourneo Custom
- Voyager VTC8

### LTI

- TX1
- TX2
- TX4

### Mercedes

- MX7
- Vito

### Nissan

- Dynamos
- Primastar
- Voyager

### Peugeot

- Boxer 290
- E7
- E7 SE
- LC7

### Volkswagen

- T5 Shuttle SE SWB 10

Every application must be made using the Hackney Carriage Vehicle licence [application form](#) and must be supplied with the following documents:

- (a) Vehicle registration document (V5C) or bill of sale
- (b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate)
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#)
- (d) Calibration certificate for new or replacement vehicles by the meter supplier
- (e) Current [licence fee](#) – dependant on the age of the vehicle.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

## 1.2 Hackney Carriage Vehicle Standards

1. All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.

2. Seating within the vehicle must be conference type seating and not all forward facing. The access for wheelchair users must be from the left hand side of the vehicle.

3. All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable. An illuminated 'taxi' roof sign indicating when the taxi is for hire must be installed and kept in working condition.

4. The paintwork should be maintained to a high gloss finish and of a uniform colour free from scratches which expose the under primer or metal. It is advisable that if any paintwork is undertaken on the vehicle that it is done by a reputable garage to a high standard.

5. The body panels should be free of dents and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.

6. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle except as may be required by any statutory provision (including byelaws). This includes the display of unauthorised transfers/stickers to the body or windows of the vehicle.

A Hackney Carriage Vehicle must also meet all the conditions of licence. You are advised to contact Licensing Services prior to making a new application to ensure all of those requirements are met.

## 1.3 Hackney Carriage Licence Replacements

If you have a Hackney Carriage Vehicle Licence and you want to replace the vehicle on the licence, the replacement vehicle must be newer. You cannot replace the vehicle with an older one.



## 2. Private Hire Vehicle Licence Requirements

A Private Hire Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

Each Private Hire Vehicle [application must be made online](#) and supplied with the following documents:

- (a) Vehicle registration document (V5C) or bill of sale.
- (b) Valid certificate of insurance or cover note showing cover for private hire purposes.
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#).
- (e) Current licence fee – dependant on age of the vehicle.
- (f) From 1 April 2021, if the applicant is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the applicant is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to application. These can be completed before you apply and the certificate uploaded as part of this application or you can apply after submitting the application. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the licence being granted.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

### 2.1 Private Hire Vehicle Requirements

- The vehicle must be no older than 11 years and 6 months (vehicles are not plated past 12 years).
- The vehicle must have no more than 9 seats, including the driver's seat.
- The vehicle must have passenger opening doors on both sides.
- All seats must be forward facing.
- The vehicle must not have a partition between the driver and passengers, [unless it is a driver safety enclosure authorised by Licensing Services](#).

- Only manufacturers' factory fitted privacy glass will be permitted.
- The vehicle must display a legal registration number as shown of the logbook, which adheres to the official DVLA format of 11mm between each of the character and 33mm between the age identifier.



- Both internal and external facing cameras are permitted, however you must comply with the Taxi CCTV Policy available in the ['Downloads' section here](#).

## 2.2 Private Hire Vehicle Signage Requirements

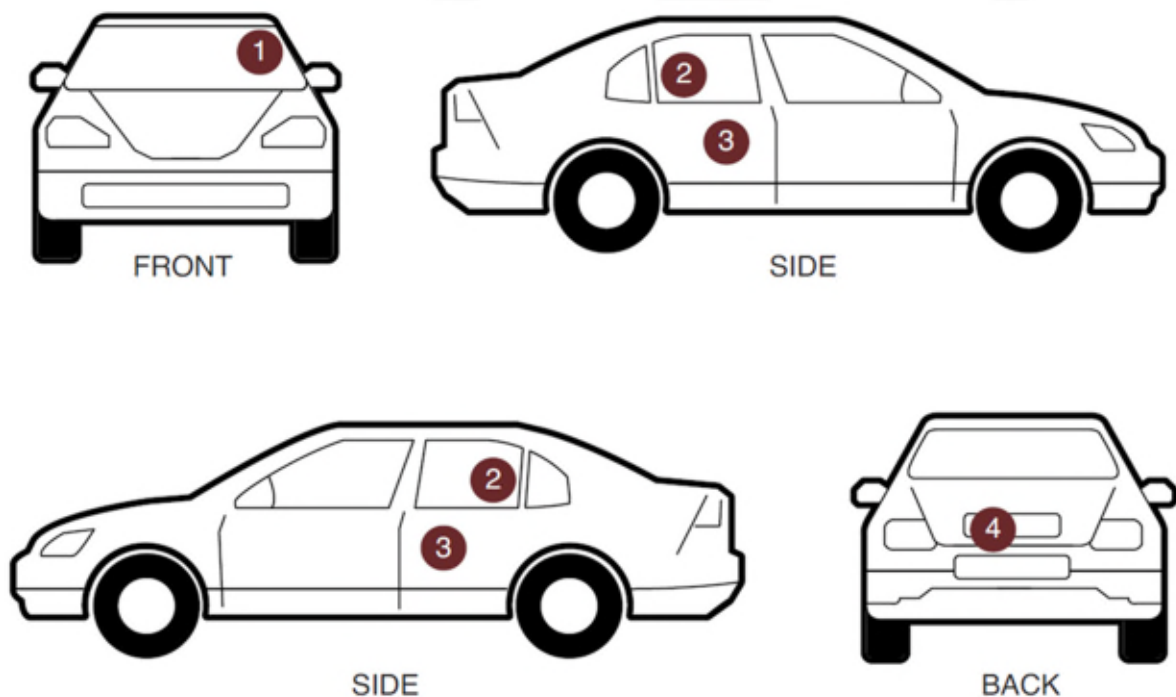
All approved signage must:

- Be clearly visible and on display at all times.

Operator Signage requirements:

- Must be the design approved by City of Wolverhampton Council, which contains the name of the operator along with a form of contact (phone number and/or app details).
- Be a sticker (magnetic signage is **not** allowed).
- Must be the operator that the driver is partnered with.
- Roof signage is prohibited.

**Diagram of Private Hire Vehicle Signage**



1. Badge and internal plate
2. Approved passenger information stickers
3. Approved operator door sticker on each side of the vehicle, fitted towards the top of the door panel.
4. Licence plate

## 2.3 Private Hire Vehicle Licence Replacements

If you have purchased a new vehicle and wish to keep the Private Hire Vehicle Licence number that you currently have, you can submit a renewal application for that licence number, with the details of the new vehicle that you wish to licence.

There will be no reduction in the cost and you cannot transfer any of the life of the previous licence to the new vehicle. However, if you have six months or more remaining on the current Private Hire Vehicle Licence, you will qualify for a free fast-track of your application and it will be processed within two working days.

Upon application, the existing Private Hire Vehicle Licence number must be submitted, so we can identify it is a replacement application. The applicant must be the same as the existing proprietor of the current vehicle licence. If you wish to transfer the vehicle to a new proprietor, see Section 3 below.

The application will be subject to the normal requirements details in Section 2.1 and the old Private Hire Vehicle Licence plate will need to be returned, before the new licence plate is issued.

### 3. Vehicle Licence Proprietor Transfers

A Wolverhampton licensed Hackney Carriage Vehicle or Private Hire Vehicle can be sold and transferred, providing the vehicle complies with the conditions of licence.

The vehicle proprietor must request to transfer within fourteen days of the sale, specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

The transfer form can be downloaded from our website

<https://www.wolverhampton.gov.uk/licences/taxi-licences/taxi-licence-faqs>

The completed form will need to be returned to us via email to

[Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk) along with

(a) Vehicle registration document (V5C) in the new proprietor's name, or the bill of sale to the new proprietor.

(b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate to the vehicle licence) in the new proprietor's name.

(c) From 1 April 2021, if the new proprietor is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the new proprietor is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to transfer. The licence will not be transferred without a valid certificate being provided. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the transfer of licence.

We will then contact the new keeper to make payment (currently £25) and receive their licence.

## 4. Wheelchair Accessible Vehicles

On 6 April 2017, section 165 and section 167 of the Equality Act 2010 came into effect.

Section 165 imposes legal duties on the driver of a designated Hackney Carriage and Private Hire Vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The key components of Section 165 are summarized below:

- Hackney carriage/private hire drivers will be required to carry the passenger while in the wheelchair
- Hackney carriage/private hire drivers are prohibited from charging wheelchair-users an additional fare for a journey
- Hackney carriage/private hire drivers will be required to carry the passenger's wheelchair if the wheelchair-user chooses to sit in a passenger seat during the journey
- Hackney carriage/private hire drivers will be obliged to take such steps as are necessary to ensure that the wheelchair-user is carried in safe and reasonable comfort
- Hackney carriage/private hire drivers must provide reasonable levels of mobility-assistance to the disabled passenger
- Hackney carriage/private hire drivers cannot refuse hires from wheelchair users

Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- Where if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger doesn't wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Failure to comply with the duties listed under section 165 of the Act is a criminal offence.

Section 167 of the act permits local authorities to maintain a list of designated wheelchair-accessible hackney carriage and private hire vehicles.

## 5. Driver Safety Enclosures (DSE)

No material alteration or change in the specification, design, condition or appearance of vehicles shall be made without the prior approval of Licensing Services.

Aftermarket driver safety enclosures may reduce the risk of attack from passengers. However, there are risks which arise from these products, particularly those which are not approved or correctly installed. Changing or adding to the interior of the vehicle can alter the 'type approval' of the vehicle and have consequences as to what might happen inside the vehicle in the event of a collision.

If you are a manufacturer or supplier of a product and wish for it to be considered on this approved list, please visit <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.

The enclosure:

- Must be professionally installed by a competent person in accordance with the manufacturer's instructions.
- Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.
- Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.
- Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.
- Must be maintained to a high standard of cleanliness, be 100% transparent and free of marks, graffiti or stickers.
- Must permit clear conversation between the driver and passengers.
- Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.

If you wish to install a driver safety enclosure:

1. Notify your insurer of your intention to install a driver safety enclosure.
2. Choose a product from the approved list available at <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.
3. Check that the product will meet the requirements in the section above, relevant to your vehicle.
4. Contact [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk), advising which product you intend to purchase, your vehicle licence number and your availability for a vehicle inspection.
5. Once you have received confirmation from Vehicle Licensing, purchase the product and arrange for it to be professionally installed. Please note that you should arrange for installation shortly before your vehicle inspection as you are not permitted to conduct any paid-for journeys in-between installation and inspection.
6. Attend your inspection, bringing proof of updated insurance and professional

- installation.
7. The vehicle must contain the written authorisation from Licensing Services that the enclosure is permitted, as well as proof that the insurance policy covers this modification.

## 5.6. Private Hire Executive Vehicle Policy

When a vehicle is deemed as an 'executive' type, the licence holder can apply for an exemption from displaying the main licence plate externally, internal windscreen licence plate nor Private Hire Vehicle Operator signage.

Applications for exemptions from may be considered where the following requirements are met:

- Applications may only be made by a person holding a Private Hire Vehicle Operators licence issued by City of Wolverhampton Council.
- Vehicle must be a 4-door saloon.
- Vehicles must be under 6 years old when first licensed and cannot be older than the current maximum age criteria for Private Hire Vehicles. (There may be exceptions to age criteria due to the type of vehicle i.e. Vintage Rolls Royce, Bentley etc however a full service history would be required)
- Vehicles may be any colour.
- Deemed as luxury and the highest model specification.
- The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external body work internal trim and furnishings.

The type of work undertaken in this vehicle must be of an executive nature. This means that the vehicle is used specifically to provide transport under written contract to a company or person, or by the type of client who for security reasons would not want the vehicle identifiable.

Where an application for an exemption is granted, an exemption notice will be issued. The exemption notice must always be carried in the vehicle and the external licence plate affixed to the inside of the boot lid.

Exemptions are to be renewed annually subject to the vehicle undergoing a re-inspection.

The current fee for an exemption is £75.00.



## 5-16.1 Exemption Requirements

(a) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.

(b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.

(c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.

(d) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate, door or roof signs) which the Council may at any time require private hire vehicles to display.

(e) The proprietor will not display in, on or form the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

(f) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

(g) During the period of the exemption notice the driver of the vehicle, whilst engaged on private hire work, will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

(h) The proprietor shall, within 2 days notify the Council of any change in the use of the vehicle.

(i) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for daily private hire use or regular pick-ups from pubs and clubs).

(j) The glass of the driver and passenger's front side window and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.

(k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership within 2 days and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.

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## 6.7. Stretched Limousine Licensing

Stretched limousines are considered for licensing on an individual basis and on their individual merit. You are advised to contact Licensing Service prior to making an application.

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## 7.8. Advertising Policy

Advertisements shall not be permitted without the written prior approval of Licensing Services.

Consideration of requests, including a draft of the artwork, will only be considered when the following is met.

Any advertisement must not obscure or detract from the Council's vehicle identification and public safety messages, required by the conditions of licence.

Artwork must be of a suitable standard to ensure its durability on the vehicle in constant use.

Any advertisement must not contain text or images depicting the following:

- Political, ethnic or religious messages or content which is contrary to the Council's Equal Opportunity Policy
- Sexual content
- Indecent material or content likely to offend public taste
- The promotion of the sale or consumption of tobacco products
- The promotion of the sale or consumption of alcohol
- Any words or images that may indicate the vehicle is a Hackney Carriage.
- Encouragement of anti-social behaviour
- Advertising must in no way adversely affect the safety of the public

All advertising applications will be dealt with on a case by case basis in accordance with the scheme of delegation.

## 8.9. Private Registration Numbers

In order to change the registration number associated with the vehicle licensed by the Council, you must contact [Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk)

You must supply:

- Vehicle Registration Document (V5C) showing your new registration number, DVLA Authorisation Certificate or DVLA Certificate of Entitlement (V750)
- Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate) for the new registration number.

You will be contacted to collect your new licence plate from our ~~Hickman Avenue~~ offices, which will be issued after the payment of £37.

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## 9.10.Approved MOT Testing Stations

All Hackney Carriage and Private Hire Vehicles licensed by City of Wolverhampton Council must undertake a MOT test by an approved testing station.

To become an approved station, your garage must meet the following criteria:

- Registered by DVSA as an approved test centre for at least 3 years
- Considered a 'green' rated garage by DVSA
- No associated links to any City of Wolverhampton Council Hackney Carriage or Private Hire licence holder.

To download an application to become an approved station:

<https://www.wolverhampton.gov.uk/licences/taxi-licences/approved-mot-testing-station>

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**Equality Analysis**

<p><b>Directorate:</b> City Environment and Housing</p> <p><b>Service Area:</b> Licensing Services</p>	<p><b>Lead Officer:</b> Greg Bickerdike, Licensing Manager</p> <p><b>Date completed:</b> 5 December 2022</p>
<p><b>Service / Function / Policy / Procedure to be assessed:</b> Driver Safety Enclosures</p>	
<p><b>Is this:</b></p> <p>New / Proposed <input checked="" type="checkbox"/></p> <p>Existing/Review <input type="checkbox"/></p> <p>Changing <input type="checkbox"/></p> <p>(Please tick appropriate box)</p>	<p><b>Review date:</b></p> <p>28 February 2023.</p>

Page 141

**Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.**

**What are the aims and objectives/purpose of this service, function, policy or procedure?**

To reduce violence against hackney carriage and private hire drivers licensed by the Council.

**Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?**

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment	Yes	
Advancing equality of opportunity	No	
Fostering good community relations	No	

**If not relevant to any of the three equality duties and this is agreed by your Head of Service, the Equality Analysis is now complete - please send a copy to the Equality & Diversity Team. If any of the three equality duties are relevant, a Full Equality Analysis will need to be undertaken (PART B below).**



**PART B: Full Equality Analysis.**

**Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)**

<b>What outcomes are sought and for whom?</b>	<b>A reduction in violence against licensed drivers.</b>
<b>Are there any associated policies, functions, services or procedures?</b>	<b>Taxi CCTV Policy</b>
<b>If partners (including external partners) are involved in delivering the service, who are they?</b>	<b>External suppliers will be required to manufacture and install the enclosures.</b>

**Step 2 – What does the information you have collected, or that you have available, tell you?**

**What evidence/data already exists about the service and its users?** (in terms of its impact on the ‘equality strands’, i.e. race, disability, gender, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

Nationally, the majority of drivers were male (97%) in 2022. The average age of a driver is 48 years old, with 17% of drivers being aged under 40. The two main ethnic groups of drivers were White and Asian or Asian British in 2022, making up 41% and 42% of drivers respectively. This compares to 63% and 29% respectively in 2010. There was an increase in the proportion of non-UK nationals working as drivers in England, rising from 13% in 2010 to 23% in 2022. Therefore, these groups are more likely to be victims of violent crime from passengers.

**Has there been any consultation with, or input from, customers / service users or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven’t consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

Yes, the matter was discussed at the Private Hire Trade Working Group. The enclosures have been proposed by the trade and this policy seeks to mitigate the risks of sub-standard equipment by introducing a list of approved suppliers.

**Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?**

A licensed driver was killed in October 2022 and there is significant anecdotal evidence of assaults on drivers, often involving racial or religious hatred.

**Step 3 – Identifying the negative impact.**

**a. Is there any negative impact on individuals or groups in the community?**

	<p><b>Barriers:</b></p> <p>What are the potential or known barriers/impacts for the different ‘equality strands’ set out below? Consider:</p> <ul style="list-style-type: none"> <li>• <b>Where</b> you provide your service, e.g. the facilities/premises;</li> <li>• <b>Who</b> provides it, e.g. are staff trained and representative of the local population/users?</li> <li>• <b>How</b> it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?</li> <li>• <b>When</b> it is provided, e.g. opening hours?</li> <li>• <b>What</b> is provided, e.g. does the service meet everyone’s needs? How do you know?</li> </ul> <p>* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.</p>
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Page 144

	<p><b>Solutions:</b></p> <p>What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:</p> <ul style="list-style-type: none"> <li>• Other arrangements that can be made to ensure people’s diverse needs are met;</li> <li>• How your actions might help to promote good relations between communities;</li> <li>• How you might prevent any unintentional future discrimination.</li> </ul>		
Equality Themes	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
<p><b>Age</b> (including children, young people and older people)</p>		<p>Elderly people are more likely to suffer serious injury in an accident from unapproved or ill-fitted enclosures.</p>	<p>The enclosure:</p> <ul style="list-style-type: none"> <li>• Must be professionally installed by a competent person in accordance with the manufacturer’s instructions.</li> <li>• Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.</li> <li>• Must not be modified from the original manufactured design, without the manufacturer’s confirmation that this will not cause any safety issues or non-compliance with the</li> </ul>

			<p>relevant UK and/or EC safety legislation.</p> <ul style="list-style-type: none"> <li>• Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.</li> </ul>
<b>Disability</b> (including carers)		<p>People with disabilities are more likely to suffer serious injury in an accident from unapproved or ill-fitted enclosures.</p>	<p>As above.</p>
		<p>People who have hearing difficulties may struggle to hear what the driver is saying.</p>	<p>Enclosure must permit clear conversation between the driver and passengers.</p>
		<p>People with sight issues might not be able to see the driver as clearly.</p>	<p>Enclosure must be maintained to a high standard of cleanliness, be 100% transparent and free of marks, graffiti or stickers.</p>
<b>Gender</b> (men and women)	<p>Nationally, the majority of drivers were male (97%) in 2022. As such, additional protection will disproportionately benefit this group.</p> <p>Increased protection from passengers might also encourage greater representation from females as drivers.</p>		
<b>Race</b> (including Gypsies & Travelers and Asylum Seekers)	<p>Asian or Asian British drivers make up 42%, compared to 6.9% of the population. Asian drivers</p>		

	are disproportionately represented in the trade and as such, additional protection will benefit these group, particularly from violence motivated by race.		
<b>Religion or belief</b> (including people of no religion or belief)	Additional protection will benefit these group, particularly from violence motivated by religious hatred.		
<b>Gender Re-assignment</b> (those that are going or have gone through a transition: male to female or female to male)			
<b>Pregnancy and Maternity</b>			
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)			
<b>Marriage and Civil Partnership</b>			
<b>Human Rights</b>	This measure supports Article 2 of the Human Rights Act.		

Page 147

**Step 4 – Changes or mitigating actions proposed or adopted**

**Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure?  
What changes or mitigating actions are proposed?**

Policy has been updated to include the solutions identified.

**Step 5 – Monitoring**


**How are you going to monitor the existing service, function, policy or procedure?**

A six-week consultation on the draft policy is proposed, which will inform the final policy which will be regularly reviewed.

**Part C - Action Plan**

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
Issues not anticipated may result from the policy.	Approval for consultation to be sought from Regulatory Committee.	Greg Bickerdike	By 11 January 2023.

**Equality Analysis approved by:**

Head of Service: 	Date: 06 December 2022
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**Please send an electronic copy of the Equality Analysis to the Equality & Diversity Team:**