



# STROUD DISTRICT COUNCIL

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13 January 2020

## COMMUNITY SERVICES AND LICENSING COMMITTEE

A meeting of the Community Services and Licensing Committee will be held on **THURSDAY 23 JANUARY 2020** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **7.00 pm.**

Kathy O'Leary  
Chief Executive

**Please Note:** This meeting will be filmed for live or subsequent broadcast via the Council's internet site ([www.stroud.gov.uk](http://www.stroud.gov.uk)). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

### AGENDA

- 1 **APOLOGIES**  
To receive apologies for absence.
- 2 **DECLARATIONS OF INTEREST**  
To receive declarations of interest.
- 3 **MINUTES**  
To approve the Minutes of the meeting held on 28 November 2019.
- 4 **PUBLIC QUESTION TIME**  
The Chair of the Committee will answer any questions from members of the public, submitted in accordance with the Council's procedures.  
**DEADLINE FOR RECEIPT OF QUESTIONS**  
**Noon on MONDAY 20 January 2020**  
Questions must be submitted in writing to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud, and sent by post or by Email: [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk).

- 5 DIRECTOR OF PUBLIC HEALTH ANNUAL UPDATE**  
To provide a verbal update from the Director of Public Health.
- 6 PROPOSAL TO CHANGE STROUD DISTRICT COUNCIL'S STREET TRADING POLICY**  
To consider a proposed new street trading resolution and an amendment street trading policy.
- 7 NATIONAL REGISTER OF TAXI AND PRIVATE REVOCATIONS AND REFUSALS**  
To adopt use of the National Register of Taxi and Private Hire Revocations and Refusals from 1 April 2020.
- 8 THE FUTURE OF LEISURE PROVISION IN STROUD DISTRICT AND THE PROPOSED EXTENSION OF THE STRATFORD PARK LEISURE CONTRACT**  
To approve use of the reserve to commission studies from leisure industry experts and to approve an extension to the Sport and Leisure Management (SLM) contract.
- 9 WORK PROGRAMME**  
To consider the work programme
- 10 MEMBER REPORTS**
- a) Gloucestershire Health Overview Scrutiny Committee
  - b) Museum in the Park
  - c) Police and Crime Panel
  - d) GFirst LEP - Visitor Economy/Tourism Business Group
  - e) Citizens Advice
  - f) Performance Monitoring
- 11 MEMBERS' QUESTIONS**  
See Agenda Item 4 for deadline for submission.

### **Community Services and Licensing Committee 2019/20**

**Councillor Mattie Ross (Chair)**  
**Councillor Jonathan Edmunds (Vice-Chair)**  
 Councillor Gordon Craig  
 Councillor John Jones  
 Councillor Norman Kay  
 Councillor Darren Loftus

Councillor Gill Oxley  
 Councillor Nigel Prenter  
 Councillor Sue Reed  
 Councillor Steve Robinson  
 Councillor Brian Tipper  
 Councillor Ken Tucker

## COMMUNITY SERVICES AND LICENSING COMMITTEE

28 November 2019

7.00 pm – 8.40 pm

Council Chamber, Ebley Mill, Stroud

# 3

### Minutes

#### Membership

Councillor Mattie Ross (Chair)	P	Councillor Gill Oxley	A
Councillor Jonathan Edmunds (Vice-Chair)	P	Councillor Nigel Prenter	P
Councillor Gordon Craig	P	Councillor Sue Reed	A
Councillor John Jones	A	Councillor Steve Robinson	P
Councillor Norman Kay	P	Councillor Brian Tipper	P
Councillor Darren Loftus	A	Councillor Ken Tucker	P

P = Present    A = Absent

#### Other Member(s) in Attendance

Councillor Cornell

#### Officers in Attendance

Head of Community Services	Senior Youth Officer
Accountant	Revenue and Benefits Manager
Strategic Director of Resources	Democratic Services & Elections Officer

#### Others in Attendance

Helen March, Chairperson of Stroud Youth Council  
 Miki Bailey, Stroud Youth Council Principal Member for Anti-Bullying  
 Representatives from Cam, Dursley, Stroud, Chalford and Hardwicke Youth Forums and also Archway and Rednock Schools

#### CSLC.023

#### APOLOGIES

Apologies for absence were received from Councillors Jones, Oxley, Read and Tipper.

#### CSLC.024

#### DECLARATIONS OF INTEREST

There were none.

#### CSLC.025

#### MINUTES – 5 SEPTEMBER 2019

#### RESOLVED

**That the Minutes of the Meeting held on 5 September 2019 are confirmed and signed as a correct record.**

**CSLC.026**                      **PUBLIC QUESTION TIME**

There were none.

**CSLC.027**                      **YOUTH WORK STRATEGY 2020-2024**

The Senior Youth Officer outlined the draft Youth Work Strategy which had been developed by a Task and Finish Group and had been widely consulted upon. The Strategy would encourage closer working practices with the youth of the district through the Stroud District Youth Council (SDYC) and local youth forums.

Both representatives of the SDYC demonstrated how powerful their experiences were, in particular mentioning the impact of various youth forums across the District. The forums allowed young people to voice opinions, be listened to and be a part of a decision making process.

The Chair thanked all of the young people who had attended the meeting tonight and also thanked the members of the Task and Finish Group, including Officers especially Nikki Humphries.

Members were very touched and proud of the SDYC, the forums across the District and the valuable work that they were involved in. The British Youth Council held the SDYC in high regard.

The Senior Youth Officer confirmed that SDYC were involved in a wide range of issue based projects including health and emotional wellbeing, and had helped with clinical commissioning groups and making GP surgeries more youth friendly.

In response to a question regarding the budget the Head of Community Services confirmed that the budget of £103k was made up from 3 budgets; £60k – Youth Strategy and £43k - Senior Youth Officer and Hear by Right.

All Members were very supportive of the Strategy and referred to the work that had already been undertaken in their own wards.

The Chair invited the SDYC representatives to give all Members an update prior to the next Committee meeting.

**RESOLVED**                      **To approve the Youth Work Strategy 2020-2024.**

**CSLC.028**                      **COMMUNITY SERVICES AND LICENSING COMMITTEE**  
**REVENUE ESTIMATES – REVISED 2019/20 AND ORIGINAL**  
**2020/21**

The Accountant outlined the above report which was the budget setting report for this Committee and drew Members' attention to Appendix B – Schedule of Fees and Charges.

In response to a question the Head of Community Services confirmed the need for a review of all of the amenities within Stratford Park. A report relating to Stratford Park Leisure Centre would be presented at the next Committee meeting. Stroud College have declined to pay a service charge subsidy for the use of the car park which is free of charge for up to 12 hours. This will result in a loss of income to the Council.

Members raised the point of the possibility of engaging a person to work part-time on Arts and Culture, if there was any monies left over from the review. The Head of Community Services confirmed this would need to be done in consultation with the S151 Officer. The Officer could then apply for grant funding on behalf of the Council. It was suggested that if the tender process was commenced initiatives and ideas for the use of the area could come forward.

The Head of Community Services clarified that Stratford Park stood in approximately a 56 acre site, and consisted of a leisure centre, outdoor pool, a museum, park activities ie tennis, band stand and car parking. A review of the whole park was needed urgently as a whole package. This will be within the future Corporate Delivery Plan with the new Strategic Director of Communities leading this project.

- RECOMMENDED TO STRATEGY AND RESOURCES COMMITTEE**
- a. **The revised Community Services and Licensing revenue budget for 2019/20 and original 2020/21 revenue budget are approved.**
  - b. **The Fees and Charges list as shown at Appendix B is approved.**
  - c. **That the Culture, Arts and Leisure Reserve is committed to fund a full strategic review of the activities of the Council and partners at Stratford Park.**

**CSLC.029**                      **COMMUNITY SERVICES AND LICENSING BUDGET MONITORING REPORT Q2 2019/20**

The Accountant introduced the above report which was a forecast from the budget holders of where they expected their budgets to be at year end.

- RESOLVED**                      **To note the outturn forecast for the General Fund Revenue budget and the Capital Programme for this Committee.**

**CSLC.030**                      **COMMUNITY GRANT SCHEME**

The Head of Community Services confirmed that following the retirement of the Director of Customer Services the scheme was under the authority of the Strategic Director of Resources. However, following the appointment, priority would be given for a full review to be undertaken by the new Strategic Director of Communities.

The Chair stated that groups that did receive grant funding from the Council should give regular reports and also use the Council's logo. Councillor Robinson confirmed that in the past, as Chair of Committee, he had discussed grant funding with the former Director of Customer Services (who had delegated authority). The Head of Revenue and Benefits confirmed that all of the organisations currently receiving a grant from the Council had been contacted to confirm that they would be receiving their grant for the next financial year but not to assume any funding after the review.

- RESOLVED**
- a. **To agree to extend the Community Grant Scheme in 2020/21.**
  - b. **To award the funding as set out in Appendix A in line with previous arrangements.**
  - c. **To delegate authority to the incoming Strategic Director of Communities to carry out a full review of the Council's grants budget and allocation processes.**

**CSLC.031**                      **WORK PROGRAMME**

To invite the SDYC to give all Members an update prior to the next Committee meeting.

**CSLC.032**                      **MEMBER REPORTS**a.    Youth Service Task and Finish Group

Refer to Agenda Item 5 - Youth Work Strategy 2020-2024.

b.    County Health and Overview Scrutiny Committee

A report from Councillor Lydon had been circulated prior to the meeting.

c.    Museum in the Park

Councillor Prenter had provided a report which had been circulated prior to the meeting.

d.    Police and Crime Panel

Councillor Robinson provided an update. A lot of police time was being spent dealing with people with mental health issues. Martin Surl had been working with the Clinical Commission Group and a Mental Health Nurse. From Monday-Thursday a car with Police and a Mental Health Nurse worked in the district to assist people with mental health issues. This is working well. From September only 15% of Police time had been spent on dealing with crime in Gloucestershire.

e.    Gfirst LEP – Visitor Economy/Tourism Business Group

Councillor Craig had circulated his report to Committee prior to the meeting.

f.    Citizens Advice

Councillor Craig had circulated his report to Committee prior to the meeting. He would find out how much support Cirencester gave their CAB.

g.    Gloucestershire Taxi Meeting

Councillor Ross confirmed that there was talk of standardisation.

**CSLC.033**                      **MEMBERS' QUESTIONS**

There were none.

The meeting closed at 8.40 pm.

Chair

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES AND LICENSING**  
**COMMITTEE**

**AGENDA**  
**ITEM NO**

**6**

**23 JANUARY 2020**

<b>Report Title</b>	<b>PROPOSAL TO CHANGE STROUD DISTRICT COUNCIL'S STREET TRADING RESOLUTION</b>
<b>Purpose of Report</b>	To provide information that will allow Committee to consider a proposed new street trading resolution and an amended street trading policy.
<b>Decision(s)</b>	<b>The Committee RESOLVES to:</b>  a. <b>APPROVE</b> an intention to adopt a new street trading resolution as set out in Appendix C  b. <b>RESOLVES</b> to authorise Licensing Officers to publish formal notice of the Council's intention to adopt the resolution and to undertake a 28-day formal consultation  c. <b>RESOLVES</b> to approve for formal consultation the draft amended street trading policy as set out in Appendix D.
<b>Consultation and Feedback</b>	<ul style="list-style-type: none"><li>• There was an initial consultation on Stroud District Council's street trading policy between June and August 2019.</li><li>• Feedback from this led to the proposal in this report to change the Council's street trading resolution and to make further changes to the policy. These proposals were consulted on informally between November and December 2019</li><li>• There is a statutory requirement for a public notice and 28 days formal consultation once Committee have approved an intention to change the resolution. This will take place in February 2020.</li></ul>

<b>Financial Implications and Risk Assessment</b>	<p>A minimal loss of income has been indicated (p.2.7) however this can be offset with a saving on Officer time.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109, Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p> <p>Risk Assessment The Licensing Section has been given legal advice that the current street trading policy needs updating. Failure to do this could lead to judicial challenge of any decision based on the current policy</p> <p>Rachel Andrew, Principal Licensing Officer</p>
<b>Legal Implications</b>	<p>The proposed new street trading resolution provides for comprehensive application of the street trading regulations throughout the District whilst allowing for limited exemption in cases where trading is undertaken on land which can be controlled by a public authority or registered charity; it avoids the use of individual waivers which do not have proper legal authority within the terms of the legislation.</p> <p>Alan Carr, Solicitor Tel: 01453754357 Email <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a></p>
<b>Report Author</b>	<p>Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: <a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a></p>
<b>Performance Management Follow Up</b>	<p>The Council must keep its policy under review and make such revisions to it at such times as it considers appropriate.</p>
<b>Background Papers/ Appendices</b>	<p><b>Appendix A</b> – Summary of responses from first consultation on street trading policy</p> <p><b>Appendix B</b> – Summary of responses from informal consultation on a new street trading resolution and further amended street trading policy</p> <p><b>Appendix C</b> – Draft new street trading resolution</p> <p><b>Appendix D</b> – Draft amended street trading policy</p>

## 1 Background

- 1.1 Stroud District Council has adopted powers under the Local Government (Miscellaneous Provisions) Act 1982 so that any person selling articles in the 'street' must obtain a street trading consent from the Council.
- 1.2 In the legislation 'street' is defined as any road, footway or other area to which the public have access without having to pay an entrance fee.



- 1.3 Under the legislation the Council must make a resolution designating which areas in the district street trading consent applies to. Stroud District Council's current resolution designates all streets and land in the district.
- 1.4 Stroud District Council also has a policy which explains the Council's approach for managing street trading and the process for applications and making decisions.
- 1.5 In 2018 Legal Officers advised the Licensing Team that legal interpretations of street trading legislation have changed over time. Their opinion now is that some parts of Stroud District Council's current street trading policy, which have been in place since 2000, are not actually permissible under street trading legislation. These are:
- The waiver for markets. In accordance with our current policy all current markets in the district, including Stroud Farmers Market, have been granted a waiver from needing street trading consent.
  - The exemption for community and charitable events. In accordance with the current policy events such as village fetes and goodwill events do not need street trading consent.
- 1.6 In 2019, taking account of the above advice, Licensing Officers drafted a revised policy which removed the waivers and exemptions and replaced these with a new market consent and a new 'light touch' procedure for community events. A draft policy was approved by Community Services and Licensing Committee on 30<sup>th</sup> May 2019 and was consulted on between 3<sup>rd</sup> June 2019 and 2<sup>nd</sup> August 2019.
- 1.7 During the consultation a number of comments were received from Members, Town and Parish Councils and Market Trusts who expressed serious concern that removing the above waivers and exemptions, and replacing them with a market consent and a light touch community event consent, would have significant impact on local events, such as village fetes and community markets, to the detriment of the community. A schedule summarising comments made during this first consultation is Appendix A.
- 1.8 Following the consultation Licensing Officers, with support from Legal Officers, reviewed the options to address the above concerns. It was concluded that the way forward is for Stroud District Council to make a new resolution and re-designate the areas within the district that will need street trading consent.

## **2 Stroud District Council's Street Trading Resolution**

- 2.1 Stroud District council's current resolution was adopted in 2000. It states that trading on all streets and land in the district, which the public have access to without payment, need street trading consent. The current resolution specifically states that this includes all County, District and Town and Parish Council owned land.
- 2.2 The proposal is to change the resolution to designate all streets and land that the public have access to without payment, **excluding any land owned and managed by public authorities or registered charities**, other than public highways.

- 2.3 This will mean that trading on any land owned and managed by Gloucestershire County Council, Stroud District Council or Town and Parish Councils (with the exception of Highways managed streets, pavements and laybys) **will not** need street trading consent. Similarly, any trading on streets or land owned and managed by a registered charity, such as charitable trusts, **will not** need street trading consent.
- 2.4 The proposed new Resolution will mean that events such as village fetes and local markets held on Town and Parish Council land, or land managed by registered charities, such as playing field trusts and market place trusts, will not need street trading consent.
- 2.5 Stroud Farmers Market will not need street trading consent for stalls in the Cornhill Market (land which is managed by Stroud District Council). However, the stalls that are in the streets around the Cornhill Market will need street trading consent.
- 2.6 Trading on the highway, or on private land that the public have access to without payment, for example store car parks, will continue to need street trading consent.
- 2.7 Some individual traders who currently trade on registered charity land or Council land will no longer need street trading consent. The number of traders that this will affect is minimal but it will result in a small reduction in income. However, this will be offset by a saving in Officer time.
- 2.8 Any adverse impact of trading on Council or registered charity land, such as obstruction or nuisance, will no longer be controlled through street trading consents. However, any impacts can instead be controlled by the relevant Council or charity who manages the land.
- 2.9 A draft new resolution was put out for informal consultation between 4<sup>th</sup> November 2019 and 20<sup>th</sup> December 2019. The consultation included all Town and Parish Councils, all organisations and persons that made comment during the first consultation on our street trading policy and all current traders and markets. Comments made during this informal consultation on the resolution are shown in a summary of informal consultation comments which is Appendix B. In general, the comments support the proposed new resolution and policy. Stonehouse Town Council made comment about the proposed discretion to waive the fee for the short term consent for community and charitable events provided the event only takes place one year. The Town Council have asked if the yearly restriction could be removed to reduce impact on community events. The policy has been amended to remove this restriction but retain the provision that it is at the discretion of the Head of Health and Wellbeing as to whether the fee for a particular application for a short term consent will be waived.
- 2.10 The draft new resolution for Committee to consider is Appendix C
- 2.11 Street trading legislation lays down a statutory procedure for making or changing a resolution. Once a draft resolution is approved a Council must place a statutory notice in a newspaper giving public notice of the Council's intention to change the resolution and giving a period of no less than 28 days during which objections can

be made. The Council must also give notice to the Police and the Highways Authority. The Council must then consider any objections made before resolving to adopt the resolution. Following this the Council must place statutory notices in a newspaper for two consecutive weeks giving public notice of adoption of the resolution.

### **3 Stroud District Council's Street Trading Policy**

- 3.1 The draft street trading policy that was consulted on during the first consultation has been further amended to reflect the proposal to change the resolution. Additionally, further amendments have been made to the policy to take account of other comments made during the first consultation.
- 3.2 The amended draft policy was included in the informal consultation on the proposed new resolution. Further comments on the policy made during this informal consultation are shown in Appendix B.
- 3.3 The amended draft policy continues to have a new market consent and a new 'light touch' procedure for community events. This will apply to markets and events which, under the proposed new resolution, will need street trading consent. For example, markets and community events held on the highway or on private land.
- 3.4 The draft amended policy is Appendix D. The document shows the original proposed changes highlighted in red and further changes reflecting the proposed new resolution and comments from the first consultation in green.

### **4 Next Steps**

- 4.1 If Committee decides that it wishes to adopt a new resolution the Council must comply with the following statutory process.
  - At this meeting Committee approves an intention to adopt the draft new resolution and amended policy.
  - On 29<sup>th</sup> January 2020 Officers will place a statutory notice in a newspaper and at the Council Offices giving public notice of the Council's intention to change the resolution and giving 28 days for objections. The notice must also be served on the Police and Highways Authority.
  - On 26<sup>th</sup> March 2020 Committee will consider any objections to the resolution and, if satisfied, resolve to adopt the resolution and adopt the final policy.
  - In April 2020 Officers will place statutory notices in a newspaper for two consecutive weeks giving public notice of adoption of the new resolution.
  - On 1<sup>st</sup> May 2020 the new resolution and revised policy will be implemented.

### **5 Conclusion**

- 5.1 Legal advice is that parts of Stroud District Council's current street trading policy are not legally permissible under street trading legislation. These parts are waivers for markets and exemptions for community and charitable events.
- 5.2 The initial proposal was to amend the policy by replacing the waivers and exemptions with a market street trading consent and a 'light touch' community event street trading consent. During consultation earlier in 2019 there were strong objections from Town and Parish councils and Market organisers who felt the proposed changes to the policy would have a detrimental effect on community markets and events.
- 5.3 It is now proposed to amend the Council's street trading resolution to re-designate the areas of streets and land within the district that need street trading consent.
- 5.4 The proposed new resolution will exclude land owned and managed by Councils' and registered charities. This will mean that many local markets and community events will be on land that will not need street trading consent.
- 5.5 Further amendments have been made to the street trading policy to reflect the proposed new resolution and other comments made during the first consultation.
- 5.6 The proposed new resolution and amended policy has been consulted on informally during November and December 2019.
- 5.7 If Committee decides to approve a new resolution there is a statutory process which includes a public notice in a newspaper stating an intention to adopt a resolution and formal public consultation for 28 days.

# Appendix A

## STROUD DISTRICT COUNCIL'S STREET TRADING POLICY

### Summary of Responses from First Consultation On Draft Revised Policy Consultation Period 3<sup>rd</sup> June 2019 – 2<sup>nd</sup> August 2019

	Consultee	Consultee Comment
1.	Stonehouse Town Council	Stonehouse Town Council considered that the District Council were achieving the best strategy for the Street Trading Policy.
2.	Stroud Town Council	Stroud Town Council has no observations regarding this consultation.
3.	Kingswood Parish Council	Kingswood Parish Council has reviewed the consultation and would like some clarification on the need for a licence for events on its playing field.
4.	Minchinhampton Market Committee	Please advise why you feel that the market held in Minchinhampton may fall under market street consent legislation. The advice I have been given is that the right is vested in the owners of the Market Hall. Therefore I believe the market is exempt.
5.	Minchinhampton Parish Council	Minchinhampton Parish Council concurs with the chairman that Minchinhampton's ancient Chartered Market Town status protects it from this legislation.
6.	Slimbridge Parish Council and Whiteshill and Ruscombe Parish Council	<p>Both Parish Council's believe that the charges should not apply to these sort of events as they are usually fundraising events or raising for further community events; charging just defeats this object by taking away some of those funds. It is also further paperwork to complete on top of the other paperwork required such as TEN's.</p> <p>Much clearer clarification is needed in the policy to identify the events that would come under street trading and those that are likely not to, and if 'controlled entrances' are required for non-paying events, what would you expect to see as a 'controlled entrance'; how would these be checked or enforced, what would be the penalties for example?</p>
7.	Dursley Town Trust	<p>The footprint of the Market Place is owned by the Trust and is therefore not to be construed as public space. The people of Dursley have free access to this space but only in the way Sainsburys car park is open to the public while remaining private property. We do not believe SDC's writ applies to this space. The extracts of the Charter that are referenced in our records consider both Thursday and Saturday to be assigned Market Days.</p> <p>The market traders in Dursley operate on wafer-thin margins. Making their business unviable will lead them to close. The people of Dursley will lose an important amenity and impoverish the community. Another small market town centre will become deserted. Dursley Town Trust will lose an important rental income, become loss-making and ultimately wind up, passing the Town Hall back to the Town Council, at public charge. The SDC proposal is short-sighted and self-defeating.</p> <p>I would also make a plea for the street stalls during Dursley Festivals (summer and Christmas). These Festival events are well-planned and managed by Town Council staff and volunteers, including marshals with hi-vis vests, and so do not carry the public risk that your proposal seeks to prevent. The stall holders also pay a fee to the Festival funds so, again, your proposed fee would be a second charge and the straw to break the camel's back.</p>

8.	Dursley Famers Market	<p>I am the organiser of Dursley Farmers Market and I am writing to you in objection of your proposed Street Trading Policy 2019 with specific regards to this market.</p> <p>I was very surprised to learn that if your proposed changes go through that we will have to pay potentially £275 a year so that this local market can still go ahead. This is a fee that we as a market cannot afford, and neither can the Town Trust who we work with, as any monies raised from pitch fees goes directly to them to support the wonderful work that they do in looking after the historical Market Place where the market is held. Below are my reasons as to why these changes should not go ahead, not just for us, but for other small community events as well.</p> <p>We are a very small market compared to the likes of Stroud Farmers Market and we have to work very hard to keep it going. There is always an ongoing turntable of stalls, with regular ones who have trusted the townspeople of Dursley to make them having a stall there worthwhile as well as new ones always wanting to either start out on a new business venture or to develop further. There are very few markets of our small scale left now in the local area, due to the draw of the larger markets.</p> <p>All of the stallholders that come to Dursley Farmers Market are local and more importantly they are small businesses. Being able to come to markets like ours, they are able to get their product known to the local people and spread the word of their business by word of mouth. Many of our regular stallholders have been coming for many consecutive years that they have built up a secure regular customer footfall, which supports not only them but also the new stalls that join us as well. In a time when we are encouraging people to shop local, there is no better place than this small market in a historical market town. Local is best for a reason for these small businesses and more importantly the market.</p> <p>The first objective of the current policy, “recognise the important service that is provided by street traders and the contribution they make to the local economy” is true of Dursley Farmers Market. The effect that we have on the town is a positive one as it contributes to the fantastic work the local businesses already do in the highstreet. I am a very strong believer in the thinking of “Shopping Locally” and this is something I am always pressing for at the market, therefore not only are people coming to the market but it is bringing them into the highstreet as well, thus supporting the small shops and businesses there.</p> <p>All of the above are just a handful of reasons as to why the proposed changes should not go ahead. We are only a small market; and this current era has been running in Dursley longer than I have been alive and is just one of the last remaining small markets to still be going in the local area. To lose such a valuable asset of the town would be damaging not only for the stallholders who make the market what it is, but also for the town itself as well.</p> <p>This market is so much more than a business enterprise; it is a part of Dursley and a part of its history. But if the changes go ahead, the market will not be able to survive and who wins then? It won't be the small people; it will be the big people; for those that can't travel easily, they will miss out on the wonderful produce that is brought to them. What about “shopping locally is best”? This won't be able to happen as people will have to go further afield, therefore affecting our highstreet.</p> <p>I feel so strongly that these proposed changes will destroy the small towns and the work that is done there to look after them. The market is so important for the people of Dursley, the stallholders and to me, to lose it would be devastating.</p>
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9.	Dursley Town Council	<p>Dursley Town Council strongly opposes changes to the Street Trading Policy and proposed charges that would result in an adverse impact on charitable/community events and markets in Dursley and in turn community cohesion, our local economy, heritage and sustainability.</p> <p>The town has a number of annual community events that not only support local charitable causes and the local economy, by raising much needed funds and encouraging trade and visits to the town, but they also allow the community to come together supporting community cohesion They have been built up over the years by dedicated community volunteers, with support from the Council. They are predominantly held in the street and rely heavily on volunteers and fundraising activities, already having to cover the cost of road closures and other safety precautions e.g. first aid cover. Additional consents and charges add to the financial burden for these events, frustrating the efforts of local volunteers to bring the community together for the benefit of the town, threatening future activities.</p> <p>The markets in Dursley are small scale and they complement Dursley's existing traders and offering as a town. The markets are a great advert for shopping locally as the stall holders are from the local area, selling local produce and, for some, it has been a way to test or start out on a new business venture, nurturing small business and enterprise.</p> <p>The market traders that operate in Dursley today do so on wafer-thin margins and requiring them to apply for street trading consent would make their business unviable, forcing them to close. If this happened, the people and town of Dursley would lose an important amenity, which has for so long been part of the town's rich history. The pro-active work that has gone on locally to build the community and town up to be an attractive destination for residents, visitors and shoppers, would take a huge step backwards. Not only would it adversely impact market traders, but also town centre trade in general, the 'shop local' message and the environmental benefits of encouraging this, as well as community cohesion and local heritage.</p> <p>Today Dursley Market Place is owned by the Dursley Town Trust, so therefore technically the land is privately owned and although the people of Dursley have free access to the space it remains private property and the Trust could, if they chose to, restrict access. The space should be exempt from consent charges. Street trading consent charges would have a huge adverse impact on the Town Trust itself as it would result in the loss of an important rental income from the market traders, forcing the trust into a loss-making position and ultimately preventing them from being able to continue. The Trust has been able to keep both the Market Place and Jacob's House, two beautiful key heritage assets, in use today, as well as the Heritage Centre, which is of great value to the town and surrounding area, and this threatens their ability to do so in the future.</p> <p>For the reasons explained above we believe that street trading consent and charges should not be required by Stroud District Council for charitable/community events and small town markets, such as Dursley's.</p> <p>The impacts of the proposed changes to the Street Trading Policy appear to be at odds with the District Council's policies and the overall objectives and priorities for making the District a better place to live, work and visit for everyone. The proposed changes are short-sighted and unsupportive of small market towns and small local businesses.</p>
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		<p>This comes at a time when Stroud District Council's tourism officer posts and funded TIC have also recently been lost, requiring towns to step in and take local action to prevent their economies suffering, when nationally there is a renewed focus on tourism and economic growth. It also comes at a time when there is renewed focus on the environment and the District taking steps to become carbon neutral in the near future, the 'shop locally' message and activities that support it, should be an important part of this.</p>
10	Nailsworth Town Council	<p>At the Town Council meeting on Tuesday 16th July my Council expressed deep concern about the changes and the following points were raised:</p> <p>A charge could suppress local enterprise, discouraging Nailsworth's Farmer's Market from expanding. A charge discourages local food outlets, running against a Climate Emergency declaration. This goes against the Market Town Initiative to improve market towns. The charge is disproportionate for the size of Nailsworth's Farmer's Market; Stroud and Nailsworth are not comparable. Could there be a 'peppercorn' charge? My Council were concerned that a fixed fee for weekly or monthly markets would not give flexibility for a smaller market to expand and felt that if any fee were to be introduced it should be 'pro rata' according to the number of market stalls and not the frequency.</p> <p>Further to these comments it's unclear how a charge would affect the weekly Friday Market held in the Mortimer Room which expands outside the library to include a plant stall. The outside stall attracts customers to this small, busy indoor market, full of local producers.</p>
11	Councillor Steve Robinson	<p>I certainly feel that there should be a pro-rata cost for the number of stalls eg in the Market Towns there are probably less than 20 stalls at any time and they are run on a voluntary basis. Stroud Market, as we know, is a business and has many more stalls to divide the license by.</p> <p>1 – 20 stalls  20 – 40 stalls  40 + stalls</p> <p>This would mean that markets with less than 20 stalls would pay far less than the £275 per annum which is proposed.</p>
12	Cllr John Jones	<p>Regarding fund raising community events such as, in Severn Ward, that are held on a village green, where the general public has right of access, which cannot be controlled by gated means, will this be exempt from a License, or is it covered under para 10.1.9 of the consultation document? Will the organisers of such an event as above, eg, a garden plant sale in aid of church funds, need to notify the Head of Health and Wellbeing that the event is taking place?</p> <p>Where do Funfairs stand in this Policy, as they sell food at such events, and usually take place where it is not possible to have a chargeable gated access?</p> <p>How much extra work will this upgrade of the Policy entail for the Licensing Section? Will the cost of the extra work, if applicable, be met from increased revenue? Will extra staff be needed in the Section to deal with increased workload?</p>
13	Stroud Farmers Market	<p>Paragraph 2.4.1 states 'Indoor Market Areas - The Council considers areas that are covered/partially covered and have an entrance/exit do not fit in the definition of an area the public have access to as they can be closed to the public and the operator refused entry'. The Cornhill Market may not fit in this definition as the public have access through Cornhill market area to the bus stop on Cornhill. Can</p>



		<p>the definition be amended so that the Cornhill Market area continues to not need street trading consent?</p> <p>Paragraph 5.4.1 states – ‘Waste – A street trading consent holder is responsible for the disposal of refuse and must not use Council, Highway or other public waste bins.’ The Farmers Market has an arrangement with Stroud District Council to use their waste bins’. Can this paragraph be amended to add ‘unless there is an arrangement in place with the relevant Council to use their public waste bins’.</p> <p>Paragraph 5.5.2 states – ‘Trading Hours - The Consent Holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle and there will be 30 minutes to close down and pack up’. The Farmer’s Market needs a longer period of time for set up and close. Can this be amended to give a longer period of time for Market Consents for example 90 minutes.</p>
14	Abdullah Kologlu – Street Trader	<p>Assistants –The Policy states anyone assisting on the unit for more than 14 days a year needs a basic criminal check and photo. I think the policy should allow a period of up to 3 months before the consent holder needs to notify the Council and providing criminal check and photo of an assistant. Reason is that often staff members do not stay and so need a trial period before having the cost of a criminal check.</p> <p>Also I would like during periods like school holidays to have staff on for 4 hours a day without needing to do ‘DBS checks. They would be supervised</p>
15	Daniel J Tiffney Highways	<p>I would like to offer the following comments:</p> <ul style="list-style-type: none"> <li>• Specific to Section 4 Choosing a Trading Pitch Other factors to consider when identifying a pitch include prioritising locating it outside vacant property if possible and making sure that the wares or services provided by the street trader does not conflict with that of the shops nearby.</li> <li>• Other conditions include, if a gazebo is being used then the side must be open so that visibility through the stall is possible.</li> </ul> <p>One matter that we have considered is whether SDC and GCC should draw up a plan showing the preferred sites where street trading can take place, is this something that would help with issuing trading licenses?</p>

# Appendix B

## STROUD DISTRICT COUNCIL'S STREET TRADING RESOLUTION

### Summary of Responses from Informal Consultation On Draft New Resolution and Amended Policy Consultation Period 4<sup>th</sup> November 2019 – 20<sup>th</sup> December 2019

	<b>Consultee</b>	<b>Consultee Comment</b>
1.	Cainscross Parish Council	With regard to your email about the Street Trading Policy I have now had chance to discuss with the Town Council who would like to support the proposed new resolution.
2.	Stonehouse Town Council	Stonehouse Town Council is heartened by the District Council's charging policy in that it considers and supports local community groups but that it should consider allowing more than one event per year before charging is considered and  For the application process to be made as simple as possible so as not to deter community groups from holding much needed funding events
3.	Dursley Town Council	The Council's Planning Committee considered the current Street Trading Consultation – 'Proposal to change Stroud District Council's Resolution and revise the Street Trading Policy 2019'.  It was felt that the proposed changes to the resolution and policy are clear and comprehensive. Council did not recommend any amendments.

**STROUD DISTRICT COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**  
**SCHEDULE 4 : PARAGRAPH 2**

**DESIGNATION OF STREETS AS CONSENT STREETS**

**The Council Resolves**

1. That all previous resolutions of the Council made pursuant to paragraph 2 of Schedule 4 to the Local Government Miscellaneous Provisions Act 1982 (“the Act”) are hereby revoked
2. Pursuant to Paragraph 2 of Schedule 4 to the Act that as from the date when this resolution takes effect all areas of land within the District of Stroud which are “streets” within the definition of that term contained in Paragraph 1 of Schedule 4 to the Act shall be designated as consent streets with the exception of any area of land referred to in resolution 3 below.
3. There shall be excluded from the designation in resolution 2 above any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity other than any highway which is included from time to time on the list of streets maintainable at public expense pursuant to section 36(6) of the Highways Act 1980.
4. For the purposes of resolution 3 above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means Gloucestershire County Council or Stroud District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the district of Stroud.
5. Resolutions 1 to 4 (inclusive) shall come into effect on the  
  
1<sup>st</sup> day of May 2020



# Street Trading Policy

## Consultation on Change of Resolution and Review of Policy

**Black Text = current policy**

**Red Text = new provisions**

**Blue Text = added guidance**

**Green Text = changes to reflect change of resolution and comments from first consultation**

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# 1 INTRODUCTION

## 1.1 Introduction

Stroud District Council has adopted powers under the Local Government (Miscellaneous Provisions) Act 1982 to regulate street trading in Stroud District through a street trading consent scheme.

This policy sets out the Council's approach for managing street trading in the district and the process for applications and making decisions.

A new resolution and this policy were approved by the Council's Community Services and Licensing Committee on ..... and came into effect on.....

Street trading consents are processed and issued by the Council's Licensing Section.

Licensing Section  
Stroud District Council  
Ebley Mill  
Ebley Wharf  
Stroud  
GL5 4UB  
Tel: 01453 754440  
Email: [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)  
Web: <https://www.stroud.gov.uk/business/licensing-permits/street-trading>

## 1.2 Objectives Of This Policy

1.2.1 The objectives of this policy are:

- a. Recognise the important service that is provided by street traders and the contribution they make to the local economy.
- b. Ensure the safety of customers and other persons using the locations where street traders are located.
- c. Balance the needs of the wider community, local community and street traders against the needs of those who may be adversely affected by the street trading activities.
- d. Provide consistency and transparency in the way in which the Council deals with street trading.
- e. Provide applicants and consent holders with advice and guidance on the Council's approach to the administration and enforcement of street trading.

## 1.3 Review Of The Policy

1.3.1 This policy will be kept under review and where any significant amendments are considered necessary these will be approved by the Committee that deals with licensing matters after appropriate and relevant consultations have taken place. Minor amendments that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Health and Wellbeing.

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## 2 WHAT IS STREET TRADING?

### 2.1 Definitions and Resolution

2.1.1 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the **selling or exposing or offering for sale any article, including a living thing, in a street.**

2.1.2 The Act states that **a street includes any road, footway, beach, or other area to which the public have access without payment.**

2.1.3 Stroud District Council made a resolution on ..... to designate all land within Stroud district that falls within the above definition of "street", as consent streets. The resolution includes all highways land but excludes any land in the ownership and control of a public authority or a registered charity.

2.1.4 In paragraph 2.1.3 'ownership and control' means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest. "Public Authority" means Gloucestershire County Council or Stroud District Council or any Parish or Town Council.

2.1.5 This resolution means that street trading consent is needed for trading on:

- Streets, laybys, pavements or any land including verges controlled by Gloucestershire Highways unless there is payment for entry
- Streets, laybys, pavements, or any land, including verges which are privately owned and the public can access, unless payment is made for entry. This includes private car parks such as superstore car parks.

### 2.2 Exemptions From Needing Street Trading Consent

2.2.1 The following are exempted in the legislation and do not need street trading consent:

- a. A pedlar who holds a pedlars certificate under the Pedlars Act 1871 issued by a police authority.
- b. A market that is granted through a charter or order.
- c. A news vendor selling periodicals or newspapers.
- d. Trading at a petrol station.
- e. Trading at a shop or in a street adjoining a shop as part of the business or shop.
- f. Trading as a roundsman who has defined customers and routes. It has been established in law that mobile ice cream sales are not normally deemed to be roundsmen.

### 2.3 Exemption For Individual Charity Stalls With A Street Collection Permit

2.3.1 Individual charity stalls in a street can apply for a street collection permit which allows collecting money for a charitable cause (including through the sale of items). If a street

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collection permit is granted there is no requirement for a street trading consent. Please contact the Licensing Team for further information on applying for street collection permits.

## **2.4 Indoor Market Areas**

- 2.4.1 Indoor market areas do not constitute street trading as they can be classed as shops which are exempt from street trading legislation

## **2.5 Events with an Entrance Fee**

- 2.5.1 Events that have an entry fee do not constitute street trading and do not need street trading consent

## **2.6 Community and Charitable Events**

- 2.6.1 Community and Charitable events on land owned by Gloucestershire County Council, Stroud District Council, a Town or Parish Council or a registered charity do not need street trading consent.
- 2.6.2 Community and charitable events that are held on other land or on public highways (and do not have an entrance fee) will need to apply for a street trading consent. There is provision for the fee to be waived if criteria are met (see paragraph 7.1.9).

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## 3 TYPES OF CONSENTS

The Council issues the following four types of street trading consent:

### 3.1 Static Unit Consent

3.1.1 Static street trading consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period.

3.1.2 A static street trading consent may be granted for any period not exceeding 12 months.

### 3.2 Mobile Unit Consent

3.2.1 Mobile street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice-cream van.

3.2.2 A mobile street trading consent only permits trading within Stroud District Council's area. If the unit goes into areas outside of Stroud District it will also need consent from the relevant authority.

3.2.3 A mobile street trading consent may be granted for any period not exceeding 12 months.

### 3.3 Short Term Consent

3.3.1 Short Term Single Traders - Short term consents are issued to traders who only want to trade in a particular location for a few days. The consent will normally only be granted for a period between 1 and 7 days.

3.3.2 Short Term Events – Short term consents will cover a number of stalls/traders and may be granted if the following apply:

1. The trading stalls are part of an organised event with an organising group committee/individual and;
2. The event is no more than 7 days.

### 3.4 Market Consent

3.4.1 Market street trading consents are issued to markets that do not operate under a Market Charter or Order.

3.4.2 An market consent will cover a number of stalls.

3.4.3 The market must meet the criteria set below.

- It has a nominated organiser.
- It has the approval of the local town or parish council and the chamber of trade.
- It adds value to the town's trade through the provision of specialist products.
- It does not operate in detriment to the local community.

3.4.4 If the application is made by an organisation they must nominate a named individual who will be responsible for managing use of the consent.

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- 3.4.5 The consent will be issued for a maximum of 12 months and can be renewed.
- 3.4.6 The consent holder will be responsible for ensuring compliance with times and location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant bylaws.
- 3.4.7 The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the informal market and that all emergency exits to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly in the event that access is needed for emergency vehicles.
- 3.4.8 The consent holder will be required to keep records of all traders that trade under the consent including date, location, name or company name, address, vehicle registration if relevant and contact details.
- 3.4.9 As part of the application process the Council will consult all businesses in the vicinity of the informal market. If, at any point after the grant of the consent, any existing or new occupiers of businesses or residential properties make objection to stalls being located outside of their premises the consent may be reviewed which could result in it being varied or amended.
- 3.4.10 It should be noted that markets may incur other fees and charges from Stroud District Council if the land used belongs to Stroud District Council. This will be in addition to the street trading consent fees.

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## 4 CHOOSING A TRADING LOCATION/PITCH

4.1.1 Before applying for a street trading consent, applicants must first identify a suitable trading pitch or site. It is for the applicant to identify a suitable pitch having regard to the requirements in this policy and their business needs. The Council does not hold a list of available trading pitches. However, there is a list on Stroud District Council's website of sites that have been refused: <https://www.stroud.gov.uk/business/licensing-permits/street-trading>.

4.1.2 A suitable pitch must meet the following criteria:

- Be safe for other street users including traffic and pedestrians.
- Be safe for customers using the street trading unit.
- Not cause any potential for obstruction, interference, inconvenience or nuisance to other street users including other traders, traffic and pedestrians.
- Not cause any potential for nuisance to residents and other businesses for example noise and/or smell.
- The goods being sold complement and do not conflict with the goods sold by other established retailers within vicinity.

4.1.3 In particular account must be taken of the following:

- Access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units.
- Locations close to residential properties are unlikely to be suitable due to the potential noise and smell nuisance to residents.
- Lay-bys on main roads must have good visibility to ensure the safety for traffic entering and leaving the trading site/lay-by.
- There should be suitable parking spaces for customer and trading vehicles.
- Units should not cause loss of parking spaces to residents or businesses.
- Units in town centres must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises.

## 5 OTHER MATTERS TO CONSIDER BEFORE MAKING AN APPLICATION

### 5.1 Suitability Of The Applicant

5.1.1 Applications cannot be considered from anyone under the age of 17.

5.1.2 When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:

(a) Whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.

(b) Refusal or neglect in paying fees due to the council for in relation to a street trading consent.

5.1.3 Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, the Council will consider the following:

- whether the conviction is relevant;
- the seriousness of the offence;
- the length of time since the offence occurred;
- whether there is a pattern of offending behaviour;
- whether that person's circumstances have changed since the offence occurred;
- the circumstances surrounding the offence and the explanation offered by that person.

5.1.4 Annex B is a list of the offences that the Council considers relevant to a street trading consent application.

### 5.2 Goods For Sale

5.2.1 **Food** - Traders wishing to sell food items must be registered as a food business with the Council in whose area the trading unit is stored when it is not at the trading site. Or, if food is pre-prepared before the unit goes to the trading site, you must be registered with Council in whose area the food preparation is undertaken.

5.2.2 **Vehicles On The Side Of The Road** -This refers to vehicles placed on the highway and advertised for sale and includes any vehicle displaying signs that name an individual or business; or displays notices/signs intended to sell the vehicle. This authority may take enforcement action under street trading legislation against the person who is advertising vehicles for sale on the public highway if a street trading consent is not held. For the purposes of this part of the policy public highway includes footpaths and adjacent verges and public open land as well as the road itself. It does not include private land. Where any vehicle is offered for sale on the highway that is not taxed and insured, the Police may also refer it to the DVLA Enforcement Team. Enforcement also may be taken under the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005.

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5.2.3 **Alcohol** - If you intend to sell alcohol you will need authorisation under the Licensing Act 2003 in addition to street trading consent. Please contact the Licensing Section for further advice.

### 5.3 Assistants/Employees

5.3.1 You will be required to check the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.

5.3.2 The Council will require the name, address, date of birth, national insurance number, a basic criminal check (not more than 1 month old) and a photograph of all persons assisting on a regular basis. The basic criminal check must be updated every 3 years. For the purposes of this policy we would consider any person who works on the unit, without the consent holder being present, for more than 14 days a year, as assisting on a regular basis.

### 5.4 Waste

5.4.1 A street trading consent holder is responsible for disposal of refuse and must not use Council, highway or other public waste bins unless there is a specific arrangement in place. The consent holder has a duty of care to dispose of commercial waste lawfully.

5.4.2 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil.

### 5.5 Trading Hours

5.5.1 An application should specify what hours the applicant wishes to trade. Evening and night time hours are likely to have more impact on local residents in terms of noise and disturbance. Applications for later times are more likely to raise objections which may lead to those times being refused or conditions imposed.

5.5.2 The consent holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle and there will be 30 minutes to close down and pack up. Consent holders are not permitted to trade during set up and closing times. Market consent holders will be permitted 90 minutes prior and after trading times to set up and close down the market

5.5.3 Trader's who wish to serve hot food and drink between 23:00 and 05:00 will also need a licence for late night refreshment under the Licensing Act 2003. Please contact the Licensing Team for further information.

### 5.6 Planning Permission

5.6.1 A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it is unlikely to require street trading consent but will require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependant on the amount of time and days that the unit is located at the site. Please contact the Planning Section for further advice.

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- 5.6.2 If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

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## 6 HOW TO APPLY FOR STREET TRADING CONSENT (All consent types)

### 6.1 Advice for New Applicants

- 6.1.1 On receipt of an application the Council will undertake a consultation exercise in order to seek the views of other agencies and, if relevant, neighbouring businesses and residents. There is a non-refundable fee to cover the cost of administering the consultation.
- 6.1.2 The consultation process will normally take at least 28 days and a **decision will then be normally made within 14 days**. Short term consents will have a shorter consultation period of 14 days and a **decision will normally be made within 7 days**.
- 6.1.3 Once a decision is made to grant a street trading consent there is a consent fee. This can be paid in instalments by prior arrangement. However, the first instalment must be paid before trading can commence.

### 6.2 Submitting An Application

- 6.2.1 The following must be submitted with the initial application:-
- a. Application form.
  - b. Notice of Intention.
  - c. Proof of eligibility of the applicant to work in the UK (where applicable).
  - d. Plan showing the proposed trading location with position of the unit(s) shown in red. (Not required for mobile units).
  - g. Written permission from a landowner if the street trading activity is to be carried out on any land owned privately.
  - h. Payment of a non-refundable consultation fee to cover initial administration and consultation costs (not required for short term consents).
- 6.2.2 If, following consultation the location is deemed suitable, the following must be submitted before a final decision is made:
- a. Third party public liability insurance up to **£10,000,000**.
  - b. A Basic Criminal Disclosure check that is not more than 1 month old for the applicant **and any person/s that will be assisting on a regular basis**. Basic Criminal Disclosure checks can be obtained from the Disclosure and Barring Service. Information can be found online at: <https://www.gov.uk/request-copy-criminal-record> or by calling 03000 200 190. **(Not applicable to short term consents)**.
  - c. One passport sized photograph of the applicant and **any person/s that will be assisting with the trading on a regular basis**. **(Not applicable to market and short term consents)**.

## 6.3 Consultation

### Consultation Static Consents And-Market Consents

6.3.1 On receipt of a valid static or market application the Council will consult with the following:-

- Gloucestershire Constabulary.
- Gloucestershire Highways.
- The relevant Town/Parish Council(s).
- The Stroud District Councillor(s) for the Ward(s) concerned.
- Environmental Health Officers at Stroud District Council.
- The Planning Authority.
- Where appropriate local residents and businesses within 100 metres of the proposed site.
- Neighbourhood Wardens.

6.3.2 The application will be advertised on the Council's website.

6.3.3 The Council will allow 28 days from the date that the application is received for people/relevant bodies to make comments in relation to the application.

### Consultation - Mobile And Short Term Consents

6.3.4 On receipt of a valid mobile or short term consent application the Council will consult with the following:-

- Gloucestershire Constabulary.
- The relevant Town/Parish Council.
- Relevant Ward Councillor(s).
- Environmental Health Officers at Stroud District Council.
- Neighbourhood Wardens.

6.3.5 The Council will allow 14 days from the date that the application is received for people/relevant bodies to make comments in relation to the application.

## 6.4 Determining Applications

6.4.1 The Head of Health and Wellbeing has delegated powers to issue or refuse an application following the consultation period.

6.4.2 Account will be taken of objections and/or letters of support made during the consultation period. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy.

6.4.3 Each application will be decided on its own merits.

## 6.5 Street Trading Plates

6.5.1 On grant of a street trading consent a street trading identification plate (**except for short term consents and informal market consents**) will be issued. The plate must be displayed in the relevant unit/vehicle where it can be clearly seen by the public at all times the

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unit/vehicle is trading. If the plate is lost or damaged the consent holder must contact the Council as soon as possible. A charge will be made for a replacement plate.

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## 7 FEES AND CHARGES

- 7.1.1 A list of the current street trading consent fees and charges is available on the website or by contacting the Licensing Team.
- 7.1.2 Initial applications (**apart from short term consents**) must be accompanied by payment of a non-refundable administration fee to cover initial administration and consultation to determine suitability of the site. The consultation exercise will not commence until this payment is made.
- 7.1.3 Once a decision is made to grant a consent the full consent fee or an agreed first instalment of a payment plan must be paid before the consent will be issued.
- 7.1.4 Annual consents will expire on 31<sup>st</sup> March every year. Where the initial application is made part way through the year the fee for the first year will be pro-rata.
- 7.1.5 Fees for annual consents may be paid either:
- In full by 1<sup>st</sup> April each year.
  - Monthly by direct debit.
  - Quarterly.
- 7.1.6 Quarterly fees will be due on the following dates:
- 1<sup>st</sup> January.
  - 1<sup>st</sup> April.
  - 1<sup>st</sup> July.
  - 1<sup>st</sup> October.
- 7.1.7 If agreed payments are not made to the Council by the due date, the consent issued by the Council may be revoked or a renewal refused.
- 7.1.8 The fees will be normally be reviewed on an annual basis and published on the Council's website.
- 7.1.9 **Street trading fees may be waived in relation to charitable or community events at the discretion of the Head of Health and Wellbeing. Each event will be judged on its own merits. However the following criteria will be considered:**
- **The street trading is part of an organised event with an organising group/committee/individual.**
  - **The primary purpose of the event is fundraising for a charitable cause or is for the benefit of the community.**
  - ~~The event does not take place any more than once a year.~~
  - **Stalls are pre-booked.**

### 7.2 Payment Methods

- Cheque - made payable to "**Stroud District Council**".
- Debit or credit card – Can used at the Council Offices or by telephone to the Licensing Section between normal office opening hours. Can be used online for payment of an invoice [www.stroud.gov.uk](http://www.stroud.gov.uk)
- Cash - only accepted at the Council Offices
- Invoice - For renewals only, you will be sent an invoice with your renewal reminder.

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- Direct debit where a payment plan has been agreed

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## 8 RESPONSIBILITIES OF THE CONSENT HOLDER

- 8.1.1 The consent holder must act in accordance with the conditions attached to the consent.
- 8.1.2 A street trading consent entitles the applicant to trade lawfully in the location(s) specified in the consent. [Please note there are many other users of streets and the consent does not grant exclusive rights of occupation or ownership of a specific location.](#)
- 8.1.3 A street trading consent is not a permit to disregard other laws or usual restrictions. For example:
- Always observe parking restrictions and do not obstruct the highway or entry or exit roads to private property.
  - Other relevant legislation such as the Food Hygiene (England) Regulations 2006, Safety At Work etc Act 1974 and Part II, section 34 of the Environmental Protection Act 1990 (disposing of waste) must be complied with.
  - A consent holder must not cause a nuisance to the occupants of neighbouring properties from noise, litter, disposal of waste or any antisocial activity.

### 8.2 Changes To The Unit

- 8.2.1 You must contact the Licensing Section if you want to change your unit. You may need to make a new application or a variation application if the change is significant and impacts on the objectives of this policy.

### 8.3 Changes Of Assistants

- 8.3.1 A consent holder must provide the Licensing Section with a photograph and basic criminal record disclosure that is not more than 1 month old for any new persons that assist on a regular basis. See paragraph 5.3.2 for definition of assisting on a regular basis.

## 9 RENEWAL

9.1.1 Applications to renew an existing street trading consent must be made at least 14 days prior to the expiry of the existing consent.

9.1.2 A renewal application may be refused if there are street consent fees outstanding or the renewal application is made late.

9.1.3 The following must be submitted with a renewal application

- Renewal Application Form
- Renewal Fee
- Copy of current third party liability insurance up to £10,000

9.1.4 **Additional Requirements At Renewal Every 3 Years:**

- A Basic Criminal Disclosure for the consent holder and any persons that assist on a regular basis from the Disclosure and Barring Service that is not more than 1 month old.
- 1 recently taken passport size photograph of the consent holder and any persons that assist on a regular basis.(Not required for Market Consents)

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## 10 TRANSFER OF CONSENTS

10.1.1 Street trading consents are non transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application. The proposed new consent holder, who has made the agreement with the existing consent holder, will be given priority in applying for the location provided that the new application is submitted within 5 working days after the current consent holder surrenders their consent. The applicant will need to follow the process for submitting a new application.

## 11 VARIATION OF CONSENTS

11.1 A street trading consent may be varied to change the conditions attached to the consent. This includes conditions relating to trading times and periods. This does not include a change of consent holder or a change of location. A variation application should be submitted with the following:

- a. Variation Application form.
- b. Notice of Intention.
- c. Written permission for the proposed change from the landowner if the street trading activity is carried out on any land owned privately.
- d. Photograph of the new/changed unit if applicable.
- e. Payment of the non-refundable consultation fee.

11.2 Consultation will be in accordance with the new application process. However if the variation is minor the consultation may be reduced at the discretion of the Licensing Officer.

## **12 CONDITIONS ATTACHED TO CONSENTS**

- 12.1 When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.
- 12.2 Street trading consents will usually be granted subject to the standard conditions detailed in **Annex A** to this Policy.
- 12.3 Where appropriate, additional conditions may be added to a specific consent.

## **13 REFUSAL, REVOCATION AND APPEALS**

- 13.1 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 13.2 The Act does not provide an applicant or a consent holder with any direct right of appeal against a decision to refuse the grant, variation or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.
- 13.3 If an applicant or any relevant party wishes to make representations in respect of a decision to grant, refuse or revoke a street trading consent the applicant/consent holder/relevant party should put this in writing with the reasons to the Licensing Section within 28 days of being notified of the decision. **The decision will be reviewed by the Strategic Director of Place. The review of the decision will take account of the reasons for the original decision and the representation or any further evidence put forward by the applicant/consent holder/other party.**

## **14 COMPLAINTS AND ENFORCEMENT**

### **14.1 General Principles**

14.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

14.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

14.1.3 Consent Holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

### **14.2 Offences**

14.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relevant to the Stroud District area:-

- Engaging in street trading in a consent street without Consent.
- Breaches of a condition in relation to trading location or unit or trading period.
- Breaches of a condition attached to the granted Consent.

14.2.2 A person guilty of the above offences may be liable on conviction to a fine of up to £1000.

### **14.3 Complaints**

14.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

14.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:

- Verbal warning.
- Written warning.
- Simple caution.
- Prosecution.
- Revoke the Consent.



## ANNEX A

# STANDARD CONDITIONS APPLICABLE TO HOLDERS OF A STREET TRADING CONSENT

### THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**It is important that the consent holder should understand and at all times observe these conditions. Any breach of any Condition could result in revocation of the street trading consent.**

- 1 Street trading can only take place in accordance with the times and permissions of the consent.
- 2 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation the holder in respect of such revocation.
- 3 The consent holder shall return this consent to Stroud District Council immediately on revocation or surrender of the Consent.
- 4 Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.
- 5 A consent cannot be sub-let.
- 6 Consent holders shall permanently and clearly display on the street trading unit, in a conspicuous position readily visible to the public, a valid identification plate that has been issued by the Council. (Static and Mobile Consents only).
- 7 The consent holder and any assistants shall sell/offer for sale only such goods or types of goods as may be specified in the street trading consent granted to the consent holder.
- 8 The consent holder shall at all times maintain a valid Third Party Public Liability Insurance Policy **of at least £10,000,000** to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
- 9 The consent holder shall keep his trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and also leave the site in a clean and tidy condition and unobstructed at the end of each period of use under the terms of this consent. For these purposes the term 'immediate adjacent area' refers to all public land within a 50 metres radius from the trading location over which the public have access.
- 10 No waste matter shall be discharged into or allowed to enter any highway drain or water course.
- 11 Every static street trading unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. **The unit must not be left on site when not in use unless explicit written consent has been given by the Head of Health and Wellbeing.**

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- 12 The consent relates only to the unit described in the application or as defined on the certificate of consent.
- 13 The use of awnings; external display stands and the positioning of tables, chairs and sunshades around the unit are also prohibited without the written permission of the Head of Health and Wellbeing.
- 14 The display of advertising signs, other than on the unit itself, is prohibited **without the written permission of the Head of Health and Wellbeing. Signage may also require planning permission.**
- 15 Holders of a mobile street trading consent must not trade in one place for more than 30 minutes at a time and must not return to the same location within 2 hours.
- 16 No street trading unit shall be located and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street.
- 17 The consent holder shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.
- 18 The consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of.
- 19 The consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from his/her trading. The consent holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.
- 20 If, and when required, the consent holder shall present the street trading unit to an officer of the Council for inspection.
- 21 The Council reserves the right to refuse to renew a static street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.
- 22 Street trading shall not be carried on at any time unless the appropriate fee for the street trading consent has been duly paid to the Council. The Council reserves the right to revoke or refuse to renew a street trading consent for non payment of fees.
- 23 The consent Holder shall at all times conduct business in a clean, honest, civil and businesslike manner without interfering with the business of other traders and consent holders.
- 24 Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

- 25     **The Council may vary or make additions to the Conditions applying for any or all street trading consents, at any time.**

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## ANNEXE B

### RELEVANT OFFENCES WHEN DETERMINING SUITABILITY OF AN APPLICANT FOR A STREET TRADING CONSENT

#### a. Dishonesty

A street trading consent will not be granted unless ~~3–5~~ 7 years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is the later.

#### b. Violence

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted.

In other cases a street trading consent will not be granted unless ~~3–10~~ 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is the later.

#### c. Drugs

A street trading consent will not be granted unless ~~5–10~~ 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is the later.

A Street trading consent will not be granted unless ~~3–5~~ 5 years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is the later.

#### d. Sexual and Indecency Offences

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

#### e. Exploitation

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

#### f. Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless ~~3–5~~ 5 years have lapsed since any such convictions or completion of any sentence imposed whichever is the later.

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### **g. Street Trading Legislation**

The Council takes a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless 2 years have lapsed since any offence under the 1982 Act or if there is more than one conviction unless 5 years have lapsed.

### **h. Formal Cautions and Fixed Penalty Notices**

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.

### **i. Existing Consent Holders Convicted Of An Offence**

The Council may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence falls into one of the categories detailed above.

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES AND LICENSING**  
**COMMITTEE**

**AGENDA**  
**ITEM NO**

**7**

**23 JANUARY 2020**

<b>Report Title</b>	<b>NATIONAL REGISTER OF TAXI AND PRIVATE REVOCATIONS AND REFUSALS</b>
<b>Purpose of Report</b>	To provide information about the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3 Register) so that Members can decide whether to adopt use of the register. This will enable Officers to check all new and renewal driver applications against the national register to establish whether they have had a licence revoked or application refused by another authority.
<b>Decision(s)</b>	<b>The Committee RESOLVES:</b>  a) To <b>ADOPT</b> use of the National Register of Taxi and Private Hire Revocations and Refusals (NR3) from 1 April 2020.  b) To <b>ADOPT</b> a Policy on how the Council will share, receive and use information on the Register as set out in Appendix A  c) To <b>ADOPT</b> additional wording for Stroud District Council's Taxi and Private Hire Policy as set out in Appendix B.
<b>Consultation and Feedback</b>	Stroud District taxi and private hire drivers have been notified of the Council's intention to use the Register in Stroud District Council's Taxi and Private Hire Newsletter December 2019.

<p><b>Financial Implications and Risk Assessment</b></p>	<p>There are no direct financial implications arising from this report as the resolution is to adopt a register and policy for information purposes.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109, Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p> <p>Risk Assessment Failure to adopt use of the Register could mean that vital intelligence about an applicant's past behaviour is missed and an individual might be able to get a new licence, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and private hire vehicles.</p> <p>Using the Register in accordance with the Policy laid out in Appendix A, which reflects the Guidance issued by the LGA, will ensure that personal data is retained and shared in full compliance with data protection principles.</p> <p>Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: <a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a></p>
<p><b>Legal Implications</b></p>	<p>There are data protection implications arising from the recommendations in this report which have been set out in the body of the report. The LGA Guidance on adopting the National Register of Taxi Licence Revocations &amp; Refusals (NR3) provides clear guidelines in this regard and is reflected in the report and its appendices.</p> <p>Patrick Arran, Interim Head of Legal Services &amp; Monitoring Officer Tel 01453 754369 Email: <a href="mailto:patrick.arran@stroud.gov.uk">patrick.arran@stroud.gov.uk</a></p>
<p><b>Report Author</b></p>	<p>Rachel Andrew Principal Licensing Officer Tel:01453 754401 Email:<a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a></p>
<p><b>Options</b></p>	<p>The Committee can either decide to utilise the register or not, but officers strongly recommend that the register is adopted from a public protection standpoint</p>
<p><b>Appendices</b></p>	<p><b>Appendix A</b> – Stroud District Council's Policy on sharing, receiving and use of information from the National Register of Taxi Licence Revocations and Refusals (NR3) <b>Appendix B</b> – Extra wording to insert into Stroud District Council's General Taxi and Private Hire Policy</p>

## **1 Background**

- 1.1 Stroud District Council has a responsibility to ensure that all persons granted a licence to drive a taxi or private hire vehicle are 'fit and proper' persons.
- 1.2 The Council can undertake whatever checks it feels are appropriate in order to determine the fit and proper test. Stroud District Council's Taxi and Private Hire Licensing Policy lays out the procedures and checks that this Council undertakes. These checks include Enhanced Criminal Record Checks, DVLA history checks, medicals and driving skills assessments

## **2 National Taxi Revocation and Refusals Register**

- 2.1 The National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) allows local authorities to check whether any applicant has had a licence revoked or an application refused by another authority.
- 2.2 The Register has been commissioned by the Local Government Association (LGA) and it is hosted on the National Anti-Fraud Network's (NAFN) website
- 2.3 When an authority revokes a licence, or refuses an application or renewal application for one, it will record this information on the register. The information recorded will be limited to basic details to identify the driver, the decision taken and the date
- 2.4 Licensing authorities can search the register when they are processing new applications or renewal applications. Where an authority finds a match for their applicant on the register, it will contact the licensing authority that recorded the entry to seek more information which will then be used to help reach a decision on the application.

## **3 Local Government Association (LGA) Guidance**

- 3.1 The LGA has issued guidance to local authorities. The document gives information on the steps that licensing authorities should take to ensure that they have the necessary supporting procedures in place to make use of the register.
- 3.2 Importantly local authorities must ensure that they are taking the necessary steps to comply with data protection and other laws. (Set out below)
- 3.3 In summary, steps that licensing authorities must take include:
  - Having a clear and published policy which governs the Licensing authority's use of the register and its approach to the circumstances in which it will share, receive and use information from the register.
  - Updating taxi and private hire licensing policies to reflect the use of the register.
  - Informing new applicants and existing licensed drivers that the Council will be using the register.
  - Deciding whether any previous revocations or refusals must go on the register and notifying those persons.



- Updating procedures to ensure that all new and renewal driver applications are checked against the register.

#### **4. Data Protection Considerations**

- 4.1 Any processing of data must be for a lawful purpose. In relation to the register, the public task basis (Article 6(1) (e) will be applicable, this gives the Council a lawful basis for processing data where:

*“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”*

This will apply to the Council if it is either:

- carrying out a specific task in the public interest which is laid down by law; or
  - exercising official authority (for example, a public body’s tasks, functions, duties or powers) which is laid down by law.
- 4.2 The Council will need to ensure that any individual whose data is uploaded or entered onto NR3 is made aware of this. Data subjects must be made aware of the collection, storage and use of their personal data via a privacy notice.
- 4.3 Details will be kept on the register for a period of 25 years, and the Council will need to ensure that the relevant information retention policy reflects this. This will need to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.
- 4.4 Subscribing to the national register will require local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority will need to take to ensure compliance and will cover requirements under both the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 4.5 When considering applications for licensing, the Council will need to ensure that applicants are given the contact details of the data protection officer, contact details for NAFN, and are advised of the fact that the information can be retained for up to 25 years and the fact they have a right to lodge a complaint with the Information Commissioner, together with the contact details for the Information Commissioner. This information can be provided in a privacy notice when an applicant applies for a licence.
- 4.6 For current licensees or applicants, the Council will need to ensure that information about NR3 is included in:
- licensing policies
  - application forms
  - correspondence to named individuals confirming that a licence has been revoked, or that an application for a licence has been refused.

- 4.7 As well as new applicants, the Council will need to make existing licensees aware of the fact that the authority has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded.

## **5 Stroud District Council's Policy**

- 5.1 The LGA guidance includes suggested wording that local authorities may wish to use for their Policy on use of the register and how they will share, receive and use information in relation to the register. This policy, should be approved and then must be published on the Council's website. A draft policy for Stroud District Council, based on the LGA guidance is Appendix A to this Report.
- 5.2 The LGA guidance also includes suggested wording to insert into local authority taxi and private hire licensing policies explaining to applicants that the Council will be using the register and the procedure. Draft wording to be inserted in Stroud District Council's taxi and private hire policy is Appendix B to this report.

## **6 Recommendation**

- 6.1 It is recommended, in the interest of public safety, that Committee adopts use of the National Register of Taxi Revocations and Refusals in order to help Officers establish whether applicants are 'fit and proper' to hold a taxi licence.
- 6.2 It is recommended that Committee adopts the Policies in Appendix A and B to ensure that use of the Register is fully compliant with data protection principles and that applicants understand the use of the register.
- 6.3 It is recommended that use of the Register is implemented from 1 April 2020 which will give Officers time to give notification of the adoption to existing taxi and private hire licence holders and to update relevant forms.

## **National Register of Taxi Licence Revocations and Refusals (NR3)**

### **Stroud District Council's Policy on sharing, receiving and use of information from the Register**

This policy covers the use that Stroud District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The register is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire drivers' licence revoked, or an application for one refused. This is necessary for assessing whether an individual is a fit and proper person to hold a hackney carriage drivers' or private hire drivers' licence

The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Throughout this policy reference is made to 'taxi drivers' licence.' This generic term covers a dual hackney carriage and private hire driver licence and a private hire only driver licence.

Stroud District Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Stroud District Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court

proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with Stroud District Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Stroud District Council's general policy on the erasure and destruction of personal data. The council's retention policy is available at <https://www.stroud.gov.uk/privacynotice>

### **Making a request for further information regarding an entry on NR3**

When an application is made to Stroud District Council for the grant of a new, or renewal of, a taxi driver's licence, the Council will check the NR3.

Stroud District Council will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If Stroud District Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details for further information about that entry. That request will also include details of Stroud District Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details which will be detailed in the register.

### **Responding to a request made for further information regarding an entry on NR3**

When Stroud District Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years

Stroud District Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Stroud District Council will conduct a Data Protection Impact Assessment. This will consider how the other authority will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Stroud District Council is satisfied that the other authority's data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Stroud District Council will not disclose information relating to every entry. Each application will be considered on its own merits.

Stroud District Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained Stroud District Council's Taxi and Private Hire Conviction Policy. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. Stroud District Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

### **Using any information obtained as a result of a request to another authority**

When Stroud District Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with Stroud District Council's usual process for determining applications

Stroud Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Stroud District Council will make in relation to the application.

## Appendix 1 - Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

Name of licensing authority requesting information: .....

Requestor authority reference number: .....

Name of licensing authority from which information is sought: .....

Name of individual in respect of whom the request is made: .....

Decision in respect of which the request is made: Refusal / revocation

Other details for this record: .....

Address: .....

Driving licence Number : .....

NI Number .....

Reference number: .....

### ***Declaration by requesting authority:***

*The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.*

*The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.*

*To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at <https://www.stroud.gov.uk/taxis>*

Signed:

Name: .....

Position: .....

Date.....

***For completion by providing authority  
Further information to support the decision recorded on NR3 in respect of the above  
named individual***

***Declaration by providing authority***

*The authority hereby confirms that it has conducted a data protection impact assessment.*

*It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.*

*The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / private hire driver licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements*

Signed:

Name: .....

Position: .....

Date: .....



## **Extra Wording for Stroud District Council's General Taxi and Private Hire Policy**

### **National Register of Taxi Licence Refusals and Revocations**

Stroud District Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a dual hackney carriage and private hire driver licence or for a private hire driver licence. Stroud District Council has a published policy on its website outlining the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at <https://www.stroud.gov.uk/taxis>

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request.

<https://www.stroud.gov.uk/council-and-democracy/transparency/data-protection-and-foi/data-protection>

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You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES & LICENSING COMMITTEE**

**AGENDA  
ITEM NO**

**23 JANUARY 2020**

**8**

<b>Report Title</b>	<b>THE FUTURE OF LEISURE PROVISION IN STROUD DISTRICT AND THE PROPOSED EXTENSION OF THE STRATFORD PARK LEISURE CONTRACT</b>
<b>Purpose of Report</b>	To make available the necessary budget and set in train the work that needs to be carried out, in addition to existing evidence-based studies, to understand the future leisure provision requirements and options for the district, including the future of the Stratford Park Leisure Centre which is approaching fifty years old. To allow time for this work to be carried out, the Committee is asked to consider the extension of the management contract at Stratford Park Leisure Centre for the further three year period to 31 October 2024, for which provision is made in the current contract.
<b>Decision(s)</b>	<p><b>The Committee RESOLVES:</b></p> <p>a) subject to the approval of the Strategy and Resources Committee on the previous recommendation of this Committee to ring fence the Culture and Leisure reserve, to <b>APPROVE</b> the use of this reserve to commission studies from leisure industry experts to:</p> <ul style="list-style-type: none"> <li>• advise on the future provision of community leisure centre facilities in the district;</li> <li>• create an overarching vision and plan for the future of the leisure, recreation, cultural, health and wellbeing uses in Stratford Park; and</li> <li>• advise on options for the future of the current Stratford Park Leisure Centre;</li> </ul> <p>b) to <b>DELEGATE</b> authority to the Strategic Director of Communities and/or Head of Community Services, in consultation with the Chair of Community Services and Licensing, to oversee the preparation of a brief for the above studies and bring it to Committee for approval;</p> <p>c) to allow time for the above studies to be completed and action plans formulated, in accordance with the extension option in the current Stratford Park Leisure Centre contract, to <b>APPROVE</b> an extension to Sports and Leisure Management (SLM) to continue running Stratford</p>

	<p><b>Park Leisure Centre for the specified additional period of 3 years up to 31 October 2024; and</b></p> <p><b>d) to DELEGATE authority to the Strategic Director of Communities and /or Head of Community Services and the Strategic Director of Resources and S151 Officer, in consultation with the Chairs of the Community Services and Licensing and Strategy and Resources Committees, to negotiate and agree the terms of the contract extension.</b></p>
<b>Consultation and Feedback</b>	<p>Sports Leisure Management Officers Members Benchmarking with other Local Authorities</p>
<b>Financial Implication and Risk Assessment</b>	<p>The use of the reserve to commission studies and the estimated £80k cost of the living wage implementation are included within the budget report to Strategy and Resources Committee. Subject to their approval by Committee and Council there is funding in place for all recommendations of this report.</p> <p>Funding for the extension of the SLM contract is included within existing MTFP budgets.</p> <p>Andrew Cummings, Strategic Director of Resources &amp; S151 Officer Tel: 01453 754115 Email: <a href="mailto:andrew.cummings@stroud.gov.uk">andrew.cummings@stroud.gov.uk</a></p>
<b>Legal Implications</b>	<p>The Contract Procedure Rules (Para 32) permit a contract to be extended before the expiry date where it is expressly in accordance with its terms and such as extension does not compromise the basis upon which the contract was originally procured. The contract in question does not expressly allow for an extension.</p> <p>The procurement of consultants will be carried out in compliance with the Council's Contract Procedure Rules.</p> <p>Patrick Arran, Interim Head of Legal Services &amp; Monitoring Officer Tel: 01453 754369 Email: <a href="mailto:patrick.arran@stroud.gov.uk">patrick.arran@stroud.gov.uk</a></p>
<b>Report Author</b>	<p>Mike Hammond, Head of Community Services Tel: 01453 75447 Email: <a href="mailto:mike.hammond@stroud.gov.uk">mike.hammond@stroud.gov.uk</a></p>
<b>Options</b>	<p>The preparation of studies on the future of leisure provision in the district and more specifically, the future of Stratford Park, is optional. However, a better understanding of the wider context will allow better-informed decision-making, and in particular, agreeing a long term investment and management plan for Stratford Park with partners and contractors is a Corporate Delivery Plan action. Another CPD action is to make a decision on extending the current Stratford Park Leisure Centre management contract. While</p>

	the extension of the contract is optional, it is provided for within the existing contract which otherwise would end on 31 October 2021. This earlier end to the contract would not allow sufficient time to complete the necessary studies, consider the options open to the Council and implement the resulting action plans for future leisure provision, including any procurement processes required.
<b>Performance Management Follow Up</b>	In respect of any studies commissioned, performance management will be set out in the study brief and subsequent contracts. In respect of the Stratford Park Leisure Centre, contract management meetings are held on a monthly basis and strategic client meetings are held on a quarterly basis. Annual Health & Safety reports are submitted to the Joint Safety Committee and an annual report is presented to the Community Services and Licensing Committee.

## 1. INTRODUCTION

- 1.1 The Council currently owns two leisure centres, one at The Pulse in Dursley, which we manage ourselves, and the other at Stratford Park in Stroud, which is managed by Sport Leisure Management (SLM) on our behalf.
- 1.2 Stratford Park Leisure Centre was built in 1974 and is now approaching fifty years old. The Council needs to establish whether the whole centre or elements of it are approaching end of life and need to be replaced, in the context of how far existing facilities at both Stratford Park and The Pulse meet the leisure and wellbeing needs of the district's growing population. In addition, Stratford Park is home to The Museum in the Park, which has ambitions to expand, the lido, for which a Heritage Lottery bid is to be submitted for its renovation and improvement, and a number of other sports and leisure facilities, with potential plans for further provision within the park. The Council's Corporate Delivery Plan includes an action to agree a long term investment and management plan for Stratford Park with partners and contractors, and provision needs to be made for the plan's preparation within the context of the wider leisure, culture, health and wellbeing needs of the District.
- 1.3 The Council's contract with SLM is approaching the point at which a decision needs to be made on whether or not to extend it, which is also a Corporate Delivery Plan action. The contract was agreed on 1 November 2011 for the 10

year period to 31 October 2021, and included the option to extend it for a further period of 3 years to 31 October 2024, subject to further approval. The contract also included a break clause after 7 years in 2018, which was not exercised due to the continued high levels of customer satisfaction and standards of service reported annually to this Committee by SLM.

## **2. THE FUTURE OF LEISURE PROVISION IN THE DISTRICT**

- 2.1 This Committee has already recommended to the Strategy and Resources Committee that the Culture and Leisure reserve should be ring fenced. Subject to approval of that by the Strategy and Resources Committee, it is recommended that this Committee approve the use of this reserve to commission further studies from leisure industry experts to advise on the future provision of community leisure centre facilities in the district, create an overarching vision and plan for the future of the leisure, recreation, arts and culture, health and wellbeing uses in Stratford Park, and advise on options for the future of the current Stratford Park Leisure Centre.
- 2.2 There is already significant background information to build upon. The Open Space, Green Infrastructure, Sport and Recreation Study (2019) forms part of the evidence base to inform the Local Plan Review, which seeks to deliver at least 638 new homes per year in the period to 2040. The study looks at the current and projected needs for open space, green infrastructure, sport and recreation in Stroud District, in the context of understanding that healthy environments and communities require open space and associated facilities to be of an appropriate quantity, quality and location. Specifically, the report covers:
- Publicly accessible open space, including amenity and natural space, parks and recreation grounds, play space, allotments;
  - Green Infrastructure, which may include both public and private land in such strategic designations;
  - Outdoor sports space (especially sports pitches); and
  - Indoor/built sports and recreation facilities.

- 2.3 The output of the study will inform not only the Council's Local Plan Review and the Council's decision-making process up to 2040, but will link with and inform the preparation of other Council documents and strategies, including those for leisure centre provision in the district and for a Stratford Park investment and management plan.
- 2.4 The study makes a number of key findings and recommendations. In respect of General Leisure and Leisure Centres, the report observes that leisure trends and demands change, and so too should local authority-controlled leisure provision, if the offer is to be sufficiently attractive to get more people to take part in beneficial physical activity. The study sets out that the scale of growth anticipated by 2040 will generate substantial demands for new leisure centre facilities, and that major funding opportunities arising out of developer contributions should allow for a review of the way in which leisure centres are provided and run in the district. The right mix of facilities at leisure centres is important, and the study notes that Health & Fitness and studio provision are now integral to the successful operation of the best leisure centres rather than just supporting features to the more traditional main components of pools and sports halls.
- 2.5 It is recommended that a brief should be drawn up to set out the further study work needed to help inform the Council's approach to the future of leisure centre provision in the district, and more specifically, also to look at the condition of the current Stratford Park Leisure Centre and options for its future in the context of an overall investment and management plan for Stratford Park that encompasses the future of The Museum in the Park, the lido, the existing skatepark, bowling green, outdoor sports courts, playground, bandstand, informal open space in the park and any potential future provision of facilities. It should be emphasised that the brief for the study work will need to set out appropriate and wide consultation with users and communities. The study work will also be set within the context of the Council's existing policies, plans and strategies, including those for climate change and social value, the Local Plan and the Health and Wellbeing Plan.
- 2.6 Although Stratford Park Leisure Centre was built in 1974 and is ageing, it must be stressed that risks associated with this are well managed. Regular condition

surveys are completed and there is a programme of planned maintenance work to ensure that it remains fit for use.

- 2.7 Options for the future may need to encompass building new leisure centre facilities, depending on the findings of the further study work to be carried out, and will need to look at the different ways in which the Council does and could run its leisure centres, including in house, contracted out and Leisure Trust options.
- 2.8 The Committee is asked to delegate responsibility for the preparation of the study brief to the Strategic Director of Communities / Head of Community Services, in consultation with the Chair of the Community Services and Licensing Committee, noting that the intention is to bring the brief back to this Committee for approval prior to any procurement process.

### **3. THE STRATFORD PARK LEISURE CENTRE CONTRACT**

- 3.1 As set out in paragraph 1.3 above, the Council's contract with SLM is approaching the point at which a decision needs to be made on whether or not to extend it. The contract was agreed on 1 November 2011 for the 10 year period to 31 October 2021, and included the option to extend it for a further period of 3 years to 31 October 2024, subject to further approval.
- 3.2 As set out in section 2 above, to allow time for the further study work needed to be completed and action plans formulated, it is recommended that an extension is granted to Sports and Leisure Management (SLM) to continue running Stratford Park Leisure Centre for the specified additional period of 3 years up to 31 October 2024.
- 3.3 Formed in 1987, Sport Leisure Management (SLM) has become one of the country's largest leisure providers. It operates under the Everyone Active brand and currently manages over 190 leisure and cultural centres on behalf of 60 local authorities all over the country.



- 3.4 As part of the current contract, SLM is responsible for the repair and maintenance of non-fixed items within the centre, such as gym equipment. The Council has responsibility for various elements of the centre. Broadly these are fixed assets, such as the sports hall floor and pool plant equipment. While there is a programme for planned maintenance, there are occasions when there are unforeseen one off capital costs, for example, the replacement of the pool hall floor tiling due to health and safety concerns.

#### Options

- 3.5 If the recommendation of granting the contractor a 3 year extension is approved this will be the final period of extension that the current contract will allow. In order to consider the future options with regards to the running of the centre an options appraisal will need to be started imminently in order for any outcomes to be implemented in time for the cessation of the contract in 2024.
- 3.6 Should an extension not be granted, work to investigate options will need to be expedited in order to meet the contract end date in 2021.
- 3.7 Both options will require the input of consultants and will require resource from the Medium Term Financial Plan (MTFP) to undertake. The MTFP for consideration by Strategy and Resources on 30 January includes a proposal for the full use of the £130,000 Culture, Arts and Leisure Reserve for this purpose. Either option will need to understand the way in which the centre is currently used and the possibilities for its future use. This will also require consideration on how the centre itself fits within the whole park facility.

#### Negotiating a contract extension

- 3.8 While SLM have expressed a wish to extend the contract, and a contract extension will provide certainty for staff currently employed at the centre, there are some important matters for the Council to consider in negotiating it, including those relating to our social value and pay policies.
- 3.9 Perhaps the most important issue centres on the 'real living wage'. The Council's own pay policy statement mandates that Stroud District Council pay grades,

outside of the apprenticeship scheme, will be no less than the living wage as calculated by the Living Wage Foundation. This has been set at £9.30 per hour for the year ahead beginning on 1 April 2020.

- 3.10 Pay scales within SLM do not currently take account of the work of the Living Wage Foundation and are based on the National Living Wage, which is lower than the Living Wage Foundation's recommended rate. It is considered that any process of agreeing a contract extension with SLM must be based on a change in pay structure at Stratford Park Leisure Centre to ensure that all eligible staff are receiving at least the Living Wage Foundation rate, in line with the Council's own pay policy.
- 3.11 This would be a change in contract conditions required by the Council and as such, the extra cost created by it necessarily would fall on Council budgets. Officers have worked with SLM to establish the true additional cost of such a change, which would be approximately £80,000 per year. It may be possible to reduce that cost to some extent through flexibility in charging rates and management fees subject to the contract negotiations. However, this additional cost has been included in the Council's Medium Term Financial Plan. Subject to the approval of the MTFP in February 2020, officers will have the resources required to ensure that the Living Wage Foundation rate becomes part of the contract arrangements. It is anticipated that this would be in place from 1 April 2020 and that the 'real living wage' would be paid from that date.
- 3.12 Another consideration for the Council in negotiating the contract is the capital investment that SLM have indicated that they wish to make in upgrading the equipment at the Leisure Centre, which would benefit users of the centre.
- 3.13 It is recommended that authority is delegated to the Strategic Director of Communities / Head of Community Services and the Strategic Director of Resources and S151 Officer, in consultation with the Chairs of the Community Services and Licensing and Strategy and Resources Committees to negotiate a contract extension to 31 October 2024 on the basis set out in the paragraphs above.

#### **4. CONCLUSION**

4.1 For all the reasons set out above, it is concluded that it is important to make available the necessary budget and set in train the work that needs to be carried out, to augment existing evidence-based studies, to understand the future leisure provision requirements and options for the district. This will need to include the future of the Stratford Park Leisure Centre which is approaching fifty years old. To allow time for this work to be carried out, the Committee is asked to consider the extension of the management contract at Stratford Park Leisure Centre for the further three year period to 31 October 2024, for which provision is made in the current contract.

## COMMUNITY SERVICES AND LICENSING COMMITTEE

23 JANUARY 2020

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## WORK PROGRAMME

Date of meeting	Matter to be considered (ie insert report/project title)	Notes (eg lead member & officer)
23.1.2020	Director of Public Health Annual Update	Sarah Scott
	Revised Proposal Street Trading Policy Report	Principal Licensing Officer
	National Register of Taxi Revocations and Refusals	Principal Licensing Officer
	SLM Progress on Contract	Head of Community Services
	Work Programme	Chair/Strategic Director
	Member Reports: a) Gloucestershire Health Overview Scrutiny Committee b) Museum in the Park c) Police and Crime Panel d) GFirst LEP - Visitor Economy/Tourism Business Group e) Citizens Advice f) Performance Monitoring	Cllr Steve Lydon  Cllr Nigel Prenter Cllr Mattie Ross Cllr Gordon Craig  Cllr Gordon Craig Cllrs John Jones and Sue Reed
26.3.2020	Budget monitoring report 2019/20	Accountant
	Adoption of New Street Trading Resolution and Revised Policy	Principal Licensing Officer
	Update on The Pulse, Dursley	General Manager
	Youth Service Update	Senior Youth Officer
	Neighbourhood Warden & Careline Service Presentation	Senior Community Service Officers & Senior Neighbourhood Warden
	Museum in the Park Update	Museum Manager
	Health and Wellbeing Plan update	Community Health and Wellbeing Manager
	Work Programme	Chair/Strategic Director
	Member Reports: a) Gloucestershire Health Overview Scrutiny Committee b) Museum in the Park c) Police and Crime Panel d) GFirst LEP - Visitor Economy/Tourism Business Group e) Citizens Advice	Cllr Steve Lydon  Cllr Nigel Prenter Cllr Mattie Ross Cllr Gordon Craig  Cllr Gordon Craig

f) Performance Monitoring	Cllrs John Jones and Sue Reed
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<b>Future Members' Information Sheets</b>		
<b>Date sent (&amp; ref no)</b>	<b>Topic</b>	<b>Notes (eg responsible officer)</b>
Annual Members' Information Sheets from Officers	<b>Oct/Nov 2019</b> - Community Services – Careline/Neighbourhood Wardens - Health and Wellbeing 6 month update	- Senior Community Service Officers - Community Health and Wellbeing Manager
	<b>Feb 2020</b> - Safeguarding - Museum - Youth Service	- Senior Community Services Officer - Museum Manager - Senior Youth Officer

<b>Published Members' Information Sheets</b>		
<b>Date sent (&amp; ref no)</b>	<b>Topic</b>	<b>Notes (eg responsible officer)</b>
C-2019/20-001	Update on The Pulse, performance since opening	General Manager (The Pulse)
C-2019/20-002	Annual update on service functions, highlights for 2018 and key projects for 2019	Head of Community Services/Revenue & Benefits Manager
C-2019/20-003	Consultation on Stroud District Council's Street Trading Policy	Principal Licensing Officer
C-2019/20-004	Museum Annual Report 18-19	Museum Manager
C-2019/20-005	Update on Stroud District Council's Street Trading Consultation	Principal Licensing Officer
C-2019/20-006	Update on abandoned vehicles	Senior Community Services Officer
C-2019/20-007	Street Trading Policy – New Resolution	Principal Licensing Officer
C-2019/20-008	Customer Services update	Customer Services Manager